

ARTICLE 5

SUPPLEMENTARY STANDARDS

	Page
CHAPTER A GENERAL	9
Section 1 Purpose and Intent	9
Section 2 Definitions	9
Section 3 Deviations.....	9
CHAPTER B ACCESSORY USES AND STRUCTURES	9
Section 1 Supplementary Regulations	9
A. Accessory Uses and Structures	9
1. General	9
2. Fences and Walls	12
3. Outdoor Storage and Activities	19
4. Outdoor Display	20
5. Docks.....	21
6. Entry Features	21
7. Fuel, Gas, or Chemical Storage Tanks	21
8. Dumpsters	21
9. Neighborhood Recreation Facility	22
10. Outdoor Recreation Amenities	23
11. Screen Enclosures	26
12. Communication Antennas	28
13. Accessory Radio Tower	29
14. Government-Owned Towers	29
15. Amateur Radio and Television Antennas	31
16. Satellite Dish Antennas	32
17. Neighborhood Commercial Development (NCD).....	33
18. Bike Racks	33
19. Permanent Generators	34
20. Mechanical Equipment	36
21. Livestock.....	36
22. Pot Bellied Pigs	37
23. Mobile Home.....	37
24. Air Curtain Incinerator	37
25. Air Stripper	38
26. Kennels and Runs.....	38
27. Accessory Solar Energy Systems.....	38
B. Government or Utility Emergency or Temporary Structures	39
1. Review and Approval Process	39
C. Temporary Structures	40
1. Types of Temporary Structures.....	40
2. Approval Process.....	40
3. Additional Requirements for Temporary Structures	40
4. Portable Storage Container	41
D. Flex Space	41
1. Review Process.....	41
2. Development Standards	41
3. Uses Allowed	42

CHAPTER C	DESIGN STANDARDS	43
Section 1	Architectural Guidelines	43
A.	Purpose and Intent	43
B.	Threshold	43
1.	General	43
2.	Mixed Use	43
C.	Exemptions	43
D.	Effect	44
1.	Effect on Prior BCC and ZC Approvals	44
2.	Effect on Prior DRO Approvals	44
3.	Effect on Other Regulations	44
E.	Review Process	44
1.	Methods	44
2.	Unique Structure	44
3.	Type 1 Waiver – Green Architecture	45
4.	Administrative Amendments by DRO	46
F.	Application Requirements	47
G.	Visual Impact Analysis	47
1.	Environmental Assessment	47
2.	Line of Sight Analysis	47
3.	Prevalent Theme	47
4.	Architectural Compliance Statement	47
H.	Guidelines	47
1.	Non-Residential Design Elements	47
2.	Multifamily Design Elements	50
I.	Large Scale Commercial Development	51
1.	Single Tenant Limit	51
2.	Façade Orientation	51
3.	Single Tenants 65,000 Gross Square Feet or More	52
J.	Appeal	53
1.	Non-Judicial Remedies	53
2.	Exhaustion of Non-Judicial Remedies	53
CHAPTER D	PARKS AND RECREATION – RULES AND RECREATION STANDARDS	53
Section 1	General	53
A.	Purpose and Intent	53
B.	Applicability	53
Section 2	Types of Parks	54
A.	Countywide Parks and Preservation/Conservation Areas	54
1.	Countywide Parks	54
2.	Countywide Park Impact Fees	54
3.	Reservations	54
B.	Community and Neighborhood Park Recreation Standards	54
1.	Required Recreational Areas	54
2.	Calculation of Required Recreation	54
3.	Approval	54
4.	Reduction in Recreation Area Land Requirement	54
5.	Cash-Out Option	55
6.	Park and Recreation Trust Fund	55
7.	Other	55
8.	Open Space Credit	55
9.	Property Development Regulations	56
C.	Passive Park	56

D. Public Park	56
E. Infill Neighborhood Park	56
F. Phasing.....	56
1. Single Phasing	56
2. Multiple Phasing.....	56
3. Multifamily and Congregate Living Facilities	56
G. Public Park Landscape Standards.....	57
1. General Standards	57
2. Perimeter Buffer Landscape Requirements	57
3. On-Site Parking Requirements	58
CHAPTER E PERFORMANCE STANDARDS.....	58
Section 1 Major Intersection Criteria	58
A. Four Lanes	58
B. Five-Year Road Plan	58
C. Traffic Volume.....	58
D. R-O-W	58
E. Upgrade Agreement	58
Section 2 Location Criteria	58
A. Purpose and Intent	58
B. Intersection Criteria.....	58
C. Separation Criteria	58
D. Existing Uses	58
Section 3 Drainage	59
A. Development That Meets Both of the Following Criteria.....	59
B. Industrial Designations	59
D. Lands with Paola or St. Lucie Soil Types	59
Section 4 Nuisances	59
A. General	59
1. Purpose and Intent.....	59
2. Applicability	59
3. Conflicts	59
4. Definitions.....	59
5. Exemptions	59
B. Noise Limitations and Prohibitions	60
1. Prohibitions	60
2. Maximum Sound Levels	60
3. Public Nuisance	61
C. Vibration	61
1. Non-Industrial Districts	61
D. Smoke, Emissions, and Particulate Matter	61
1. General Requirements.....	61
2. Smoke.....	61
3. Dust and Particulate	61
4. Objectionable Odors.....	61
5. Toxic or Noxious Matter	61
E. Outdoor Lighting	61
1. Purpose and Intent.....	61
2. Applicability	62
3. Submittal Requirements.....	63
4. Standards.....	63

Section 5	Hours of Operation	66
A.	Proximity to Residential.....	66
B.	Measurement.....	66
C.	Existing Uses	66
D.	Exemptions	66
E.	Type 2 Waiver.....	66
CHAPTER F	LEGAL DOCUMENTS	66
Section 1	Maintenance and Use Documents	66
A.	Purpose and Intent	66
B.	Applicability	67
C.	Exception.....	67
D.	General Requirements	67
E.	Documents Establishing Maintenance and Use.....	67
1.	Developments Including a Subdivision of Five or More Lots	67
2.	Subdivisions of a Maximum of Four Lots.....	67
F.	Applicability and Document Requirements	67
1.	Property Owners' Association (POA) Documents.....	67
2.	Declaration of Party Wall.....	69
3.	Unity of Control	69
4.	Unity of Title	70
Section 2	Easements.....	71
A.	Easement Encroachment.....	71
1.	Minor Encroachments	71
2.	Major Encroachments.....	71
3.	Incompatible Uses	71
4.	Application Process.....	71
5.	All Other Approvals Required.....	72
6.	Accountability	72
7.	Modifications	72
B.	Drainage Easement Encroachments	72
CHAPTER G	DENSITY BONUS PROGRAMS.....	73
Section 1	Workforce Housing Program (WHP).....	73
A.	General	73
1.	Purpose and Intent.....	73
2.	Applicability.....	73
3.	Program Standards.....	74
B.	Program Options	76
1.	Limited Incentive Option	76
2.	Full Incentive Option.....	77
3.	Approval Process.....	80
C.	Disposition of WHP Obligation	80
1.	Declaration of Method to Meet WHP Obligation	80
2.	Change of Declared Method	80
3.	Recalculation	80
4.	Methods Available.....	80
5.	Banking of WHP Units	83
D.	Delivery of WHP Units	83
1.	For-Sale Units	83
2.	Rental Units	87
E.	Enforcement.....	90

Section 2	Affordable Housing Program (AHP)	91
A.	Purpose and Intent	91
B.	Applicability	91
1.	Exemptions	91
2.	Limitation on Restrictions	91
C.	Design Requirements	91
D.	AHP Incentives	91
1.	Density Bonus	91
2.	Traffic Performance Standards Mitigation	92
3.	Expedited Review	92
4.	Density Bonus Development Options	92
E.	Additional Requirements for Density Bonus	94
1.	Sector Analysis	94
2.	Pre-Application	95
F.	Affordability Requirements	95
1.	Sales and Rental Prices of AHP Units	95
2.	Master Covenant	95
3.	Monitoring and Compliance	96
4.	Enforcement	96
5.	Compatibility	96
G.	Annual Report	96
Section 3	Transfer of Development Rights (TDRs) – Special Density Program	97
A.	Purpose and Intent	97
B.	Authority	97
C.	Applicability	97
D.	Previous Approvals	97
E.	Administration	97
1.	General	97
2.	Responsibilities	97
F.	Sending Areas	98
1.	General	98
2.	Eligible Sending Areas	98
3.	Overlap in Sending Areas	98
4.	Transfer Rate	98
5.	Computation of Development Rights	99
6.	Restriction on Future Use	99
7.	Existing Uses	99
8.	Remaining Land Area	99
G.	Transfer of Development Rights (TDR) Bank	99
1.	General	99
2.	Establishment of Development Rights for the Bank	99
3.	Transfer Rate from the Purchase of Environmentally Sensitive Lands	100
4.	Pricing and Sale of TDR Bank Development Rights	100
5.	Revenue from the Sale of TDRs	100
H.	TDR Receiving Areas	100
1.	Eligible Receiving Areas	100
2.	Qualify as a Receiving Area	100
3.	Compatibility with Adjacent Environmentally Sensitive Lands	101
4.	Applicability – TDR Increased Buffer and Setbacks for LR-1, LR-2, and LR-3 PDDs	101
5.	Prohibitions	101
I.	Housing Program Requirements	101
1.	WHP	101
2.	AHP	102
3.	WHP and AHP Units	102
4.	Permitted Density Ranges	102
J.	TDR – Sending Area Procedure	103

1. Sending Parcel Application	103
2. Review Process	103
3. Written Determination.....	103
4. Easement Agreement/Restriction	103
5. Resubmittal of Application	103
6. Development Rights Certificates.....	103
7. Limitations	104
K. TDR – Receiving Area Procedure	104
1. General	104
2. Pre-Application Conference.....	104
3. Review Process	104
4. Contents of Application.....	104
5. Standards.....	105
6. Contract for Sale and Purchase of Development Rights	105
L. Notification to Property Appraiser’s Office	105
M. County Initiated Land Use Amendment	105
N. Overall Accounting System for TDR Density	105
1. Density Reduction.....	105
2. PUD Unused Density	105
CHAPTER H MASS TRANSIT STANDARDS	106
Section 1 General	106
A. Authority.....	106
B. Purpose and Intent	106
Section 2 Applicability and Standards	106
A. Modifications to Previous Approvals	106
B. Thresholds and Standards	106
1. All Residential Developments of at Least 50 Units and All Non-Residential of at Least Five Acres or 50,000 Square Feet	107
2. Non-Residential Developments of 100,000 Square Feet or More	109
3. Development of Regional Impact (DRI).....	109
Section 3 Site Plan and Plat Dedication Language.....	110
A. Site Plan Language	110
1. Bus Stop Boarding and Alighting Area(s).....	110
2. Mass Transit Circulation Plan.....	110
B. Plat Dedication Language.....	110
C. Easement Language (If Dedicating as a Separate Document)	110
D. Property Owned by Palm Beach County.....	110
CHAPTER I MURALS	111
Section 1 Purpose and Intent	111
Section 2 Restrictions on Placement	111
A. Non-Residential Buildings and Structures	111
B. Adjacent to Interstate Highways	111
C. Adjacent to Residential.....	111
Section 3 Application Procedures	111
A. General	111
B. Application Requirements	111
C. Review	111

Section 4	Design Criteria	112
A.	Placement.....	112
B.	Size	112
C.	Obstructions	113
D.	Restrictions	113
E.	Signs within Murals	113
F.	Illumination.....	113
G.	Applicability of Article 8, Signage.....	113
Section 5	Installation and Time for Completion of Mural	113
A.	Installation.....	113
B.	Time for Completion.....	113
Section 6	Inspection.....	113
Section 7	Enforcement.....	113
CHAPTER J	BEST MANAGEMENT PRACTICES FOR LIVESTOCK WASTE RECEIVED FROM OFF-SITE SOURCES	114
Section 1	Purpose and Intent	114
Section 2	Applicability	114
A.	Exemptions	114
Section 3	Storage or Spreading of Livestock Waste	114
A.	Storage	114
B.	Spreading	114
1.	Nutrient Management Plan.....	114
2.	Separation.....	115

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ARTICLE 5

SUPPLEMENTARY STANDARDS

CHAPTER A GENERAL

Section 1 Purpose and Intent

The purpose and intent of this Article is to establish minimum standards for accessory and temporary uses, design standards, Parks and Recreation, performance standards, legal documents, and density bonus programs.

Section 2 Definitions

See Art. 1.H, Definitions and Acronyms.

Section 3 Deviations

Deviation(s) from the provisions of this Article may be permitted for development supporting Government Facilities within the PO Zoning District, subject to Art. 2, Application Processes and Procedures and PPM #ZO-O-063, as applicable and as amended. [Ord. 2007-013] [Ord. 2010-022] [Ord. 2019-005]

CHAPTER B ACCESSORY USES AND STRUCTURES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

1. General

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

a. Standards

Uses indicated in the Use Matrices as a dash (-) for a zoning district shall not be allowed as an accessory use unless stated otherwise in Art. 4, Use Regulations. An accessory use or structure shall be subject to the same regulations that apply to the principal use or structure, except as otherwise stated. [Ord. 2017-007] [Ord. 2023-009]

b. Location

All accessory uses and structures except for approved off-site parking, shall be located on the same lot as the principal use. No accessory structure shall be located in the front or side street yard except for dumpsters, or unless stated otherwise herein. [Ord. 2017-007] [Ord. 2017-025] [Ord. 2018-002]

1) General Exceptions

Structures such as: fences and walls; entry features for access ways internal to a PUD; bike racks; outdoor recreation amenities and support structures such as cabanas, located within a Neighborhood Recreation Facility or Recreation Pod; or, structures, projections, and improvements listed in Art. 3.D.1.D.5, Setback Exceptions, excluding mechanical equipment accessory to a building, may be allowed within front or side street yards. [Ord. 2017-025]

2) Exceptions for Buildings Accessory to Residential

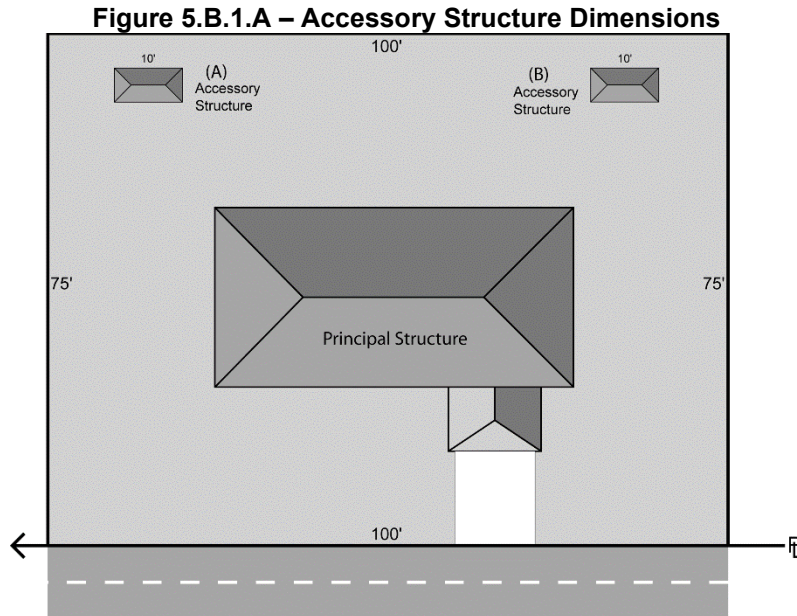
A detached garage, cabana, Accessory Quarters, or Guest Cottage, may be allowed within the front or side street yard, subject to the following: [Ord. 2017-025]

- a) The building is consistent with the architectural characteristics of the principal building, including roofing materials, fenestration, and paint color, where applicable; [Ord. 2017-025]
- b) When accessory to a principal residential use, such as a Single Family home, accessory structures shall be connected to the principal building by common shared driveways, sidewalks, or pathways; and, [Ord. 2017-025]
- c) An application for a DO or Building Permit for any building proposing to utilize this provision shall include an affidavit from a licensed Architect or general contractor, delineating how the proposed building will be in compliance with the requirements above. [Ord. 2017-025]

- 3) **Accessory Solar**
Accessory solar in the form of mechanical equipment attached to other permitted structures, or Solar Trees, in accordance with the standards of Art. 5.B.1.A.27, Accessory Solar Energy Systems. [Ord. 2017-025]
- c. **Floor Area**
 - 1) **Non-Residential Zoning Districts**
Where allowed, accessory uses and structures shall not exceed 30 percent of the GFA or business receipts of the principal use or uses, whichever is more restrictive. Minor Utility use is not subject to this provision. [Ord. 2017-007]
 - 2) **Residential Zoning Districts**
Accessory uses and structures in the U/S Tier shall not exceed the square footage of the principal use.
- d. **Setbacks, Accessory Structure**
 - 1) **Residential Districts**
Accessory structures shall be allowed subject to the requirements below, provided they are not located in an established easement or required landscape buffer unless exempted by Art. 5.F.2.A, Easement Encroachment. [Ord. 2023-009]
 - a) **Accessory Living Quarters**
Accessory dwellings, such as Guest Cottages, Grooms Quarters, and other Accessory Quarters, shall meet the minimum setback in Table 3.D.1.A, Property Development Regulations, with the exception of properties with an RR FLU designation which shall be subject to a 25-foot side or rear setback. [Ord. 2016-042] [Ord. 2023-009] [Ord. 2023-021]
 - b) **Townhouse**
Accessory structures shall meet the setback and separation requirements in Table 3.D.2.A, Townhouse Property Development Regulations. No detached accessory building or structure other than permitted fences or walls shall be permitted on any lot less than 30 feet in width.
 - c) **ZLL**
Accessory structures shall meet the setback requirements of Table 3.D.2.B, ZLL Property Development Regulations. [Ord. 2008-037]
 - d) **Single Family and Multifamily**
 - (1) **Residential Zoning Districts and AR Lots Less than One Acre**
Accessory structures ten feet or less in height shall meet a minimum five-foot setback from the side and rear property lines. Accessory structures over ten feet in height shall meet the minimum setbacks in Table 3.D.1.A, Property Development Regulations. [Ord. 2016-042] [Ord. 2023-009] [Ord. 2023-021]
 - (2) **Within AR Zoning District on Lots One Acre and Greater**
Accessory structures shall be set back from the side and rear property lines as follows: [Ord. 2023-009]
 - (a) Lots five acres or greater; minimum of 25 feet. [Ord. 2023-009]
 - (b) Lots one acre or greater and less than five acres; minimum of 15 feet. [Ord. 2023-009]
 - e) **Minimum Setback from Easements for AR Districts**
Accessory structures, excluding fences, shall be a minimum of five feet from all established drainage easements unless the Applicant can demonstrate that drainage requirements are met through the Building Permit process. [Ord. 2016-042] [Ord. 2023-009]
 - 2) **Prohibition in Landscape Buffers**
Accessory structures shall not be located within a required landscape buffer. [Ord. 2016-042]
 - 3) **Non-Residential Districts**
Accessory structures shall meet the setback requirements in Table 3.D.1.A, Property Development Regulations.

4) U/S Tier – Maximum Accessory Structure Dimensions

In the U/S Tier, all accessory structures located on a parcel in a residential district shall not occupy more than 25 percent of the distance between property lines. [Ord. 2008-037] [Ord. 2016-042]



In the U/S Tier, all accessory structures located on a parcel in a residential district shall not occupy more than 25 percent of the distance between property lines.

This Example:

Distance between property lines 100'
Total of A+B accessory structures 10'+10'=20'
 $100' \times 25\% = 25'$ maximum allowed by Code

e. Specific Accessory Uses

1) Office

- a) Areas of a building dedicated to the administrative operation and incidental to a principal use or uses listed in the Use Matrices may be Permitted by Right. [Ord. 2017-007]
- b) One parking space shall be provided for every 250 square feet of accessory office. [Ord. 2017-007] [Ord. 2020-001]

2) Incidental Sales

Sales of products incidental to a principal use may be Permitted by Right in commercial, industrial, or institutional, public, and civic Use Classifications subject to the following, unless stated otherwise: [Ord. 2017-007]

- a) Maximum ten percent of the GFA; [Ord. 2017-007]
- b) One parking space for every 200 square feet of accessory sales; [Ord. 2017-007]
- c) Merchandise is not stored outside or visible from any street; and, [Ord. 2017-007]
- d) Commercial signage is only to advertise the principal use. [Ord. 2017-007]

2. Fences and Walls

a. Height Measurement

The height shall be measured adjacent to the fence or wall from the lowest grade on either side of the fence or wall, unless stated otherwise below: [Ord. 2015-006] [Ord. 2016-016]

1) Located on Berm

Height shall be measured from the elevation of the berm where the fence or wall is constructed, unless in conflict with standards for Grade Change below. [Ord. 2015-006]

2) Grade Change

a) Residential

Height may be increased when the fence or wall is located on a retaining wall, subject to the requirements of Art. 5.B.1.A.2.b.5), Residential District Grade Changes. [Ord. 2016-016]

b) PDD or Non-Residential Perimeter Buffers

Height may be increased when the fence or wall is located on a retaining wall, subject to the requirements of Art. 7.D.5, Landscape Buffers with Grade Changes. [Ord. 2016-016]

b. Height and Related Standards

1) Residential Uses

The maximum height for a fence or wall on or adjacent to a residential lot line or in a landscape buffer shall be as follows: [Ord. 2015-006] [Ord. 2019-023] [Ord. 2019-034]

a) Within required front setback:

(1) four feet, or [Ord. 2005-041] [Ord. 2015-006]

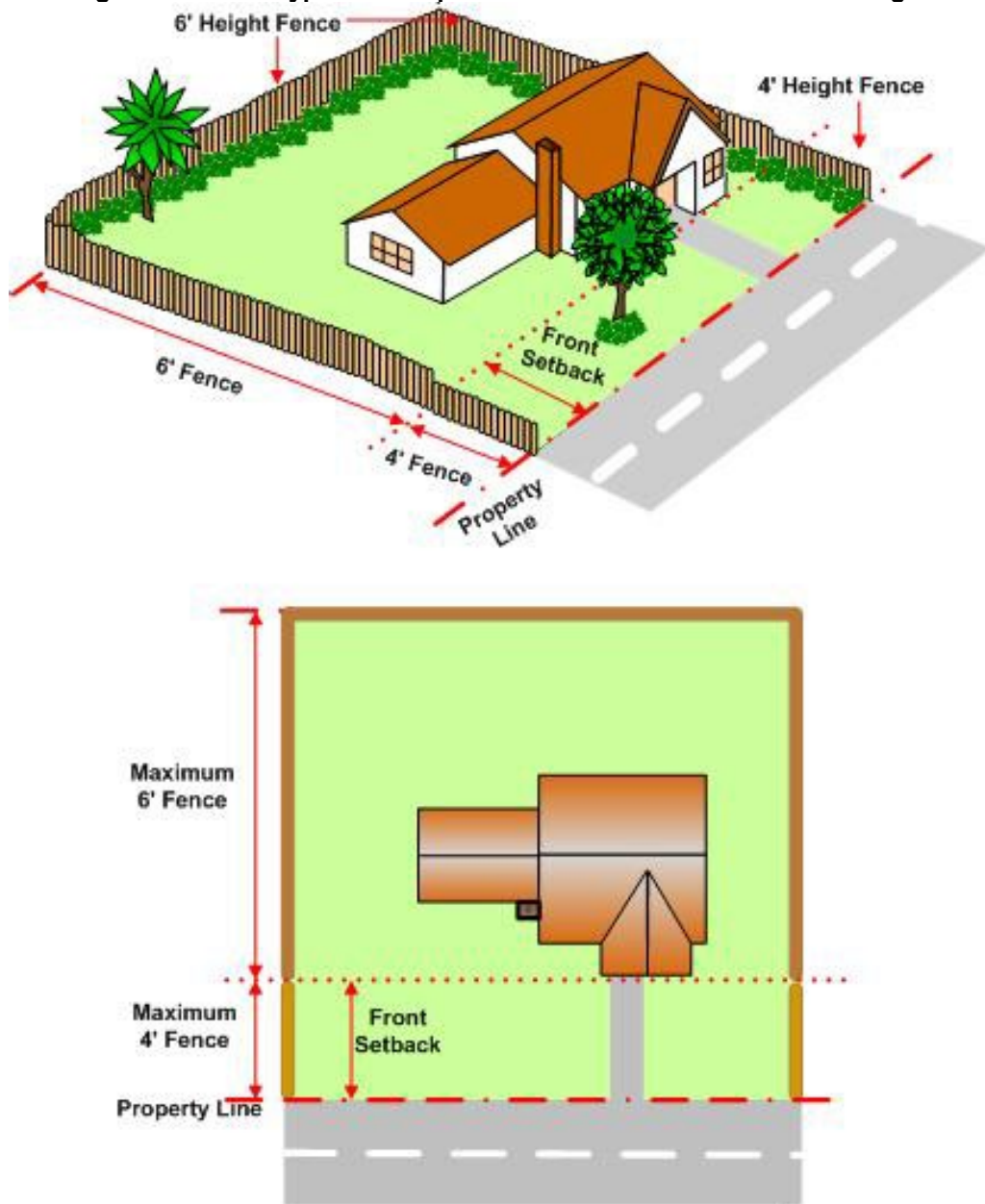
(2) six feet for property owned by PBC for preservation or conservation purposes. [Ord. 2005-041] [Ord. 2015-006]

(3) six feet for all rail fencing in the AR/RSA Zoning District. [Ord. 2024-004]

b) Within required side, side street, and rear setback: six feet. [Ord. 2015-006]

c) Within a landscape buffer: six feet. [Ord. 2015-006]

Figure 5.B.1.A – Typical Example of Residential Fence and Wall Height



[Ord. 2005-041] [Ord. 2015-006]

2) Non-Residential Uses

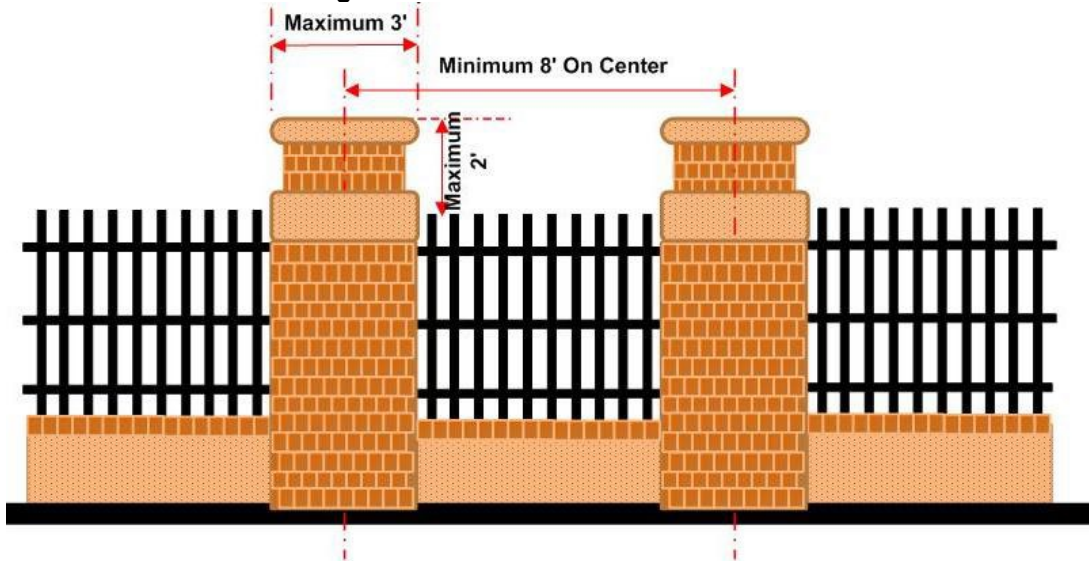
The maximum height for a fence or wall on or adjacent to a lot line or in a landscape buffer shall be as follows: [Ord. 2015-006] [Ord. 2019-023] [Ord. 2019-034]

- a) Within the required front setback: six feet. [Ord. 2015-006]
- b) Within the required side, side street, and rear setback: eight feet. [Ord. 2015-006]

3) Attachments

Gates, gateposts, decorative features, and lights attached to a fence or wall in a setback or perimeter buffer shall not exceed three feet in any horizontal distance or two feet in height above the fence or wall. Decorative features and lights shall be spaced a minimum of eight feet apart, measured on center. [Ord. 2015-006]

Figure 5.B.1.A – Attachments to Walls



[Ord. 2015-006]

4) General Exceptions

- Fences and walls up to eight feet in height shall be permitted within a street buffer adjacent to a golf course. [Ord. 2015-006]
- Fences around tennis courts may exceed six feet in height, subject to the setback requirements in Table 5.B.1.A, Setbacks. [Ord. 2015-006]
- The ZC and BCC may require increased heights to ensure adequate screening and buffering between incompatible uses. [Ord. 2015-006] [Ord. 2016-016]
- The DRO may approve increased fence heights and modify allowable locations for fences with and without barbed wire for Minor Utilities and Water or Wastewater Treatment Plants. [Ord. 2007-013] [Ord. 2015-006]
- Schools may increase the fence height to eight feet along the perimeter of the site. [Ord. 2017-007]
- Walls subject to noise mitigation shall comply with Art. 7.D.4.B.2, Noise Mitigation Walls. [Ord. 2018-002]

5) Residential District Grade Changes

The height of a fence or wall located within the front, side, or rear setback of a lot supporting a Single Family dwelling unit, may be increased when located adjacent to a lot having a different elevation where a retaining wall is installed along the property line, in accordance with the following: [Ord. 2015-006] [Ord. 2016-016]

a) Grade Measurement

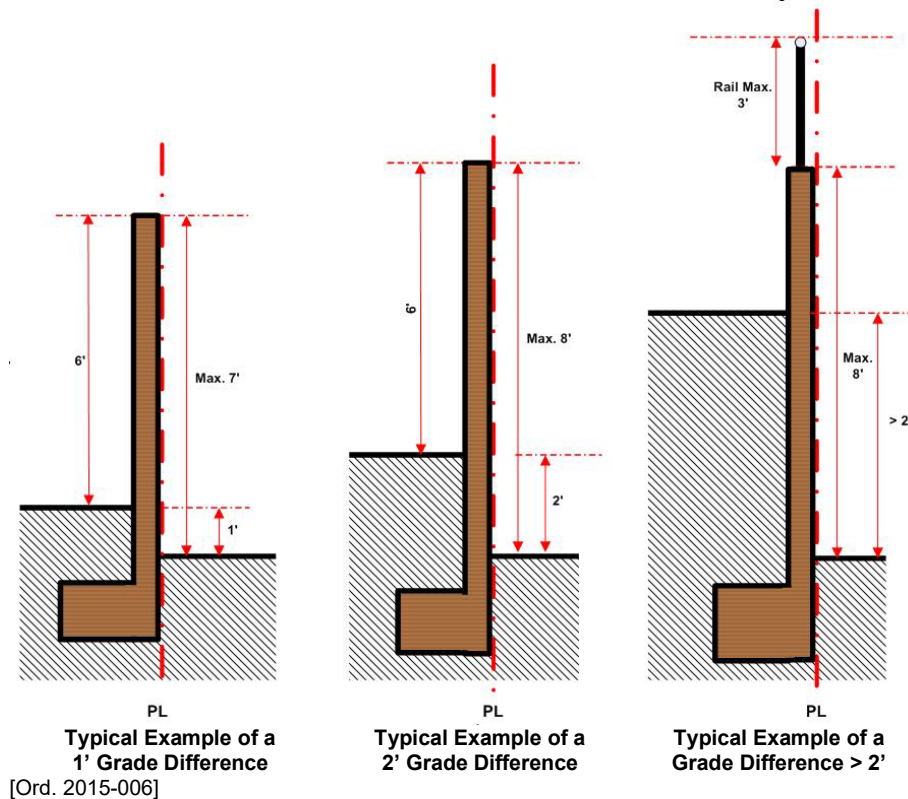
The difference in grade shall be determined by measuring the elevation where the fence or wall is constructed and the elevation of the abutting lot at the property line. [Ord. 2015-006]

b) Maximum Height Increase

The height of the fence or wall may be increased by the difference in grade up to a maximum of two feet, whichever is less, as follows: [Ord. 2015-006]

- Within the required front setback: Up to a maximum of six feet. [Ord. 2015-006]
- Within a side or rear setback: Up to a maximum of eight feet. [Ord. 2015-006]
- A guard railing not to exceed three feet in height may be permitted where the grade difference is greater than two feet, provided the mass of the railing does not exceed the mass necessary to meet the opening limitations and strength requirements of the Florida Building Code, Residential. [Ord. 2015-006]

**Figure 5.B.1.A – Residential District Grade Changes
Examples of Wall in the Side or Rear Setbacks**



c. Walls – Appearance

The exterior surface of a wall shall be finished with paint, stucco, or other commonly accepted material, and continuously maintained in its original appearance.

d. Sight Distance

Walls and fences shall comply with Art. 11.E.9.C, Minimum Safe Sight Distance and Corner Clips at Intersection.

e. Dangerous Materials

Fences or walls in any zoning district, shall not be electrified or contain any substance such as broken glass, spikes, nails, barbed wire, razors, or any other dangerous material designed to inflict discomfort, pain, or injury to a person or animal, except as allowed below. [Ord. 2010-005] [Ord. 2011-001]

1) Barbed Wire Exceptions and Regulations

The use of barbed wire is prohibited except in instances as detailed below. The County recognizes that barbed wire may be necessary to secure certain non-residential uses or structures. Therefore, the County allows the installation of barbed wire on top of the fence or wall, subject to the following: [Ord. 2005-002] [Ord. 2010-005] [Ord. 2011-001] [Ord. 2017-007]

a) Allowable Uses for Barbed Wire

- (1) Commercial Communication Towers [Ord. 2017-007]
- (2) Electric Power Plant; [Ord. 2017-007]
- (3) Electric Transmission Facility; [Ord. 2017-007]
- (4) Minor Utility; [Ord. 2017-007]
- (5) Prison; [Ord. 2017-007]
- (6) Solid Waste Transfer Station; [Ord. 2017-007]
- (7) Water or Wastewater Treatment Plant; and, [Ord. 2017-007]
- (8) Zoo. [Ord. 2017-007]

- (9) Except when located adjacent to a parcel having a residential FLU designation, residential zoning district, or residential use, barbed wire that is not visible from any public street, may be installed with the following uses: [Ord. 2017-007]
 - (a) Contractor Storage Yard; [Ord. 2017-007]
 - (b) Salvage or Junk Yard; [Ord. 2017-007]
 - (c) Self-Service Storage; [Ord. 2017-007]
 - (d) Sugar Mill or Refinery; and, [Ord. 2017-007]
 - (e) Towing Service and Storage. [Ord. 2017-007]

(10) Bona Fide Agriculture Use Located in AGR, AP, and AR Zoning Districts; and AGR-PDD Preserve Parcels

When Bona Fide Agriculture is located in the AR Zoning District other than nurseries, barbed wire shall be set back a minimum of 25 feet from any property line. [Ord. 2017-007]

- (11) Properties with a conservation FLU designation, for the purposes of protecting publicly-owned natural areas; [Ord. 2005-002] [Ord. 2010-005] [Ord. 2011-001]
- (12) Properties where the owner can document a valid Development Permit for the use of barbed wire; [Ord. 2010-005] [Ord. 2011-001] [Ord. 2017-007]
- (13) The Zoning Director shall have the authority to allow the installation of barbed wire for any uses pursuant to Art. 4.B, Use Classification, when the Applicant demonstrates a need to comply with Federal, State, or Local Government regulations. In support of the barbed wire installation, the Zoning Director may require the Applicant to perform mitigation in order to address compatibility with adjacent properties or visibility from adjacent street right-of-way; and, [Ord. 2010-005] [Ord. 2011-001] [Ord. 2017-007]
- (14) A removal agreement shall be executed to remove the barbed wire, prior to issuance of a Building Permit. This agreement shall require the removal of the barbed wire in the event the use changes to another use not allowed in the list above. [Ord. 2017-007]

b) Standards

(1) Height

The barbed wire shall not exceed 20 percent of the overall permitted height of the fence or wall or two feet whichever is less. [Ord. 2017-007]

(2) Height Exemption

Bona Fide Agriculture, Prisons, and other uses as authorized by the Zoning Director pursuant to provisions in Art. 5.B.1.A.2.e.1)a)(13), shall be permitted to exceed the 20 percent provision. The calculation of the overall height of a fence or wall is inclusive of any barbed wire. [Ord. 2005-002] [Ord. 2010-005] [Ord. 2011-001] [Ord. 2017-007]

2) Electrified Fences – Exceptions and Regulations

The use of electrified fences is prohibited except in instances as detailed below. The County recognizes that electrified fences may be necessary to secure certain non-residential uses or structures. Therefore, the County allows the installation of electrified fencing, subject to the following: [Ord. 2013-018]

a) Allowable Uses for Electrified Fences

Electrified fences shall only be allowed for the following uses: [Ord. 2013-018]

- (1) Commercial uses, as follows: [Ord. 2013-018]
 - (a) Auction, Outdoor; [Ord. 2013-018]
 - (b) Contractor Storage Yard; [Ord. 2013-018]
 - (c) Flea Market, Outdoor; [Ord. 2013-018] [Ord. 2017-007]
 - (d) Landscape Service; [Ord. 2013-018]
 - (e) Laundry Services; [Ord. 2013-018]
 - (f) Marina; [Ord. 2017-007]
 - (g) Parking, Commercial; [Ord. 2013-018] [Ord. 2017-007]
 - (h) Repair and Maintenance, Heavy; [Ord. 2013-018] [Ord. 2017-007]
 - (i) Self-Service Storage, Limited Access; [Ord. 2013-018] [Ord. 2017-007]
 - (j) Self-Service Storage, Multi-Access; [Ord. 2017-007]
 - (k) Towing Service and Storage; [Ord. 2013-018] [Ord. 2017-007]
 - (l) Vehicle Sales and Rental, Light; and, [Ord. 2013-018] [Ord. 2017-007]
 - (m) Vehicle or Equipment Sales and Rental, Heavy. [Ord. 2017-007]

- (2) Institutional, public, and civic uses, as follows: [Ord. 2013-018] [Ord. 2017-007]
 - (a) Airport; and [Ord. 2013-018]
 - (b) Government Services. [Ord. 2013-018]
- (3) Recreation uses, as follows: [Ord. 2013-018]
 - (a) Zoo. [Ord. 2013-018] [Ord. 2017-007]
- (4) All uses listed as agricultural uses in Art. 4.B.6.A, Agricultural Use Matrix. [Ord. 2013-018] [Ord. 2017-007]
- (5) All uses listed under the utility Use Classification in Art. 4.B.7.A, Utility Use Matrix. [Ord. 2013-018] [Ord. 2017-007]
- (6) All uses listed under the excavation Use Classification in Art. 4.B.10.A, Excavation Use Matrix. [Ord. 2017-007]
- (7) All uses listed as industrial uses in Table 4.B.5.A, Industrial Use Matrix. [Ord. 2013-018]
- (8) Accessory Outdoor Storage in accordance with Art. 5.B.1.A.3, Outdoor Storage and Activities. [Ord. 2013-018]
- (9) Properties with a conservation FLU designation, for the purposes of protecting publicly-owned natural areas. [Ord. 2013-018]
- (10) To secure permanent mechanical equipment except on individual residential lots. [Ord. 2013-018]
- (11) The Zoning Director shall have the authority to allow the installation of electrified fences for any uses pursuant to Art. 4.B, Use Classification, when the Applicant demonstrates a need to comply with Federal, State, or Local Government regulations. The Zoning Director may require the Applicant to perform mitigation in order to address compatibility with adjacent properties or visibility from adjacent street right-of-way. [Ord. 2013-018]
- (12) An agreement to remove an electrified fence shall be executed prior to issuance of a Building Permit. The agreement shall require removal of the electrified fence if the use changes to other than an allowable use listed above. [Ord. 2013-018]

b) Standards

Electrified fences shall be installed, operated, or maintained in compliance with the following: [Ord. 2013-018]

(1) Technical Standards

All electrified fences are subject to permitting and review by the Building Division and shall be designed, installed, operated, and maintained in a manner not to be injurious to individuals. [Ord. 2013-018]

(2) Exterior Non-Electrified Fence or Wall

Electrified fences and gates shall be attached to the interior of, or completely surrounded on the side facing the property exterior, by a non-electrified fence or wall that meets the following requirements: [Ord. 2013-018]

- (a) Minimum of six feet in height; [Ord. 2013-018]
- (b) The separation between the exterior, non-electrified fence or wall, and the electrified fence shall be a minimum of four inches and a maximum of eight inches; [Ord. 2013-018]
- (c) When adjacent to or within 50 feet of a parcel of land with a residential FLU designation or use, the non-electrified fence shall include a solid material that will screen the electrified fence from view and prevent a person from being able to penetrate the non-electrified fence; and, [Ord. 2013-018]
- (d) Exterior fences such as chain link shall have openings no larger than two and three-eighths inches. [Ord. 2013-018]

(3) Public Warning Signage

Provide and maintain signage, subject to prior review by the Building Division, which satisfies the intent of the requirements contained in ISO 3864 or a current equivalent internationally accepted standard, and that such signage be placed within ten feet of all corners, not more than 45 feet apart, so as to be plainly visible. Exceptions to screening or landscaping requirements may be permitted where necessary to ensure visibility of signage. [Ord. 2013-018]

(4) Height

The maximum height of an electrified fence and any attachments shall not exceed the height of any required exterior non-electrified fence or wall, or other required screening, by more than a maximum of two feet in height. Any portion of an electrified fence that exceeds the height of the non-electrified fence shall be limited to a maximum of two horizontally placed strands per vertical foot, a maximum of 12.5 gauge in diameter, with attachments spaced not less than 20 feet on center, excluding gates. [Ord. 2013-018]

(5) Location, Landscaping, or Screening

(a) Within Required Setbacks

Electrified fences shall not be permitted within any required setback or within 50 feet from property lines, whichever is greater, unless the perimeter landscape buffer is in compliance with Art. 7, Landscaping, unless stated otherwise herein. [Ord. 2013-018]

(b) Within 50 Feet of Any Property Line

Any electrified fence located within 50 feet of any property line (excluding within a required perimeter buffer) and abutting a non-conforming landscape buffer, shall be screened from view by landscaping, fences, walls, or buildings, excluding the top two feet. [Ord. 2013-018]

(c) Outdoor Storage

The use of electrified fences in outdoor storage areas shall only be permitted when in compliance with the following screening requirements, excluding the top two feet: [Ord. 2013-018]

- i. When located in non-residential districts, the screening requirements of Art. 5.B.1.A.3, Outdoor Storage and Activities; and [Ord. 2013-018]
- ii. When located in residential districts or for uses which allow outdoor storage by definition or in another Section, shall be screened from view by landscaping, fences, walls, or buildings. [Ord. 2013-018]

(d) Mechanical Equipment

The use of electrified fences with mechanical equipment shall only be permitted when in compliance with the screening requirements of Art. 5.B.1.A.20, Mechanical Equipment, excluding the top two feet. [Ord. 2013-018]

(6) Non-Conforming Dangerous Materials

If a property has non-conforming dangerous materials in areas that will be secured by the installation of electrified fences, the dangerous materials shall be removed prior to electrification or the issuance of a Certificate of Completion by the PBC Building Division for the electrified fence. [Ord. 2013-018]

(7) URAO, IRO, WCRAO, and TDD Limitations

- (a) Electrified fences shall not be permitted in any URAO, IRO, or TDD developments constructed with a required build-to-line or any other area unless located behind buildings and in areas not accessible by the public. [Ord. 2013-018] [Ord. 2017-025]
- (b) Electrified fences within the WCRAO shall be prohibited in all sub-areas except for the UI Sub-area. [Ord. 2013-018]

3. Outdoor Storage and Activities

Outdoor storage of merchandise, inventory, vehicles and trailers used in operation of a business, equipment, refuse, or similar materials, and outdoor activities associated with a use operation in all zoning districts shall be subject to the following standards, unless stated otherwise: [Ord. 2017-007] [Ord. 2019-039]

Figure 5.B.1.A – Outdoor Storage



[Ord. 2019-039]

a. General

Outdoor Storage and Activities may only be allowed when incidental to the use located on the premises. [Ord. 2017-007]

b. Location

Outdoor Storage and Activity areas shall not be located in any of the required setbacks. Bollards or other acceptable barricade to the Zoning Division shall be provided to delineate pile locations. [Ord. 2017-007]

c. Height

Outdoor Storage material shall not exceed 15 feet in height or the height of the screening, whichever is less. The height could be less if required by Chapter 62-709, F.A.C., as amended. [Ord. 2017-007]

d. Screening

Outdoor Storage and Activity areas shall be completely screened from all property lines by landscaping, fences, walls, or buildings. [Ord. 2017-007]

e. Industrial FLU Designation, Zoning Districts, or Uses

- 1) Outdoor Storage and Activity areas adjacent to parcels of land with an industrial FLU designation or use and not visible from any street shall be exempted from the screening requirements. [Ord. 2017-007]
- 2) Outdoor Activity areas in industrial uses shall have a Type 3 Incompatibility Buffer along property lines adjacent to parcels with a civic, conservation, commercial, recreational, or residential FLU designation, or use, or where visible from a public R-O-W. The Incompatibility Buffer shall be a minimum of 25 feet in width. [Ord. 2017-007]
- 3) Outdoor Activities such as chipping, crushing, grinding, manufacturing, or processing shall be restricted to uses in the IG Zoning District and Industrial General Pod of PIPD unless approved as a Class A Conditional Use. [Ord. 2017-007]

f. Exceptions

The following uses or material are exempt from this Section:

- 1) Storage and sales of landscape plant material.
- 2) Temporary storage of material used for road construction on a lot directly adjacent to the roadway under construction. [Ord. 2017-007]

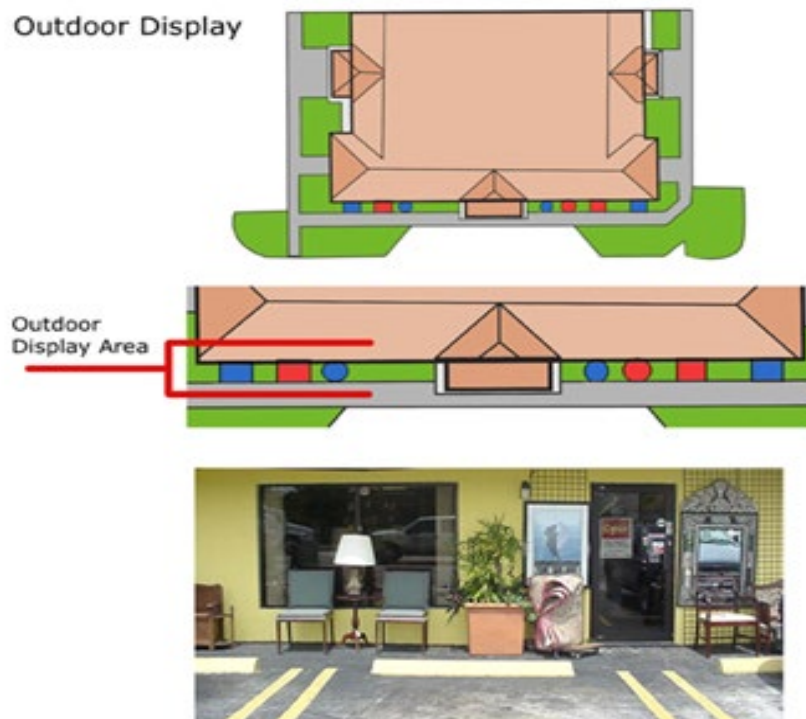
g. Parking/Storage

The parking and storage of vehicles and trailers, used in operation of a business, shall be on an improved surface as described in Art. 6.B.3.B.1, Paved, Art. 6.B.3.A.2.e, Drainage or Art. 6.B.3.A.2.f, Maintenance. [Ord. 2019-039]

4. Outdoor Display

- a. Merchandise must be mobile and stored indoors overnight daily.
- b. Merchandise must be accessory to a principal use located on the same property.
- c. Merchandise shall not be located in any required setback, parking space, loading space, loading area, vehicular use area, fire lane, landscape buffer, required sidewalk, ADA accessibility route, or drainage easements.

Figure 5.B.1.A – Outdoor Display



5. Docks

a. Accessory Docks

Applicants shall comply with the Boat Facility Siting Plan of the Palm Beach County Manatee Protection Plan. This requirement does not apply to Single Family docks and only applies to expansion of existing marine facilities or development of new marine facilities with five or more slips. Accessory docks located on the same lot as a residence shall meet a five-foot setback from the side property lines. Accessory docks not located on the same lot as a residence shall comply with the following setbacks: [Ord. 2009-040]

1) Dock in Publicly-Owned Waterway

A minimum five-foot side setback measured from the extension of the property lines into the waterway. The property lines shall be extended into the waterway in the same direction and bearing as the side lot lines.

2) Dock in Privately-Owned Waterway

The setback shall be determined by the Person asserting ownership in interest or jurisdiction over the waterway. Signed consent by this Person must be in place prior to permit being issued. Owner sign-off and consent shall be required. The dock shall be located directly adjacent to, and abutting, the lot on which the residence is located.

6. Entry Features

Unless exempt in Art. 3.D.1.D.5, Setback Exceptions, entry features shall comply with Table 5.B.1.A, Entry Feature Setbacks. Setbacks may be taken from the edge of the pavement for access ways internal to a PDD. [Ord. 2005-002]

Table 5.B.1.A – Entry Feature Setbacks

Front	25'
Side, Street, and Rear	15'

7. Fuel, Gas, or Chemical Storage Tanks

Above-ground accessory fuel, gas, or chemical storage tanks, three feet or greater in height shall be subject to the zoning district setbacks or the minimum setbacks required by the Florida Building and Fire Prevention Codes, whichever is greater, and screening. New and replacement storage tanks shall be screened from view if adjacent to a residential use or FLU designation and visible from an adjacent R-O-W. The screening shall consist of an opaque barrier or equivalent landscaping a minimum height equal to the highest point of the storage tanks. [Ord. 2019-034]

8. Dumpsters

Each use shall provide a method for the removal of refuse when individual collection, from a licensed solid waste hauler is not provided. All outdoor receptacles for the storage and disposal of refuse, vegetation, and recyclable material, such as dumpsters, trash compactors, and recycling containers, shall meet the following standards:

a. Storage Area

A minimum of one refuse container and one recycling container shall be provided for each non-residential project and Multifamily projects with 16 units or more. All outdoor receptacles shall be stored in a storage area. Storage areas shall have a minimum dimension of ten feet by ten feet. [Ord. 2018-002] [Ord. 2021-023]

b. Location

Shall be located to minimize turning and back-up movements by pick-up and removal vehicles, and shall not encroach into easements, landscape buffers, or parking spaces. [Ord. 2018-002] [Ord. 2021-023]

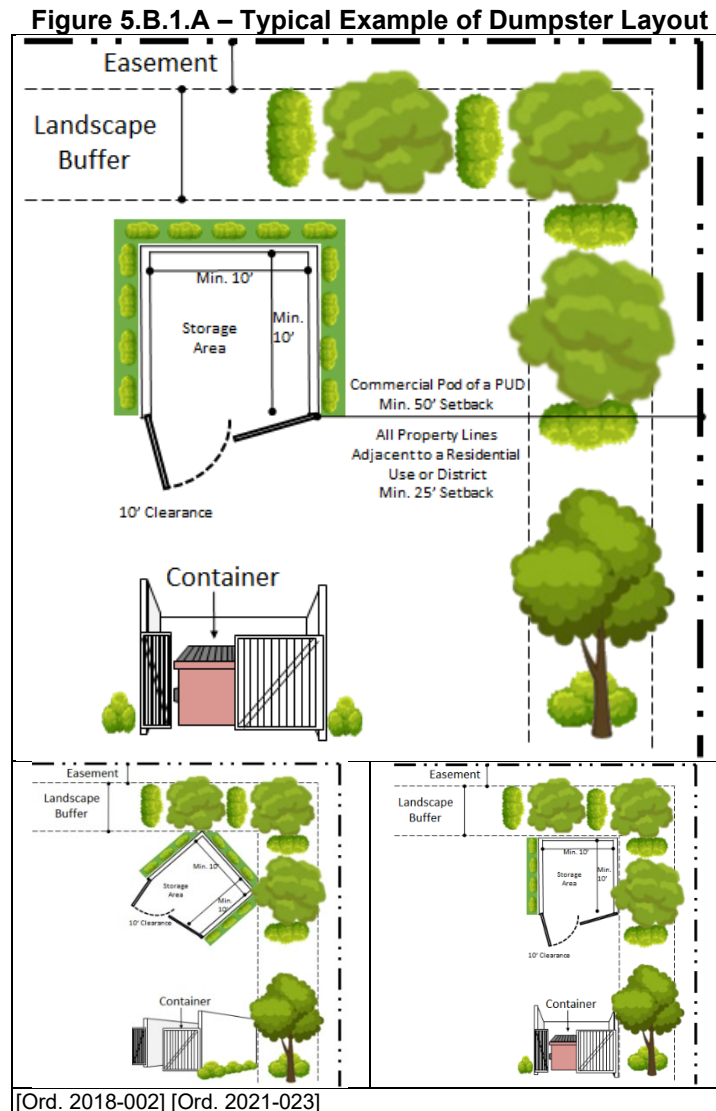
c. Setback

- 1) Shall comply with Art. 3.E.2.E.2.b, Design when located in a Commercial Pod of a PUD. [Ord. 2018-002] [Ord. 2021-023]
- 2) Shall be set back a minimum of 25 feet from all property lines adjacent to residential zoning districts and uses. If adjacent to a non-residential zoning district or use, the landscape buffer width shall serve as the setback. [Ord. 2018-002] [Ord. 2021-023]

d. Screening

Shall be screened from view by a solid opaque enclosure. The open end of the enclosure shall have an opaque gate which provides a minimum of ten feet of clearance when open for service. All exposed exterior sides of the enclosure, other than the open end, shall be landscaped with one 36-inch-high shrub planted 24 inches on center. If improvements are proposed for previously approved storage areas, screening shall be provided to the greatest extent possible. Enclosure vegetation

planting shall not be required in any location where the planting overlaps a buffer. [Ord. 2018-002]
[Ord. 2021-023]



e. Retrofitting of Existing Developments

The retrofitting of existing developments to comply with the standards of this Section is permitted at a ratio of deletion of one parking space for each outdoor receptacle, not to exceed ten percent of the total required parking spaces.

9. Neighborhood Recreation Facility

A non-profit facility designed and intended for recreational use by occupants of a residential development or subdivision owned and operated by a POA or equivalent. Recreation facilities shall be subject to the following standards: [Ord. 2011-001] [Ord. 2013-001]

a. Property Development Regulations (PDRs)

- 1) PDRs shall be in accordance with the standards for a Recreation Pod in Table 3.E.2.D, PUD Property Development Regulations. [Ord. 2011-001]
- 2) PDRs for outdoor recreation amenities shall be in accordance with Art. 5.B.1.A.10, Outdoor Recreation Amenities. [Ord. 2013-001]

b. Parking

Parking shall be in accordance with Art. 6, Parking, Loading, and Circulation. [Ord. 2011-001] [Ord. 2020-001]

- 1) The POA or its equivalent shall be responsible for ensuring adequate on-site parking is provided during Special Events. [Ord. 2011-001]

c. Landscaping

Landscaping shall be in accordance with Art. 7, Landscaping, except that perimeter buffers shall not be required for golf course greens (excluding driving ranges or other recreation amenities) abutting internal streets or residential lots if approved by the BCC on a Preliminary Master Plan or Subdivision Plan. [Ord. 2011-001]

d. Additional Requirements for Standard Zoning Districts

In addition to the above, recreation facilities in a Standard Zoning District shall also comply with the following: [Ord. 2011-001]

- 1) Shall be subject to a Class A Conditional Use approval. [Ord. 2011-001]
- 2) Shall be located within the residential subdivision it serves; [Ord. 2011-001]
- 3) Shall not front on an Arterial or Collector Street; and, [Ord. 2011-001]
- 4) The Applicant shall provide documentation of ownership and management by the POA or an equivalent. [Ord. 2011-001]

Figure 5.B.1.A – Typical Recreational Facilities



10. Outdoor Recreation Amenities

An open-air amenity designed and intended to support recreation activities including but not limited to: basketball courts, tennis courts, playgrounds, and tot lots, excluding those uses regulated elsewhere such as Outdoor Entertainment. [Ord. 2013-001]

a. Principal and Accessory Use

1) Principal Use

Any outdoor recreation amenities owned and operated as a commercial enterprise or in combination with commercial recreation uses on the same property shall be considered a principal use subject to the PDRs of the applicable district. [Ord. 2011-001] [Ord. 2013-001] [Ord. 2021-006]

2) Accessory Use

Any outdoor recreation amenities operated by a non-profit assembly, social, civic organization, Property Owners' Association (POA), or resident of a dwelling unit shall be considered an accessory use. The accessory use shall be located on the same lot as the principal use except if operated by a residential POA. If operated by a POA, the accessory use shall be located within the boundaries of the development, or a Neighborhood Recreation Facility. [Ord. 2011-001] [Ord. 2013-001]

b. Setbacks

The following setbacks shall apply to outdoor recreation amenities and equipment, excluding swimming pools and spas, and shall be measured to the edge of the court surface or fence, whichever is more restrictive: [Ord. 2006-004] [Ord. 2011-001] [Ord. 2013-001] [Ord. 2014-001] [Ord. 2021-006]

1) Common Recreation Amenities

Outdoor recreation amenities operated by a non-profit assembly, social, civic organization, or Property Owners' Association (POA) on a community Recreation Pod, tract, or designated area, shall comply with the setbacks or separations pursuant to Table 5.B.1.A, Setbacks. [Ord. 2011-001] [Ord. 2013-001] [Ord. 2014-001] [Ord. 2021-006]

2) Residential Lot Recreation Equipment

Recreation equipment located on a residential lot with a Single Family, ZLL, Townhouse, Cottage Home, or Mobile Home Dwelling, which require issuance of a Building Permit shall comply with the setbacks in Table 5.B.1.A, Setbacks. [Ord. 2014-001] [Ord. 2021-006]

Table 5.B.1.A – Setbacks

Zoning	Setbacks (4)			
	Front	Side	Side Street	Rear
Residential Lot with a Residential Use	25'	7.5' (3)	15'	7.5' (3)
Recreation Pod, Tract, or Area ≥ 1 ac. (1)(2)	25' (5)	50' (R) 15' (C)	25' (5)	50' (R) 15' (C)
Recreation Pod, Tract, or Area ≥ 7,500 sq. ft. < 1 ac.	25' (5)	25' (R) 15' (C)	25' (5)	25' (R) 15' (C)
Recreation Pod, Tract, or Area < 7,500 sq. ft.	15'	15'	15'	15'
[Ord. 2011-001] [Ord. 2013-001] [Ord. 2014-001] [Ord. 2021-006]				
Notes:				
C	Indicates the setback if the lot is adjacent to a parcel with a non-residential zoning district, FLU, pod, or open space 50 feet or greater in width, and does not support a residential use. [Ord. 2021-006]			
R	Indicates the setback if the lot is adjacent to the residential use. [Ord. 2021-006]			
1.	Tennis courts with a valid Development Order approved prior to the adoption of setbacks for tennis courts permitted on other than residential lots shall be considered legally conforming. [Ord. 2011-001]			
2.	Golf course greens, excluding driving ranges, shall be exempt from these setbacks.			
3.	Setbacks for recreation amenities and equipment may be reduced to five feet on a residential lot with a Single Family, ZLL, Townhouse, Cottage Home (Single Unit on a Single Lot), or Mobile Home Dwelling, excluding the AR Zoning District. [Ord. 2014-001] [Ord. 2021-006]			
4.	The minimum separation between a recreation amenity to a Multifamily or CLF structure, or to the property line of an adjacent residential unit, shall correspond to the setback dimensions described above based on the size of the Recreation Pod, Tract, or Area. [Ord. 2021-006]			
5.	Setbacks may be reduced to 15 feet provided that the recreation amenity is located a minimum 50 feet from the nearest residential property line. A minimum 36-inch-high opaque hedge at the time of planting, shall be planted along the recreation amenity adjacent to the street, with the planting area being five feet in width and no easement overlap. [Ord. 2021-006]			

c. Standards for Swimming Pools and Spas

1) Setbacks

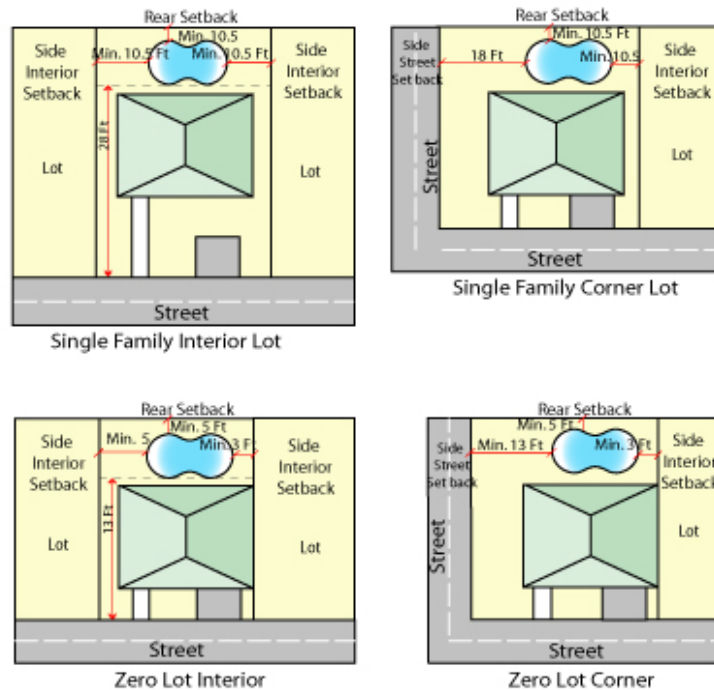
a) The following setbacks shall apply to pool and spas, and shall be measured to the water's edge:

Table 5.B.1.A – Pool/Spa Setbacks

Setbacks	Front	Side	Side Street	Rear
Single Family	28'	10.5'	18'	10.5'
Cottage Home (1)	20'	5'	12'	5'
ZLL	13'	3' – ZLL; 5' – Non-ZLL	13'	5'
Townhouse	13' – Parking tract; 28' – Street	3'	18'	5'
Multifamily	28'	18'	28'	15'
Neighborhood Recreation Facility < 1 ac.	25' setback or separation to the nearest residential lot line			
Neighborhood Recreation Facility ≥ 1 ac.	50' setback or separation to the nearest residential lot line			
[Ord. 2013-001] [Ord. 2018-018] [Ord. 2019-034]				
Notes:				
1.	Shall apply only to a Cottage Home that is on a single lot. [Ord. 2019-034]			

Figure 5.B.1.A – Pool Setbacks

Examples of Pool Setbacks



b) Exceptions

(1) Single Family Design Clusters

Single Family design clusters are a type of Single Family dwellings no longer permitted. Swimming pools and spas for projects with previously approved Single Family design clusters shall comply with the setbacks indicated on the PBC Site Plan. If setbacks are not indicated on Site Plan, setbacks for ZLL homes shall be applied.

(2) Single Family and ZLL Homes Adjacent to Open Space

Swimming pools or spas may be constructed with a three-foot rear or side interior setback if adjacent to dedicated open space 50 feet in width or greater. [Ord. 2013-001]

(3) Neighborhood Recreation Facility

Swimming pools or spas may be constructed with a ten-foot rear or side interior setback if adjacent to dedicated open space 50 feet in width or greater. [Ord. 2008-037] [Ord. 2013-001]

2) Building Coverage

Swimming pools and spas shall not be included in the building coverage calculation unless enclosed within a building or a screen enclosure with a solid roof.

3) Fencing, Screening, and Access

Swimming pools and spas shall be enclosed by a safety barrier, wall, fence, or other structure in accordance with the 2001 Florida Building Code, as amended. [Ord. 2005-002]

4) Common Area

The construction of private swimming pools and spas for individual dwelling units within a common area is prohibited, unless the swimming pools and spas were legally constructed prior to April 21, 1995. If 30 percent of the existing dwelling units in a pod or subdivision have existing legally constructed swimming pools or spas in the common area, the remaining dwelling units within the same pod or subdivision may construct a swimming pool or spa as shown on the Final Subdivision Plan or Final Site Plan. If the Final Subdivision Plan or Final Site Plan does not graphically depict the placement of swimming pools or spas in common area, application shall be made to DRO to amend the Final Subdivision Plan or Final Site Plan to depict the placement of the swimming pool or spa if in compliance with the following criteria:

a) Legally Permitted

The Applicant demonstrates that existing swimming pools and spas were legally permitted and constructed in common areas;

b) Joint Applicant

The POA or equivalent must be included as part of a Joint Applicant on the Building Permit application; [Ord. 2011-001]

c) Setbacks

The swimming pool or spa must comply with all setback requirements measured from the outer boundary of the common area or have a 15-foot separation from primary structures, whichever is greater;

d) Perimeter Landscape Area

Accessory structures and improvements shall not be permitted in a required perimeter landscape area;

e) Open Space

The entire development must continue to meet open space requirements;

f) Documents

The homeowners' documents shall be amended to include provisions that allow private use of the common area upon association approval; and,

g) Prohibitions

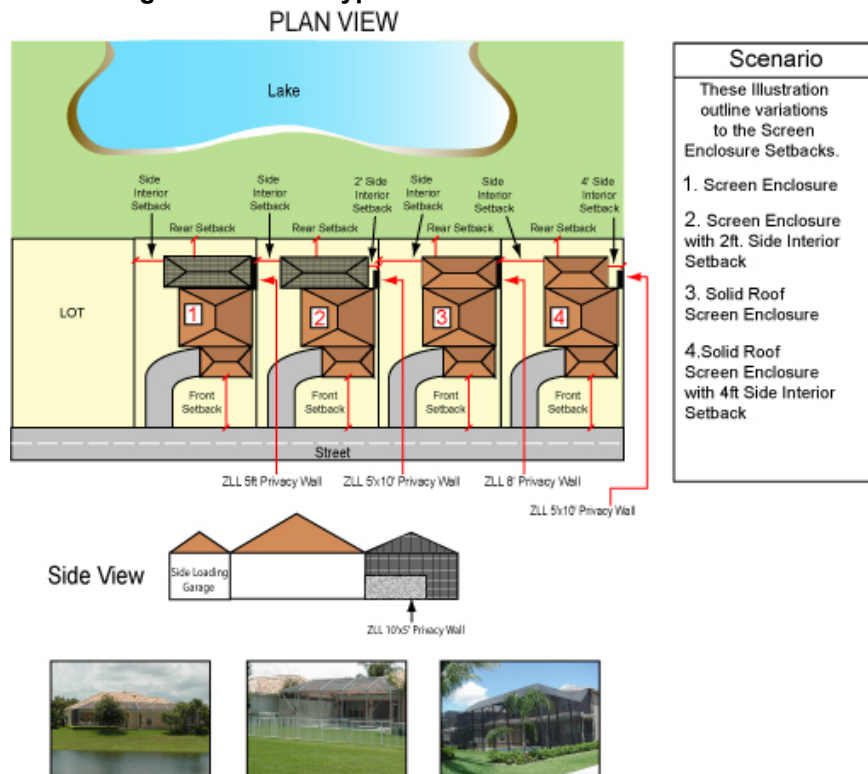
Swimming pools or spas shall not be permitted in a common area that is designed as a water management tract.

11. Screen Enclosures

a. General

Screen enclosures may be covered with a screened or solid roof, as follows:

Figure 5.B.1.A – Typical Screen Enclosure Setbacks



b. Setbacks for Screen Enclosures with Screened Roofs

Setbacks for screen enclosures with screen roofs shall be measured as specified in the Table below:

Table 5.B.1.A – Screen Enclosure Setbacks

Setback	Front	Side Interior	Side Street	Rear
Single Family	25'	7.5'	15'	7.5'
Cottage Home (1)	20'	2'	10'	2'
Multifamily	25'	15'	25'	12'
ZLL				
Interior Lot	10' – Parking tract; 25' – R-O-W	0' – ZLL; 2' – Non-ZLL	N/A	2'
Corner Lot		0'	10'	
Side Street Home		2'	10'	
Townhouse	Front (Setback)	Side (Setback/Separation)	Side Street (Setback)	Rear (Setback/Separation)
Property Line	10' – Parking tract; 25' – R-O-W	0'	3' – Property line; 15' – Street	0'
From Inside Edge of Landscape Buffer, PUD, or Tract Boundary		15'	15'	15'
Separation Between Groups		15'	N/A	15'
Recreation Parcels	Front	Side	Side Street	Rear
Property Line	25'	20'	20'	20'
[Ord. 2013-001] [Ord. 2018-018] [Ord. 2019-034]				
Notes:				
1.	Shall apply only to a Cottage Home that is on a single lot. [Ord. 2019-034]			

1) Exceptions

a) Single Family Design Clusters

Single Family design clusters are a type of Single Family dwellings no longer permitted. Screen enclosures with screen roofs for projects with previously approved Single Family design clusters shall comply with the setback indicated on the approved Site Plan. If setbacks are not indicated on an approved plan, setbacks for ZLL homes shall be applied.

b) Single Family and ZLL Homes Adjacent to Open Space

Screen enclosures with a screen roof may be constructed with zero-foot rear or side interior setbacks in accordance with Art. 3.D.1.D.4.a, Open Space. [Ord. 2008-037]

c) Recreation Facilities

Screen enclosures may be constructed with a minimum of seven-foot rear or side setback if adjacent to dedicated open space 50 feet in width or greater.

2) Townhouses

- Setbacks are required to be in compliance with the Townhouse standards of Art. 3.D.2.A, Townhouse;
- Screen enclosure shall maintain a minimum separation between other screen enclosures or the principal structure of Townhouse groups, as specified in Table 5.B.1.A, Screen Enclosure Setbacks;
- Separations between two Townhouse groups shall be measured by drawing a centerline between the two adjacent groups and measuring a minimum distance of equal to one-half of the required separation from the centerline between structures to ensure an equidistant separation; and,
- Screen enclosures for Townhouses may cover 100 percent of the total lot area provided minimum separations between Townhouse groups are met.

3) ZLL Developments

A minimum five-foot-high opaque privacy fence or wall shall be provided on the zero side of ZLL extending from the rear of the structure to the rear corner of the screen enclosure. The screen enclosure may be attached to the fence or wall. The wall shall be constructed of materials consistent with Art. 3.D.2.B.3.d, Privacy Walls or Fences. A screen enclosure which is not attached to the privacy wall shall be set back a minimum of two feet from the ZLL side.

- 4) **Building Coverage**
Screen enclosures with screen roofs shall not be included in the building coverage calculation.
- 5) **Maximum Allowable Size**
Screen enclosures shall be permitted to cover a maximum of 30 percent of the total lot area, except for Townhouses.
- 6) **Height**
The height of the screen enclosure shall not exceed the height of the home to which it is attached.
- 7) **Screen Enclosures within Common Areas of a Residential Development**
See procedures under Art. 5.B.1.A.10.c.4), Common Area.
- c. **Screen Enclosures with Solid Roofs**
 - 1) **Setbacks**
Screen enclosures with a solid roof shall meet the minimum setbacks of the principal use of the lot.
 - 2) **Special Townhouse Provisions**
If the roof of the enclosure is solid, there shall be a minimum eight-foot-high wall on the shared lot line extending from the dwelling to the rear corner of the portion of the enclosure that is roofed. The wall shall be fire-rated in accordance with applicable Building Codes. The screen enclosure may be attached to the masonry wall.
 - 3) **Height**
The height of the screen enclosure with a solid roof shall not exceed the height of the dwelling unit to which it is attached.
 - 4) **Screen Enclosures with Solid Roofs within Common Areas of Residential Developments**
See procedures under Art. 5.B.1.A.10.c.4), Common Area.
 - 5) **ZLL Setback**
A screen enclosure which is not attached to the privacy wall shall be set back a minimum of four feet from the ZLL side.

12. Communication Antennas

A transmitting and/or receiving device used for AM/FM radio, television, microwave, telephone, cellular, personal wireless services, and related forms of electronic communications. This excludes amateur radio antennas and satellite dish antennas. [Ord. 2017-007]

a. Applicability

Unless an eligible facilities request for a modification is approved pursuant to Art. 4.B.9.E, Eligible Facilities Request for Modification, these standards below shall apply to antennas mounted on roofs, or attached to buildings or legal billboards (collocations). [Ord. 2006-004] [Ord. 2017-007]

b. Review Process

- 1) Antennas, excluding whip antennas not exceeding eight feet in height and six inches in diameter, may be permitted and shall be reviewed as follows: [Ord. 2017-007]

Table 5.B.1.A – Antenna Review Process

Structure Height	Zoning District or Use			
	Single Family Residential	Multifamily Residential	IG, IL, PO Zoning Districts	All Other Non-Residential Zoning Districts
< 25'	Not permitted	Not permitted	Building Permit review	Not permitted
25-45'	Development Review Officer	Development Review Officer	Building Permit review	Development Review Officer
> 45'	Class B Conditional Use	Building Permit review	Building Permit review	Building Permit review

[Ord. 2017-007]

2) Building Permit

A Building Permit shall be required for the installation of all antennas in addition to any other review process. [Ord. 2017-007]

c. Architectural Compatibility

Demonstrate architectural compatibility (color and/or texture) with the structure on which it is located. [Ord. 2017-007]

d. Screening

If the antenna is attached to a pole support structure, the pole shall be concealed by an opaque screen. [Ord. 2017-007]

e. Size Limitations for Panel Antenna

Each panel shall not exceed a maximum height of eight feet; maximum depth of four feet; and, maximum width of four feet. [Ord. 2017-007]

f. Supplemental Application Requirements

In addition to the requirements indicated above, plans depicting cross sections or elevations of the panel attached to the structure shall be provided at the time of submittal of the application package. [Ord. 2017-007]

g. Setbacks

1) Accessory Structures

Roof-mounted accessory structures shall meet a minimum 25-foot setback from the edge of the roof or comply with the architectural compatibility standards pursuant to Art. 5.B.1.A.12.c, Architectural Compatibility. [Ord. 2017-007]

2) There shall be no minimum setback required for antennas. [Ord. 2017-007]

h. Whip Antennas

Whip antennas not exceeding eight feet in height and six inches in diameter shall be permitted in any zoning district. Whip antennas may be attached to residential structures, utility poles, etc. Whip antennas, unless attached to a residential structure, shall be installed at least 50 feet from any existing residential structure. [Ord. 2017-007]

13. Accessory Radio Tower

A radio tower for non-commercial electronic communication purposes may be permitted as an accessory structure to civic, institutional, recreational, and agricultural uses subject to the following standards:

a. Height

The radio tower shall not exceed 100 feet in height from ground level; and

b. Setbacks

An accessory radio tower shall be set back a distance equal to the height of the tower. The radio tower shall be located in such a manner that it will not fall on any power line.

c. Exceptions for SFWMD Telemetry Towers in the Glades Tier

SFWMD telemetry towers may be considered an accessory use within the Glades Tier, subject to the following: [Ord. 2014-025]

1) DRO approval of an FSP; [Ord. 2014-025]

2) Located on parcels owned by the SFWMD or leased from the Board of Trustees of the Internal Improvement Trust Fund (TIITF) of the State of Florida; [Ord. 2014-025]

3) Height may exceed 80 feet; [Ord. 2014-025]

4) The DRO may approve setback reductions for property lines or lease tracts within parcels owned by the SFWMD or TIITF, when it is demonstrated to DRO that the tower will collapse within the property or the adjoining parcels owned by the SFWMD or TIITF. [Ord. 2014-025]

5) If located within the USA of the Glades Tier, rezoning for consistency with the parcel's FLU designation shall not be required. [Ord. 2014-025]

14. Government-Owned Towers

The following regulations shall be applicable to Government-Owned Towers providing governmental services, including but not limited to emergency services. [Ord. 2018-002]

a. New or modification of towers 100 feet or less in height, may be Permitted by Right in any zoning district, provided the setbacks, separation, and distance between towers is at least 100 percent of the tower height, unless stated otherwise. All government towers in excess of 100 feet in height shall be subject to the standards in Table 5.B.1.A, Antenna Review Process. [Ord. 2018-002]

b. Government-Owned Towers that do or will support commercial antennas shall be subject to the approval and Supplementary Use Standards pursuant to Art. 4.B.9 Commercial Communication Towers. [Ord. 2018-002]

Table 5.B.1.A – New, Modified, or Relocated Government Towers Related to an Emergency (1)

Improvement	Tower Height	Approval Process (2)	Regulations
New Tower	Towers ≤ 100' in height that do not comply with Art. 5.B.1.A.14.a, above	BCC hearing (3)	(5)
	Towers > 100'	Subject to approval in the Use Matrix of Art. 4.B.9, Commercial Communication Towers (4)	Setbacks, separation, and distance between towers are at least 100 percent of the tower height. (5)
Modification	Towers > 100'	Permitted by Right	• Tower height, base station, and location are the same as in the original approval; or • Subject to the limitations in Art. 4.B.9.E, Eligible Facilities Request for Modification; or • Stealth or Monopole Towers shall comply with the limitations in Art. 4.B.9.D.1.e.1), Stealth; or • Modifications of the tower requires relocation of the tower on the same parcel and the setbacks, separation, and distance between towers are at least 100 percent of the tower height.
		BCC hearing (3)	Modification of towers, not subject to the limitations in Art. 4.B.9.E, Eligible Facilities Request for Modification, resulting in setbacks, separation, and distance between towers less than 100 percent of the tower height. (5)
[Ord. 2018-002]			
Notes:			
1.	As defined in Art. 1.H.2.E.15, Emergency. [Ord. 2018-002]		
2.	Applications subject to public hearing shall comply with and be limited to only the notification requirements in Art. 2.B.5.B, Public Notice and Art. 2.B.5.D, Signs. [Ord. 2018-002]		
3.	For government entities other than Palm Beach County, coordination shall be undertaken with the County's Facilities Development and Operation Department (FDO) for placement on the next available BCC meeting or hearing following receipt of a sufficient written request and fulfillment of required public notification. [Ord. 2018-002]		
4.	A government agency looking to locate a tower in a prohibited zoning district per Table 4.B.9.A, Commercial Communication Towers Matrix, may request BCC approval of the tower as an emergency conditional approval provided that: [Ord. 2018-002] • There are no properties owned by that government agency that are available within the defined service area in the zoning districts where towers are allowed; [Ord. 2018-002] • The tower is the minimum necessary to protect the public health, safety, or welfare of PBC residents; and, [Ord. 2018-002] • The Applicant makes a presentation to the BCC at a scheduled meeting or hearing on the merits of the request. [Ord. 2018-002]		
5.	Setbacks, separation, or distance between towers may be reduced or exempted by the BCC based on findings of fact, including but not limited to: [Ord. 2018-002] • Demonstrate that the tower is the minimum necessary to maintain the level of service to protect the public health, safety, or welfare of PBC residents. [Ord. 2018-002] • Setbacks, separation, and distance between towers are the minimum necessary to protect adjacent uses and structures. [Ord. 2018-002] • All setbacks less than 100 percent of the tower height shall be substantiated by a Registered Engineer in the State of Florida certifying breakpoint calculations. The breakpoint calculations shall confirm that should tower failure occur, the failed portion of the tower shall fall within the property where the tower is located on. [Ord. 2018-002]		

Table 5.B.1.A – New, Modified, or Relocated Government Towers Not Subject to an Emergency

Improvement	Height or Base Station Area	Approval Process	Regulations
New Tower	≥ 101' of any tower type	Subject to the provisions in Art. 4.B.9, Commercial Communication Towers (1)	
Modification	Tower height, base station area, and location are the same as in the original approval	Permitted by Right	Consistent with the original approval.
	Modification to tower location	Permitted by Right	Replacement of towers, subject to Art. 4.B.9.G.2, Replacement.
	Modifications to the tower height, base station area, and/or location other than above		Setbacks, separation, and distance between towers are at least 100 percent of the tower height.
			Subject to the limitations in Art. 4.B.9.E, Eligible Facilities Request for Modification
			Stealth or Monopole Tower comply with the limitations in Art. 4.B.9.D.1.e.1), Stealth
		All other towers subject to Art. 4.B.9.G.3, Tower Height Increases	
		BCC hearing	All other dimensions not noted above shall comply with Art. 4.B.9.H.5, Type 2 Waiver from Required Dimensional Criteria.
[Ord. 2018-002]			
Notes:			
1.	A government agency proposing to locate a tower in a prohibited zoning district per Table 4.B.9.A, Commercial Communication Towers Matrix, may request approval of the tower as a Class A Conditional Use. [Ord. 2018-002]		

15. Amateur Radio and Television Antennas

a. Purpose and Intent

The purpose and intent of this Section is to provide for the safe and effective installation and operation of amateur radio, citizens band radio, and television antenna support structures, and the beam, satellite, or other antennas installed on those support structures. It is also the purpose and intent of this Section to provide for a reasonable accommodation of amateur radio communications, in accordance with 47 CFR 95 and 97, while reflecting PBC's legitimate interest of protecting and promoting the health, safety, welfare, neighborhood aesthetics, and morals of its citizens.

b. Applicability

All amateur and citizens band radio and television transmission and receiving antennas, including satellite dish antennas, shall be governed by the standards of this Section.

c. Antennas and Antenna Support Structures

All antenna support structures and the beam, satellite, or other antenna installed on those antenna support structures, shall be considered accessory uses, allowed only in conjunction with a Single Family dwelling, and shall comply with this Section and Art. 16, Airport Regulations.

d. Use Approval

1) Existing Uses

All antenna support structures and the beam, satellite, or other antennas installed on these support structures which have been constructed, installed, and are operational as of February 1, 1990, shall be considered legal, non-conforming uses which are vested.

2) New Uses

Antenna support structures and their antennas shall be permitted as accessory uses to residential uses and be reviewed and approved as provided below:

a) All Lots

A maximum of two antenna support structures and their antennas, 40 feet or less in height, shall be permitted on any lot. Two additional antenna support structures and their antennas shall be allowed, one to a maximum of 75 feet in height, and the second to a maximum of 100 feet in height. Additional support structures or structures that exceed these height limitations shall require a Class B Conditional Use approval.

b) Permits

All applicable permits shall be obtained.

e. Standards

1) Base Size

The base dimension for each antenna support structure shall be limited to a maximum five feet in overall width at grade. The foundation for each antenna support structure shall be no more than one foot above grade.

2) Setbacks

a) Antenna Support Structure

(1) Location

Antenna support structures shall not be located in the front setback.

(2) Lots Less than One Acre

Antenna support structures shall be located to comply with the district setback standards or a minimum of 25 feet, as measured from the center of the support structure, whichever is greater.

(3) Lots on One Acre or More

Antenna support structures shall be located to comply with the greater of the following:

- (a) The minimum district setback standards as measured from the center of the support structure;
- (b) 25-foot setback for support structures and their antennas less than 75 feet in height; or,
- (c) A setback of 50 percent of the height of the support structure and its antenna equal to or greater than 75 feet in height.

(4) All Lots

Antenna support structures shall be located on the property so as to provide adequate setbacks from above-ground utility power lines other than Applicant's service lines as follows:

- (a) Set back a minimum distance equal to 50 percent of the height as calculated from grade to the highest point of the antenna support structure and its antenna; or
- (b) The owner shall submit a breakpoint calculation certified by a Professional

Engineer, or the owner shall submit the manufacturer's specifications that demonstrate a clear fall radius.

f. Antennas

In addition to complying with the setback standards, beam array, satellite, or other antennas shall be mounted so as to provide for removal at approach of hurricanes, if necessary, or provide for the lowering of such beam. The antenna or any element thereof shall be set back a minimum of ten feet from all R-O-Ws, easements, or property under different ownership.

g. Anchors

All peripheral anchors shall be located entirely within the boundaries of the property. If said supports and anchors are closer than five feet to property under different ownership, and if such support or anchor extends greater than three feet above the ground, it shall be effectively screened against direct view from abutting properties and shall extend no greater than six feet above ground.

16. Satellite Dish Antennas

a. Applicability

All satellite dish antennas shall be governed by the standards of this Section unless exempted below or regulated as part of an amateur radio antenna.

1) Exemptions

a) Residential Uses

Satellite dish antennas 40 inches or less in diameter shall be exempt from these requirements.

b) Non-Residential Uses

Satellite dish antennas under 80 inches in diameter shall be exempt from these requirements.

b. Standards

1) Residential Uses

a) Number

A maximum of one satellite dish antenna over 40 inches in diameter shall be allowed on a residential lot.

b) Location and Setbacks

Satellite dish antennas shall be mounted on the wall, ground, or a support structure in the side or rear yard and shall not be located on a wall facing the front property line or within an easement.

(1) Setbacks

Satellite dish antennas shall meet setback requirements of the district as measured from the outermost point of the dish on the side closest to the applicable setback or property line.

c) Screening

Satellite dish antennas, if located in the side or rear yard, shall be screened by an opaque fence or hedge.

d) Height

Satellite dish antennas shall not exceed the height limitations of the district.

2) Non-Residential Uses

a) Number

No limitation.

b) Location and Setbacks

Satellite dish antennas shall be wall, roof, or ground mounted, and shall not be located in the front or side corner yard.

(1) Setbacks

Satellite dish antennas shall meet setback requirements of the district as measured from the outermost point of the dish on the side closest to the applicable setback or property line.

c) Screening

Satellite dish antennas shall be completely screened from adjacent residential districts by an opaque wall (including parapet walls), fence, or hedge, or combination thereof, pursuant to Art. 5.B.1.A.2, Fences and Walls and Art. 7.D.4.A, Hedges.

17. Neighborhood Commercial Development (NCD)

a. General

It is the purpose of this Section to allow a limited amount of commercial uses in certain residential developments which developed prior to the establishment of planned development regulations in Ordinance No. 73-2 (1973). Residential developments which meet the criteria in this Section will be allowed a limited amount of commercial area within the project without Rezoning to a Planned Development District. It is the purpose of this Section to allow limited neighborhood-serving commercial uses in residential areas under the control of an HOA without a commercial FLU designation or rezoning to a commercial district.

b. Procedure

Residential developments which meet the criteria in this Section may create a Master Plan showing existing development and the proposed commercial area. The area shall be subject to approval as a Class A Conditional Use.

c. Criteria

1) Property Owners' Association (POA)

The application for a NCD shall be submitted by an HOA under the control of the residents.

2) Minimum Threshold

The HOA must contain a minimum of 500 units.

3) Location

The NCD shall meet the location criteria for a Commercial Pod in a PUD in Art. 3.E.2, Planned Unit Development (PUD).

4) Number

A maximum of one NCD shall be permitted for each HOA.

5) Size

A NCD shall not exceed three acres in area.

6) Limitation

Uses shall be limited to the regulations of the CN district, excluding Real Estate Sales Offices.
[Ord. 2005-041]

18. Bike Racks

a. Number of Bikes

Each bike rack shall accommodate a minimum of five bikes.

b. Multifamily Uses

Multifamily projects with more than 100 units shall provide one bike rack per 50 units.

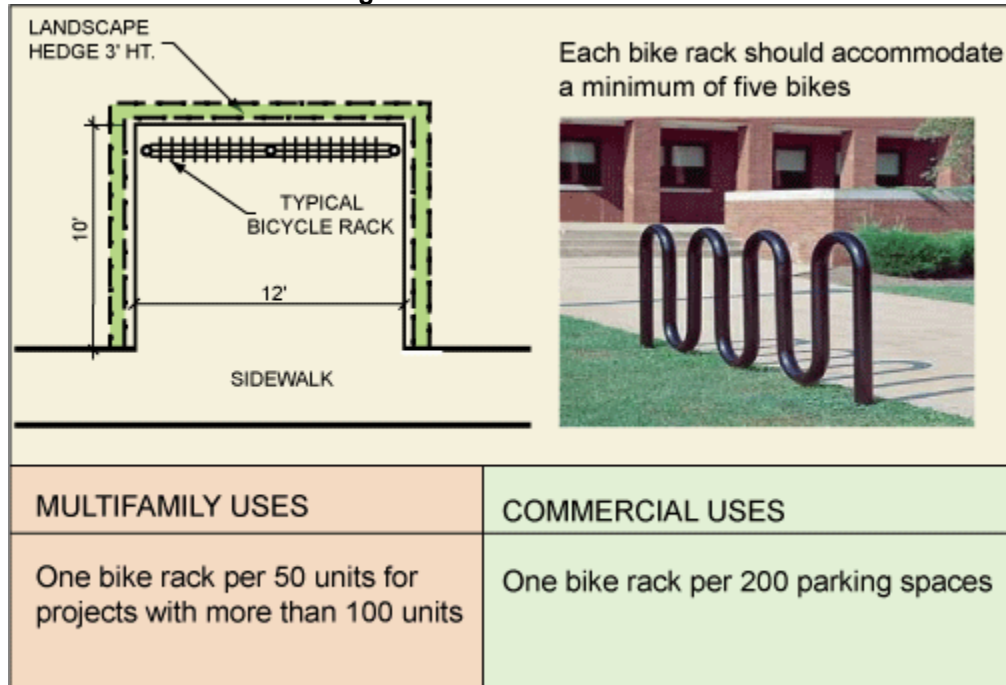
c. Commercial Uses

All commercial projects subject to Site Plan approval by the DRO shall provide one bike rack per 200 parking spaces.

d. Recreation Pod or Neighborhood Recreation Facility

Shall provide a minimum of one bike rack. [Ord. 2020-001]

Figure 5.B.1.A – Bike Racks



19. Permanent Generators

a. Applicability

1) Permitted Use

Use of permanent generators shall be permitted during periods of electrical power outages in utility systems maintained by the utility service provider or when the BCC declares a State of Emergency. [Ord. 2006-004] [Ord. 2007-013]

2) CLFs, Clubhouses, and Skilled Nursing or Residential Treatment Facilities

A permanent emergency generator or alternative power source shall be required for all assisted living facilities, excluding personal residences (owner occupied) used as an assisted living facility for five or fewer residents, nursing homes, intermediate care facilities for people with developmental disabilities, or transitional living facilities for brain and spinal cord injury patients, pursuant to F.S. § 400.492 and Rule 59A-8.027, F.A.C., and PDD or TDD clubhouses 20,000 square feet, or greater. [Ord. 2006-004] [Ord. 2007-013] [Ord. 2021-022]

a) Exemptions

- (1) Developments that have a BCC or DRO-approved plan that graphically indicates a clubhouse(s) shall be exempt from the generator requirement except for projects that exceed 75 percent or more of the Improvement Value as stated below. [Ord. 2007-013] [Ord. 2013-001]
- (2) Renovations or additions that do not exceed 75 percent or more of the Improvement Value may be exempt from these requirements. [Ord. 2007-013] [Ord. 2011-016]
- (3) A PDD or TDD clubhouse located in the Coastal High Hazard Area as defined by the Plan, shall be exempt from this requirement. [Ord. 2007-013]
- (4) A PDD or TDD that has one or more clubhouses with a generator meeting the requirements of this Section, shall be exempt for any other remaining clubhouses within the development. [Ord. 2007-013]

b. Standards

1) General

The following standards shall apply to all permanently installed generators. [Ord. 2006-004]

a) Maximum Permissible Sound Level

Refer to Art. 5.E.4.B.2, and Table 5.E.4.B, Maximum Sound Levels. [Ord. 2006-004]

b) Screening

Generators that are not located within, or completely screened by a building, shall be screened from view when adjacent to or visible from a public R-O-W or parcels with a conservation or residential FLU designation or use. Screening may include the use of fences, walls or hedges, or a combination thereof. [Ord. 2006-004]

c) Maintenance Cycle

Generators may be operated for exercising purposes one time per week, excluding Sundays, for a period not exceeding 30 minutes between the hours of 10:00 a.m. to 5:00 p.m. [Ord. 2006-004]

d) Location and Setbacks

Generators shall meet the district setback requirements for principal structures, but shall not be located between the front or side street façade of a building and a R-O-W or in an easement, unless: [Ord. 2006-004] [Ord. 2007-001]

(1) Encroachment is limited to ten percent of setback; [Ord. 2007-001]

(2) Where applicable, the Applicant indicates that an HOA has been notified of the application for Building Permit; [Ord. 2007-001]

(3) The generator shall be screened from view from any public rights-of-way or adjacent property lines by an opaque fence/wall; and, [Ord. 2007-001]

(4) If this criteria cannot be met, the Applicant may apply for a Type 1 Variance, pursuant to Art. 2.C.5.F, Type 1 Variance. [Ord. 2007-001]

2) Residential

The following shall be applicable to Art. 4.B.1, Residential Uses: [Ord. 2006-004] [Ord. 2024-020]

a) Number

A maximum of one generator shall be allowed on a lot with a single dwelling unit. A maximum of one generator per structure shall be permitted for Multifamily developments, with exception to condominiums, which shall be permitted one generator per unit. [Ord. 2006-004] [Ord. 2024-020]

b) Generator Setback Exceptions

Generators less than five feet in height measured from the top of the supporting platform may be allowed within the required side and rear setbacks. The generator rear and side setbacks shall be a minimum of five feet. For SFDs and residential uses within a SFD, the generator side setback shall be a minimum of three feet, and rear setback shall be a minimum of five feet. [Ord. 2006-004] [Ord. 2024-020]

3) CLFs, PUD Clubhouses, Skilled Nursing or Residential Treatment Facilities, and Other Uses Referenced in Article 5.B.1.A.19.a.2)

Required generators or alternative power source shall have a minimum operating capacity to provide service for the following: [Ord. 2006-004] [Ord. 2021-022]

a) Essential Functions

Essential electrical systems within the building, including but not limited to, exit lighting, emergency lighting, elevators, fire alarm system, bathroom exhaust fans, and, bathroom hot water heaters. [Ord. 2006-004]

b) General Lighting

Lighting for a minimum of 30 percent of the building's GFA, including but not limited to, main meeting or gathering area, hallways, and bathrooms. [Ord. 2006-004]

c) Multi-Purpose Room

Air conditioning for 30 percent of the building's GFA including the largest meeting or gathering room. [Ord. 2006-004]

d) Fuel Storage

Sufficient to operate the generator for the minimum of 72 hours at the full load capacity. [Ord. 2006-004]

4) Non-Residential

There is no limitation to the number of generators. [Ord. 2006-004]

20. Mechanical Equipment

a. Applicability

This Section shall apply to the installation of improvements associated with mechanical equipment. [Ord. 2008-037]

1) Location and Setbacks

a) Setback Exceptions

Setback exceptions shall be applied pursuant to Art. 3.D.1.D.5, Setback Exceptions. [Ord. 2008-037]

b) Height Exceptions

Height exceptions shall be applied pursuant to Art. 3.D.1.E.4, Height Exceptions. [Ord. 2008-037]

2) Screening Requirements

- a) New and replacement equipment, shall be screened on all sides by an opaque barrier constructed of materials, and color compatible with the building or structure, or equivalent landscaping for ground-mounted equipment, to a minimum height equal to the highest point of the equipment. [Ord. 2006-004] [Ord. 2008-037] [Ord. 2011-016]

b) Exemption

- (1) Screening shall not be required for roof-mounted mechanical equipment for the following: [Ord. 2006-004] [Ord. 2011-016] [Ord. 2019-005]
 - (a) if the equipment is less than one foot in height, measured from the roof deck, and is painted to match the color of the structure it is attached to or servicing; [Ord. 2006-004] [Ord. 2008-037] [Ord. 2011-016]
 - (b) for any industrial use with an industrial FLU designation if adjacent to a parcel with an industrial use and industrial FLU designation; [Ord. 2011-016] [Ord. 2019-005]
 - (c) if an existing roof cannot structurally support additional weight associated with required screening materials. A certified letter, from a structural Engineer or Architect registered in the State of Florida, shall be submitted with the applicable permit substantiating that the roof cannot support the additional weight; or, [Ord. 2008-037] [Ord. 2011-016]
 - (d) for any industrial use with an industrial FLU designation if the equipment cannot be viewed from an adjacent R-O-W. A line of sight plan prepared in accordance with Art. 5.C.1.G.2, Line of Sight Analysis, shall be submitted with the applicable permit demonstrating that equipment cannot be viewed from the adjacent R-O-W. [Ord. 2011-016] [Ord. 2012-027] [Ord. 2019-005]

c) Screening Exemptions

(1) Solar Energy Systems

Solar Energy Systems, including Solar Trees, are exempt from the screening requirements. [Ord. 2014-001] [Ord. 2017-025]

(2) Existing Multifamily Condominium

Replacement of roof-mounted mechanical equipment located on a Multifamily condominium may be exempt from new screening requirements, subject to the following: [Ord. 2015-006] [Ord. 2017-025]

- (a) Shall not be relocated closer to the edge of a roof, with exception to the minimum necessary to accommodate current technology requiring larger equipment, such as a heat pump or high-efficiency air compressor; and [Ord. 2015-006]
- (b) Increase in height shall only be permitted to accommodate elevated stands required to comply with the Building Code or upon demonstration that replacement equipment is larger due to current technology. [Ord. 2015-006]

21. Livestock

a. Standards of Approval

Domesticated livestock shall be allowed accessory to a Single Family residential use on lots a minimum of one acre. [Ord. 2012-027] [Ord. 2023-009]

22. Pot Bellied Pigs

Pot bellied pigs may be kept as pets in a Single Family or Zero Lot Line Home, subject to the following: [Ord. 2013-001]

a. Maximum Number

No more than two pot bellied pigs per household are allowed. [Ord. 2013-001]

b. Residence

Pot bellied pigs shall reside within the residence (Single Family or ZLL Home) of its owner. [Ord. 2013-001]

c. Limitations

The commercial care, boarding or grooming, and the breeding of domesticated miniature or pot bellied pigs is prohibited. [Ord. 2013-001]

23. Mobile Home

The use of a Mobile Home shall be prohibited unless stated otherwise in Art. 4, Use Regulations and this Article. [Ord. 2017-007]

Table 5.B.1.A – Mobile Home (1) Applicability

Dwelling Unit	Structure
MHPD or Existing Approved Mobile Home Park (2)	Accessory to Bona Fide Agriculture (2)
	Farm Workers Quarters (2)
	Caretaker Quarters (2)
	Watchman Trailer (3)
	While Constructing a SF Dwelling (3)
[Ord. 2017-007]	
Notes:	
1.	Mobile Home shall not be used for storage or display.
2.	Supplementary Use Standards are indicated in Art. 4, Use Regulations.
3.	Specific regulations are stated in this Article.

24. Air Curtain Incinerator

A combustion device used to burn trees and brush. [Ord. 2017-007]

a. Standards

1) Exemptions

The following temporary air curtain incinerators are exempt from the requirements of this Section: incinerators operating under written approval from the PBC Health Department in accordance with the "Palm Beach County Open Burning Ordinance" (Ordinance No. 2005-020); and incinerators used for the emergency burning of storm-generated debris by a Local Government. [Ord. 2006-004] [Ord. 2017-007]

2) Storage

Except in the AP Zoning District, on-site outdoor storage of unprocessed material shall be limited to 45 days. Pile height shall be limited to 15 feet. Outdoor storage shall be set back a minimum of 25 feet from any property line or 50 feet from any property line adjacent to a residential district or use. Storage areas shall be screened from view pursuant to this Chapter. [Ord. 2006-004] [Ord. 2017-007]

3) Hours of Operation

Hours of operation are limited to 8:00 a.m. to 5:00 p.m., Monday through Friday. The incinerator shall not be charged before 9:00 a.m. and shall be completely extinguished one hour before sunset. [Ord. 2006-004] [Ord. 2017-007]

4) No Burn Days

The incinerator shall not operate on "no burn days" as designated by the PBC Fire Rescue Department. [Ord. 2006-004] [Ord. 2017-007]

5) Setback

The incinerator shall be set back a minimum of 1,200 feet from any property line abutting a residential district or use. [Ord. 2006-004] [Ord. 2017-007]

b. Supplemental Application Requirements

1) Site Plan

A Site Plan illustrating how the operation functions; circulation routes; and, square footage, height, and location of buildings, incinerator, and storage piles. [Ord. 2017-007]

2) Waste

An explanation of the quantity of waste to be received expressed in cubic yards per day or tons per day. [Ord. 2017-007]

3) Dust Control

A plan which addresses dust control in traffic, storage, and processing areas. Dust control measures may include: additional setbacks, full or partial enclosure of air curtain incinerator, and watering or enclosing storage piles. If facility with an air curtain incinerator also includes chipping, mulching, or composting, adherence to the Supplementary Use Standards applicable to such use shall also be required. [Ord. 2017-007]

25. Air Stripper

A remedial system which treats contaminated groundwater. [Ord. 2017-007]

a. Duration

The length of time a remedial system may remain on a site shall be determined by ERM. [Ord. 2017-007]

b. Setback

If the Applicant is unable to meet the property development regulations, in lieu of a Variance, the Zoning Division shall be authorized to determine the location of the structure and set necessary conditions for landscaping and screening. [Ord. 2017-007]

26. Kennels and Runs

Runs applicable to any Kennel use shall be subject to the following:

a. Fences

Safety fences around the outdoor runs shall not exceed six feet in height. [Ord. 2017-007]

b. Hedge

If the safety fence is not opaque, a continuous solid opaque hedge, a minimum of four feet at installation, shall be provided around the outdoor run. [Ord. 2017-007]

c. Setbacks

1) General

- a) Enclosed structures or enclosed runs shall comply with the minimum setbacks applicable to the principal dwelling unit. [Ord. 2006-036] [Ord. 2017-007]
- b) Outdoor runs or non-enclosed structures shall not be located within 25 feet of any property line. [Ord. 2006-036] [Ord. 2017-007]

2) Hobby Breeders

Outdoor runs or non-enclosed structures used by hobby breeders shall not be located within 50 feet of any property line adjacent to a residential district or 25 feet of any property line adjacent to a non-residential district. [Ord. 2006-036] [Ord. 2017-007]

d. Guard Dog Shelter Exemption

Adequate shelter required by ACC for any guard dog registered in accordance with ACC Ordinance No. 98-22 may be allowed in any zoning district. A shelter for a permanent on-site guard dog, associated with guard duty, shall be exempt from the setback requirements of this Section when adjacent to non-residential zoning districts or uses. [Ord. 2008-036] [Ord. 2017-007]

27. Accessory Solar Energy Systems

Accessory Solar Energy Systems may be allowed as an accessory use, subject to the following: [Ord. 2017-025]

a. Incidental and Subordinate

Applications for the installation of an accessory Solar Energy System shall include documentation from the manufacturer, architect, engineer, or contractor performing installation, verifying the system is the maximum necessary to meet on-site energy usage. This limitation does not prohibit the use of net metering where permitted. [Ord. 2017-025]

b. Collocation with Buildings

Solar Energy Systems are classified as mechanical equipment, and may be placed on principal or accessory buildings, including those permitted within a front or side street yard. [Ord. 2017-025]

c. Standards for Other Structures

Solar Energy Systems installed on other structures shall be limited to the side or rear yard in accordance with the Standards of this Chapter, except as follows: [Ord. 2017-025]

1) Exception

Where the conditions of the side or rear yard prohibit installation, a Solar Energy System may be installed in the front or side street yard, subject to the following: [Ord. 2017-025]

- a) Structures greater than six feet in height shall meet the minimum setbacks for the district. Structures less than six feet in height may be permitted within required setbacks, but in no case shall the system be located within 25 feet of the property line; and [Ord. 2017-025]
- b) The system is completely screened from view from any other parcel or R-O-W through use of landscaping, fences, or walls. [Ord. 2017-025]

2) Solar Trees

A Solar Energy System installed on a structure intended to provide shade, provide for public art, or other similar function, may be allowed provided that the structure complies with setbacks, does not adversely impact any required or preserved landscaping, be placed so as to conflict with any vehicular or pedestrian circulation system, nor shade more than ten percent of any Open Space area. [Ord. 2017-025]

3) Associated Solar – with Mechanical Structures

Where used to power electric gates, environmental monitoring stations, street lights, or other similar, provided the solar panel does not exceed a maximum of four square feet, and all electrical cables or equipment are hidden within the structure. [Ord. 2017-025]

d. Incorporation of Solar in Vehicular and Pedestrian Surfaces

The incorporation of Solar Energy Systems into any parking lot, sidewalk, bike path, or similar surface, shall be exempt from any setback or front or side street yard limitation. [Ord. 2017-025]

B. Government or Utility Emergency or Temporary Structures

This Section is intended to facilitate the placement or construction of structures or facilities that are temporary. These structures or facilities are utilized to ensure the health, safety, and welfare of the public from natural or pending disasters; or construction staging activities for infrastructure improvements. Typical uses may include: fire stations, hurricane shelters, utility facilities, or construction staging areas. [Ord. 2011-001] [Ord. 2018-002] [Ord. 2019-005]

1. Review and Approval Process

Emergency or temporary structures shall be subject to the approval by the DRO through a ZAR process. The ZAR process may be waived by the Executive Director of PZB or designee as stated below: [Ord. 2018-002] [Ord. 2019-005]

a. Emergency Structures

The Executive Director of PZB may waive the ZAR process, and authorize the issuance of a Building Permit for the temporary structure upon determination that a public emergency, pending natural disaster, or actual natural disaster exists. [Ord. 2011-001] [Ord. 2018-002] [Ord. 2019-005]

b. Temporary Structures

The Zoning Director may require a PAC with the DRO in order to seek input from the various County Agencies on the temporary structure or staging area, or may seek direction from the BCC through an AI pursuant to Art. 2.C.8.B, Administrative Inquiry (AI). The Zoning Director shall consider documentation from the Applicant and any other input from County Agencies before issuance of a DO. [Ord. 2011-001] [Ord. 2011-016] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2019-005]

1) Duration

The DO shall be valid for up to a period of six months from date of issuance, with one three-month extension by the Zoning Director. The BCC may extend the timeframe through an AI by the Zoning Director. [Ord. 2011-001] [Ord. 2018-002]

2) Construction Staging Areas for Rights-of-Way (R-O-W)

In addition to the requirements listed above, the following shall apply to those construction staging areas located on or adjacent to residentially zoned parcels. [Ord. 2008-003] [Ord. 2018-002]

a) Hours of Operation

Activity on the site shall not commence prior to 7:00 a.m. and must be completed prior to 10:00 p.m. A Type 1 Variance may be applied for to request modification from this provision. [Ord. 2008-003] [Ord. 2018-002]

b) Setbacks or Separations

Stored materials shall not be located within the required minimum district setback. [Ord. 2008-003] [Ord. 2018-002]

c) Screening

Temporary screening material, a minimum of five feet in height and 85 percent opacity shall be provided around the perimeter of the staging area, adjacent to residential uses, to mitigate visual impact. [Ord. 2008-003] [Ord. 2018-002]

d) Dust Control

Appropriate measures shall be taken, pursuant to Health Department requirements, to control dust or other airborne particulate matter. [Ord. 2008-003] [Ord. 2018-002]

e) Exceptions

Projects with a duration of 30 days or less shall be exempt from the requirements of this Section. [Ord. 2008-003] [Ord. 2018-002]

C. Temporary Structures

The purpose of this Section is to supplement regulations for temporary structures pursuant to the latest edition of the Florida Building Code, Building Section 108, Temporary Structures and Uses, and Section 3103, Temporary Structures. If there is a conflict between this Section and the provisions of the Florida Building Code, as amended, the latter shall apply. Temporary structures may be temporarily located on a property to facilitate the construction or development of an approved project, or for a Temporary Use. [Ord. 2019-005]

1. Types of Temporary Structures

Temporary structures may include, but are not limited to the following: trailer, shipping container, or construction fence. Temporary structures may be utilized for residential and non-residential related activities, except for tents. Tents may be utilized for non-residential activities only. All temporary structures shall be subject to the following, except stated otherwise: [Ord. 2019-005]

a. Residential

Temporary structures may be utilized for on-site security, or as a temporary dwelling while a Single Family residence is under construction, and may be allowed only in the AR Zoning District in the Rural Service Area (AR/RSA). No additions shall be allowed except for awnings and demountable screen panels, stairs, decks, and trellises. Construction fences shall be exempt from the above limitations. [Ord. 2017-007] [Ord. 2019-005]

b. Non-Residential

Temporary structures may be utilized as an office for professions who are actively involved on the construction site; or for the storage of goods or equipment, or to accommodate employees and business operation during the construction or renovation of a permanent structure. [Ord. 2019-005]

2. Approval Process

All temporary structures or construction fences that are listed in this Section may be subject to Building Permit approval process or applicable State law. The Building Division shall determine which permits would apply at the application submittal. The application may be submitted concurrently with other permit applications for permanent or temporary structures. The applications may be forwarded to the Zoning Division or other County Agencies for review. [Ord. 2019-005]

a. Concurrent Applications

A permit for the temporary structure shall be submitted concurrent with the permit application for the permanent structure. [Ord. 2019-005]

b. Plans or Survey

The Applicant may utilize a plan or the most current survey of the property to indicate the location of the proposed temporary structures to demonstrate compliance of the requirements in this Chapter or any other applicable codes or Conditions of Approval. [Ord. 2019-005]

c. Agency Approval

Sanitary sewage facilities and potable water wells may be required for certain temporary structures by the governmental agencies having appropriate jurisdiction, permits, and inspections for the installation. If applicable, the approval must be obtained from the PZB Department and Health Department. [Ord. 2017-007] [Ord. 2019-005]

3. Additional Requirements for Temporary Structures

Temporary structures shall be subject to the following additional requirements, where applicable: [Ord. 2019-005]

a. Placement or Erection of Temporary Structure

Temporary structure may only be placed or erected on the site after or concurrent with the issuance of a demolition permit or a Building Permit for land development activities, subject to the approval of the Building Division. [Ord. 2019-005]

b. Duration

The temporary structure shall remain on the property only for the length of time necessary to construct a permanent structure. [Ord. 2019-005]

c. Location

The structure and related parking shall be located on the site so as not to interfere with access to developed areas or areas under construction. A Watchman Trailer and required parking shall be allowed to be located in areas under construction. [Ord. 2019-005]

d. Setbacks

Setbacks shall be in accordance with Table 3.D.1.A, Property Development Regulations, and the applicable zoning district in which the property is located. [Ord. 2019-005]

e. Construction Fence

All construction sites shall be enclosed and secured by a continuous fence at least six feet in height and shall be installed in accordance with the Florida Building Code. All fences installed pursuant to this Section shall be subject to the visibility at intersections requirements of Art. 11.E.9.C, Minimum Safe Sight Distance and Corner Clips at Intersection of this Code. [Ord. 2019-005]

f. Parking

Parking to serve the temporary structure shall be within the construction site. [Ord. 2019-005]

g. Removal

The temporary structure shall be removed from the site after issuance of the final Certificate of Occupancy (CO) or a Certificate of Completion (CC) of the permanent structure, unless a time extension is granted by the Building Official. Construction fences may be required to remain or be installed for safety purposes after the construction ceases. [Ord. 2019-005]

4. Portable Storage Container

Portable storage containers may be used for the temporary storage of goods for residential uses subject to the following requirements, and shall be exempt from the Zoning Division and Building Permit review: [Ord. 2017-025] [Ord. 2019-005]

- a. A maximum of one container 16 feet in length, eight feet in width, and eight feet in height may be allowed, for no more than two times a year for a maximum of 15 days each time; [Ord. 2017-025]
- b. Shall be located on driveways not to overlap easements, sidewalks, or R-O-W; [Ord. 2017-025]
- c. Shall be set back a minimum of seven and one-half feet from the side property lines, except where no other driveway areas are available, the setback may be reduced subject to the dimensions in Art. 6.B.3.A.2.a.3)a)(1)(a), Local or Residential Access Streets; and, [Ord. 2017-025]
- d. Code Enforcement Division shall utilize the above requirements for any citation of violations. [Ord. 2019-005]

D. Flex Space

A type of use that allows a flexible amount of retail, office, and industrial space in one structure located on parcels with an Industrial (IND), Economic Development Center (EDC), or Commercial High (CH) Future Land Use (FLU) designation, that are directly related to the principal use. [Ord. 2010-005]

1. Review Process

Applications for flex space shall be reviewed pursuant to Art. 2, Application Processes and Procedures, in addition to one of the following options: [Ord. 2010-005]

- a. Option 1 – Uses requiring BCC approval shall be subject to the applicable review process pursuant to Art. 2.B.7, Types of Applications. The Applicant shall identify the portion of the building designated for flex space on the Site Plan. All other uses subject to an administrative review process shall be permitted in the BCC-approved building. [Ord. 2010-005] [Ord. 2017-007]
- b. Option 2 – Uses requiring DRO approval shall be subject to the review process pursuant to Art. 2.C, Administrative Processes. The Applicant shall identify the portion of the building designated for flex space on the Site Plan. All other uses subject to the Building Permit review process shall be permitted in the DRO-approved building. [Ord. 2010-005]
- c. Option 3 – Uses subject to the Building Permit review process may occupy a bay or the entire building as long as they comply with the applicable Supplementary Use Standards and additional ULDC requirements (parking, signage, etc.). The Applicant shall identify the portion of the building designated for flex space on the Site Plan. The Applicant has the option of applying flex space provisions to a specific bay in the building or having the entire building (single-use tenant) dedicated to flex space. The Applicant shall submit the Building-approved Site Plan to the Zoning Division for informational purposes indicating the area designated as flex space and demonstrating that the overall site is in compliance with the applicable ULDC regulations. [Ord. 2010-005]

2. Development Standards

a. CH FLU

Flex space located on parcels with a CH FLU shall be permitted to have the following mix of uses: a minimum of 50 percent industrial, not to exceed 75 percent, with the balance consisting of office or retail. [Ord. 2010-005]

b. IND or EDC FLU

Flex space located on parcels with an IND FLU shall be permitted to have the following mix of uses: a maximum of 30 percent retail, with the balance consisting of industrial. [Ord. 2010-005] [Ord. 2017-007]

c. Parking and Loading Requirements

1) CH FLU

Parking shall be calculated at the rate of three spaces per 1,000 square feet of floor area. [Ord. 2010-005]

2) IND FLU

Parking shall be calculated at the rate of two and one-half spaces per 1,000 square feet of floor area. [Ord. 2010-005]

3) Reserve Parking or Parking Covenant

- a) Additional parking shall be reserved on site in the event that the flex space is converted back to regular commercial or industrial use, the minimum requirements based upon the proposed use as indicated in Table 6.B.1.B, Minimum Parking and Loading Requirements; or [Ord. 2010-005]
- b) A restrictive parking covenant informing current and future owners of the required parking requirements for the uses. If the flex space is converted at a future date the site must comply with the minimum parking requirements based upon the use as indicated in Table 6.B.1.B, Minimum Parking and Loading Requirements prior to Final DRO or Building Permit approval, whichever is applicable. In the event the on-site parking is not sufficient for the proposed use or parking spaces cannot be accommodated on the site, the owner shall be limited to uses that generate parking consistent with existing parking. The covenant shall be submitted to the Zoning Division for County Attorney review and approval at the time of Final DRO or Building Permit application. The approved covenant shall be recorded in the Office of the Clerk of the Circuit Court of PBC, and a copy of the approved and recorded covenant shall be submitted to the Zoning Division prior to issuance of a Building Permit. [Ord. 2010-005]

d. Thresholds

Proposed flex space uses shall comply with the established review thresholds pursuant to Table 4.A.9.A, Thresholds for Projects Requiring DRO Approval, and Table 4.A.9.B, Thresholds for Projects Requiring Board of County Commissioners Approval. [Ord. 2010-005]

3. Uses Allowed

The uses indicated in the Table below, may utilize flex space provisions pursuant to the applicable approval process indicated in Review Process above. [Ord. 2017-007]

Table 5.B.1.D – Uses Allowed as Flex Space Component

Commercial Uses		Industrial Uses	
Retail Sales (1)		Contractor Storage Yard (2)	
		Manufacturing and Processing (2)	
		Warehouse (2)	
		Wholesaling (2)	
[Ord. 2017-007]			
Notes:			
1.	Flex space use to be allowed in IND or EDC FLU designation subject to DRO approval.		
2.	Flex space use to be allowed in CH FLU designation subject to Class A Conditional Use approval.		

CHAPTER C DESIGN STANDARDS

Section 1 Architectural Guidelines

A. Purpose and Intent

The purpose of these guidelines is to encourage development to contribute to PBC as a unique place by enhancing the built environment. These guidelines are intended to ensure that new development and redevelopment will be compatible with the surrounding area and enhance the appearance of the local community.

B. Threshold

This Chapter shall apply to the following projects, buildings, and related signs:

1. General

- a. All non-residential projects or buildings requiring approval by the BCC or ZC; [Ord. 2006-036]
- b. All non-residential projects or buildings requiring approval by the DRO in accordance with the Use Matrices in Art. 4, Use Regulations, and Table 3.D.1.A, Property Development Regulations, or those exceeding the thresholds in Table 4.A.9.A, Thresholds for Projects Requiring DRO Approval; [Ord. 2006-036] [Ord. 2017-007]
- c. Multifamily buildings with more than 16 units or three or more stories; [Ord. 2006-036] [Ord. 2009-040] [Ord. 2010-005]
- d. Substantial renovations of existing built projects or buildings meeting the threshold of this Chapter; and, [Ord. 2006-036]
- e. The following uses, regardless of building size: [Ord. 2006-036]
 - 1) Heavy or Light Repair and Maintenance; [Ord. 2006-036] [Ord. 2012-027] [Ord. 2017-007]
 - 2) Retail Sales for automotive parts and accessories; [Ord. 2006-036] [Ord. 2012-027] [Ord. 2017-007]
 - 3) Type 1 Restaurants with drive-through requesting location criteria exception pursuant to Art. 4.B.2.C.31, Restaurant, Type 1; and, [Ord. 2012-027] [Ord. 2017-007]
 - 4) Type 3 CLF. [Ord. 2017-007]

2. Mixed Use

Mixed-use development that includes a combination of residential and one or more non-residential uses that do not trip the thresholds listed above, shall comply with the following guidelines to ensure the project is vertically or functionally integrated: [Ord. 2006-036]

- a. Art. 5.C.1.H.1.a, General; [Ord. 2006-036]
- b. Art. 5.C.1.H.1.d, Entries; [Ord. 2006-036]
- c. Art. 5.C.1.I.3.d, Pedestrian Amenities; and, [Ord. 2006-036]
- d. Art. 5.C.1.I.3.b.4), Covered Walkways. [Ord. 2006-036]

3. Any mixed-use project in the WCRAO. [Ord. 2006-004]

C. Exemptions

1. Agricultural or industrial buildings not visible from a public street or residential zoning district.
2. Buildings which are exempt from local Building Permits or government review pursuant to State of Florida or Federal Statutes.
3. Recreational buildings and accessory structures within a PUD or a Standard Zoning District. [Ord. 2009-040]
4. Primary and secondary building frontages within a TMD, and buildings in the NRM, NG, and NC Sub-areas of the WCRAO that have a side setback of less than 15 feet, shall be exempt from the requirements of Art. 5.C.1.H.1.c.1)a), Recesses/Projections. [Ord. 2005-041] [Ord. 2006-004]
5. Palm Beach County Water Utility Facilities which are not visible from a public street or residential zoning district or are limited access, high security facilities not open to the general public. [Ord. 2007-013]
6. All of the uses/features (except for parapet screening of mechanical equipment) noted in the height exceptions in Art. 3.D.1.E.4, Height Exceptions, are also exempt from architectural requirements. These uses/features include: [Ord. 2007-013]
 - a. Tanks; [Ord. 2007-013]
 - b. Water towers; [Ord. 2007-013]
 - c. Cooling towers; [Ord. 2007-013]
 - d. Miscellaneous, unoccupied utility support structures of 1,000 square feet or less (proposed addition to list). [Ord. 2007-013] [Ord. 2017-025]

D. Effect

1. Effect on Prior BCC and ZC Approvals

These guidelines shall apply to all previously approved projects as a BCC or ZC Condition of Approval as part of a DOA or Status Report. Previously approved architectural Conditions of Approval shall remain in full effect unless amended by the BCC or ZC. Non-residential projects previously approved by the BCC or ZC shall comply with Art. 5.C.1.H.1.a, General. [Ord. 2006-004]

2. Effect on Prior DRO Approvals

These guidelines shall not apply to projects or buildings which have a previously approved Site Plan by the DRO, unless within a PDD or for any use specifically identified within Art. 4.B, Use Classification. Non-residential projects previously approved by the DRO or ZC shall comply with Art. 5.C.1.H.1.a, General. [Ord. 2006-004]

3. Effect on Other Regulations

These guidelines shall supplement architectural requirements of an Overlay District, Neighborhood Plan, or other applicable regulations. In case of a conflict, the more strict regulation shall apply.

E. Review Process

PZB shall review all applicable buildings for compliance with this Chapter during the Building Permit or Zoning review process, and provide a written determination of compliance with the requirements of this Chapter. An application submitted for any type of review process listed below may apply for Type 2 Waiver for a Unique Structure designation or Type 2 Variance, pursuant to Art. 2.B.7, Types of Applications: [Ord. 2009-040] [Ord. 2017-007]

1. Methods

An Applicant or PBC may request review for compliance with this Chapter in accordance with any one of the following methods: [Ord. 2005-002]

a. Type 1 – Projects Requiring BCC Approval

A request for a determination of compliance with the requirements of this Chapter may be submitted with the application. A written determination of compliance with this Chapter shall be made in the Staff Report containing the recommendation for the Development Order. The request for a determination shall be submitted no less than 30 days prior to the public hearing. [Ord. 2005-002] [Ord. 2009-040]

b. Type 2 – Projects Requiring ZC Approval

A request for a determination of compliance with the requirements of this Chapter may be submitted with the ZC application. A written determination of compliance with this Chapter shall be made in the Staff Report containing the recommendation for the Development Order. The request for a determination shall be submitted no less than 30 days prior to the ZC public hearing. [Ord. 2009-040]

c. Type 3 – Projects Requiring DRO or Site Plan Approval

A request for a determination of compliance with the requirements of this Chapter may be submitted with the original DRO or Site Plan approval application. A written determination of compliance with this Chapter shall be made in the comment letter regarding the Development Order for the project. The request for a determination shall be included in the initial DRO application. [Ord. 2009-040]

d. Type 4 – Projects Requiring Building Permit Approval

Buildings requiring a Building Permit only shall be reviewed for compliance through the standard Building Permit review process. The request for a determination shall be submitted prior to or concurrent with the Building Permit application. [Ord. 2009-040]

2. Unique Structure

a. Purpose and Intent

To recognize structures that comply with the definition in Art. 1.H.2.A.76.m, Unique Structure, that by the nature of their: scale, massing, proportion, rhythm, style, harmony, order, balance, etc., warrant a special designation. PBC has diverse architectural styles in the various tiers that are reflective of the historical evolution of the community. The architecture guidelines were established to preserve and enhance those communities through common building design elements. The allowance for Unique Structures will continue to foster preservation of key design elements while recognizing new and creative design and materials. An Applicant may apply for Unique Structure designation pursuant to Art. 2.B.7.D, Type 2 Waiver, for any of the types of review outlined in Art. 5.C.1.E, Review Process. A Unique Structure designation will require the Applicant to clearly demonstrate that by complying with the standard architectural guidelines in Art. 5.C.1.H, Guidelines, the overall design would be compromised. A structure classified as unique does not have to apply for Variances, but shall comply with the standards in Art. 2.B.7.D.4, Standards for a Unique Structure. The Unique Structure process shall not be requested if the Applicant can seek

Variances in Art. 2.B.7.E, Type 2 Variance. [Ord. 2009-040] [Ord. 2011-001]

b. Applicability

An Applicant seeking a Unique Structure designation shall submit the request on forms specified by the PBC Official responsible for reviewing the application, pursuant to Art. 5.C.1.F, Application Requirements. [Ord. 2009-040]

c. Review Process

The Unique Structure shall be reviewed pursuant to Art. 5.C.1.E, Review Process and Art. 2.B.7.D.4, Standards for a Unique Structure. Staff shall review the request and prepare a staff report for approval, approval with conditions, or denial to the Zoning Commission. The Zoning Commission will make a finding and recommendation to the BCC that the request is consistent with the required Standards. The BCC shall make the final decision to approve, approve with conditions, or deny the designation of Unique Structure. [Ord. 2009-040]

3. Type 1 Waiver – Green Architecture

a. Purpose and Intent

To encourage and promote the design and construction of Green Architecture. This Section provides for Type 1 Waivers from the architecture design guidelines, provided the Applicant can achieve the minimum points necessary to be classified as Green Architecture. In order to design sustainable architecture, certain allowances for Type 1 Waivers in Art. 5.C.1.H, Guidelines, need to be recognized and allowed if minimum standards are met. The provisions in Table 5.C.1.E, Green Architecture Designation Rating Program, provide alternative design solutions to achieve Green Architecture while still complying with the general intent of the architecture guidelines. [Ord. 2009-040] [Ord. 2012-027]

b. Applicability

An Applicant proposing to utilize the Green Building Architecture Waiver provisions for the construction of new or structurally renovated buildings shall be required to comply with the following: [Ord. 2009-040]

- 1) Submit an application as required in Art. 5.C.1.F, Application Requirements, [Ord. 2009-040]
- 2) Comply with the review process outlined below in Art. 5.C.1.E.3.c, [Ord. 2009-040]
- 3) Comply with the requirements outlined in Table 5.C.1.E, Green Architecture Designation Rating Program. [Ord. 2009-040]

c. Review Process

The Green Architecture designation application shall be reviewed and approved, approved with conditions, or denied in conjunction with one of the review processes outlined in Art. 5.C.1.E, Review Process. The Registered Architect shall complete the required Zoning application, which will require compliance with Table 5.C.1.E, Green Architecture Designation Rating Program. [Ord. 2009-040] [Ord. 2011-016]

1) Calculating Points

The Registered Architect shall be responsible for calculating the total points obtained for requirements listed in Table 5.C.1.E, Green Architecture Designation Rating Program. For any requirement that does not have specific qualitative and/or quantitative measurements, the Registered Architect shall refer to the USGBC Green Building Council rating system to determine acceptable national measurements. In order for the Zoning Director to grant the Green Architecture designation, the Applicant shall obtain a minimum of 30 out of a total of 50 points from Table 5.C.1.E, Green Architecture Designation Rating Program. The Applicant may choose one or any combination of these categories to achieve the minimum 30-point requirement. If a minimum of 30 points cannot be achieved, then the architecture shall comply with Art. 5.C.1.H, Guidelines. The Registered Architect of the building shall be required to monitor the building construction until final Certificate of Occupancy to ensure compliance with the Green Architecture approval. [Ord. 2009-040]

Table 5.C.1.E – Green Architecture Designation Rating Program

Requirements		Allocated Points	Total Points
Roof Configuration			12
*	Flat planted green roof for cooling and stormwater management on a minimum of 50 percent of the roof area.	2	
*	30 percent of the gross area of the roof surface is planted with vegetative plants.	2	
*	Roof that incorporates clear story glazing, solar tubes, and/or light wells.	1	
*	Roof that incorporates energy strategies (photovoltaic solar panels; solar thermal panels for hot water) and specific slopes related to the sun's solar path through the sky.	1	
*	Roof that incorporates thermal chimneys as passive cooling devices.	1	
*	Roof that is designed to harvest rain water for non-potable uses.	1	
*	Roof materials that are highly reflective (light colored standing seam metal; white single membrane for flat roofs and green planted roofs).	2	
*	Roof materials that have a Solar Reflectance Index of 78 for low-sloped roof and 29 for steep-sloped roof for a minimum of 75 percent of the roof surface (refer to the USGBC for roof type, slope, and reflectance/emittance information).	2	
Façade, Exterior Treatment, Fenestration Details, Entries, and Color			33
Façade			
*	The building exterior design treatments vary based on the orientation related to the sun (south façade might have an expanse of glazing and shading devices and light shelves; east and west façade have a limited surface area with a small amount of glazing area; north façade opens to allow the cool north daylight to enter the facility).	5	
*	Building form takes on natural shapes that relate to the solar system.	5	
Exterior Treatment			
*	The building shape, form, and orientation take advantage of the sun's path across the sky (innovative building forms inspired by nature; building forms are shaped to harvest daylight; building forms are shaped to harvest solar energy from photovoltaic panels for the generation of electric and heat energy for solar water systems).	5	
*	The following typical architectural features or details such as: windows, awnings, covered arcades, sills, shutters, relief's trims, columns, pilasters, quoins, reveals, cornices, horizontal banding, arches, decorative vents, and/or accent tile, shall be integrated into the façade to avoid blank walls.	N/A	
Fenestration Details			
*	Achieve a minimum glazing factor of two percent in a minimum of 75 percent of all regularly occupied areas.	4	
*	The building has an expanse of glazing and permanent shading devices and light shelves to harvest daylight.	4	
*	The use of high performance glazing and/or automatic photocell-based controls.	4	
Entries			
*	All public entries are easily identifiable and integrated into the building architecture.	N/A	
*	Each freestanding principal structure does have a minimum of one clearly defined primary public entrance feature and does incorporate a minimum of one primary entry feature design element such as: canopies, porte-cochère, or porticos; wall recess or projection a minimum of 12 inches in depth; covered arcades, a minimum of eight feet clear in width; peaked roof forms; arches, columns, or pilasters.	N/A	
*	A minimum of one secondary decorative treatment has been provided such as: overhangs, cornices, and eaves; decorative moldings or trims around windows and doors; covered public outdoor patio or plaza incorporated with entry area which are not part of a tenant space; special pavers, bricks, decorative concrete, or other similar pavement treatment; architectural details, such as tile work or moldings.	N/A	
Color			
*	Specialty coatings such as: radiation control and anti-corrosive paint.	3	
*	The use of light colored reflective paint.	3	
Recycled Materials			5
*	Minimum of 50 percent of non-hazardous building construction materials, components, and demolition debris is reused, recycled, or salvaged.	2.5	
*	Minimum of five percent of the sum, based on cost of the total value of building materials, with recycled content are used and permanently installed. Mechanical, electrical, and plumbing components and specialty items.	2.5	
Notes:			
N/A	No points are allocated for these requirements. If the Registered Architect can demonstrate these Code requirements, if applied would conflict with Green Architecture, Waivers may be granted. [Ord. 2009-040]		

d. Appeals

If the application is denied, the Applicant may appeal the decision to the Zoning Commission in compliance with the standards of Art. 2.C.5.G, Type 1 Waiver. [Ord. 2011-016] [Ord. 2012-027]

4. Administrative Amendments by DRO

Minor amendments to BCC or ZC-approved Architectural Elevations pursuant to Review Types 1 and 2 may be approved by the Zoning Director provided the changes do not reduce compatibility with surrounding properties. Changes shall be limited to the following: [Ord. 2009-040]

- a. A maximum increase of 25 percent or ten feet in overall building height, from finished grade to highest point, whichever is less;
- b. Modifications to the architectural composition which are equal to or enhance the approved elevation; and,

- c. Modifications to ensure consistency with this Chapter.

F. Application Requirements

The application form and requirements for Architecture Review, including Unique Structure and Green Architecture shall be submitted on forms specified by the PBC Official responsible for reviewing the application. All application documents shall be consistent with the Technical Manual. [Ord. 2009-040]

G. Visual Impact Analysis

A Visual Impact Analysis shall be submitted with the chosen method of review only for projects or buildings which are contiguous to a public street or to a residentially zoned property. The Visual Impact Analysis shall be prepared and certified by a design professional and include:

1. Environmental Assessment

An assessment of the natural and man-made environments surrounding the proposed building utilizing a minimum of four views taken from the subject property of all contiguous public streets and/or residentially zoned properties and one aerial photograph with the proposed building superimposed on the site.

2. Line of Sight Analysis

A line of sight analysis of the proposed building in relation to the surrounding area. This may be accomplished by submitting a two-dimensional cross section(s) of the site showing the proposed building elevations in relation to contiguous public R-O-Ws and residentially zoned properties.

3. Prevalent Theme

A written description by the design professional of the prevalent architectural character of the surrounding area, or desirable architectural character, if no prevalent architectural character exists. If a prevalent architectural character does not exist, the use of architectural styles such as Spanish Eclectic, Mediterranean Revival, Florida Vernacular, or Bermuda/Island is encouraged.

4. Architectural Compliance Statement

A written description by the qualified design professional that the Visual Impact Analysis indicates that the architectural composition of the proposed project or building creates focal points in scale with the pedestrian environment, and complements or enhances existing structures in the surrounding area.

H. Guidelines

1. Non-Residential Design Elements

The following guidelines shall apply to all non-residential projects or buildings that meet the threshold in Art. 5.C.1.B, Threshold, and are not exempt in Art. 5.C.1.C, Exemptions: [Ord. 2005-002]

a. General

An overall unified architectural character and image shall be created by the use of common elements such as consistent forms, colors, materials, and details. Similar, but not identical, architectural treatment between pods within a multi-pod project may be permitted to allow diversity within the project.

- 1) Similar architectural composition and treatment shall be provided on all sides of each building contiguous to or visible from a public street or residential zoning district. [Ord. 2009-040]
- 2) Outparcels and accessory buildings within a project shall be constructed of compatible materials, color, and character as the principal building.

b. Roofline

The roofline along each elevation shall incorporate a minimum of one design feature each from Table 5.C.1.H, Primary Roof Design Element, and Table 5.C.1.H, Secondary Roof Treatment, below. The same features are not required on each elevation.

Table 5.C.1.H – Primary Roof Design Element

a.	Articulated parapet along 30 percent of the roofline for each elevation. (1)(2)
b.	Pitched roof with minimum 12-inch overhanging eaves.
c.	Two or more plane breaks or slopes per façade elevation.
d.	Any combination of the above.
Notes:	
1.	Parapet length used as part of wall signage shall not be counted as articulation.
2.	Maximum spacing between articulation = 100 feet. Spacing may vary for recognized architectural styles such as Art Deco, which cannot comply with this requirement.

Table 5.C.1.H – Secondary Roof Treatment

a.	Decorative roof details, such as dormers, cupolas, rafter tails, balconies, terraces, or exposed beams.
b.	Cornices with decorative moldings.
c.	Pediments, porticos, architectural features at entryways, or decorative towers.

c. Façade

The front, side, and rear façades, if contiguous to a public street or residential zoning district of every building, shall incorporate recesses, projections, and architectural elements such as columns, arches, etc., as provided below:

1) Required Design Elements

All applicable façades, unless exempted above, shall meet the following standards:

a) Recesses/Projections

Façades greater than 50 feet in length shall incorporate recesses and projections a minimum of 12 inches in depth along a minimum of 20 percent of the total length of the façade. The recesses or projections shall be distributed along the façade with a maximum spacing of 100 feet between each recess or projection. Façades with four or more bay doors may exclude the combined length of the bay doors from the total façade length.

b) Walls

Blank walls shall not exceed ten feet in height or 20 feet in length. Control and expansion joints shall constitute a blank wall, unless used in a decorative pattern with varied materials or textures and spaced a maximum of ten feet on center. Relief and reveal depth shall be a minimum of three-quarters of an inch.

c) Storefronts

Individual ground-level retail uses with exterior public access that are part of a larger freestanding building, other than regional commercial facilities, shall have display windows along a minimum of 20 percent of the façade length. Windows shall be defined with details such as frames, sills, shutters, planters, relief trims, or lintels. Storefront design, relief features, and decorative treatments shall complement contiguous storefronts.

2) Additional Design Elements

In addition to Art. 5.C.1.H.1.c.1), Required Design Elements, the front and side façades shall include a minimum of one of the following design elements:

a) Exterior Treatment

The exterior treatment of the front elevation shall consist of a minimum of two different building materials, textures, or finishes at a ratio of a maximum of 80 percent for the primary treatment and a minimum of 20 percent for the secondary treatment. Exterior finishes such as stucco, brick, wood, coquina, or cut stone are encouraged. The surfaces of multiple exterior storefronts within a building, except regional commercial facilities, shall compliment contiguous storefronts.

b) Fenestration Details

Architectural features or details such as, windows, awnings, covered arcades, sills, shutters, reliefs, trims, columns, pilasters, quoins, reveals, cornices, horizontal banding, arches, decorative vents, and/or accent tile, shall be integrated into the façade to avoid the appearance of a blank wall and shall be provided along a minimum of 60 percent of the façade length of the front, side, and rear façades if contiguous to a public street or residential zoning district.

d. Entries

All public entries shall be easily identifiable and integrated into the building architecture. Each freestanding principal structure shall have a minimum of one clearly defined primary public entrance feature. The primary entrance shall incorporate a minimum of one design element each from Table 5.C.1.H, Primary Entry Feature Design Element, and Table 5.C.1.H, Secondary Decorative Treatment, below.

Table 5.C.1.H – Primary Entry Feature Design Element

a.	Canopies, porte-cochère, or porticos.
b.	Wall recess or projection a minimum of 12 inches in depth.
c.	Covered arcades, a minimum of eight feet clear in width.
d.	Peaked roof forms.
e.	Arches, columns, or pilasters.

Table 5.C.1.H – Secondary Decorative Treatment

a.	Overhangs, cornices, and eaves.
b.	Decorative moldings or trims around windows and doors.
c.	Covered public outdoor patio or plaza incorporated with entry area which are not part of a tenant space.
d.	Special pavers, bricks, decorative concrete, or other similar pavement treatment.
e.	Architectural details, such as tile work or moldings.

e. Color

Color shall be considered to achieve architectural compatibility with architecture in the surrounding area and to complement structures within a development. [Ord. 2009-040]

f. Design Elements Subject to ZC or BCC Approval

The following elements are prohibited, unless approved by the ZC or BCC pursuant to the review process of this Chapter:

- 1) structures which are of symbolic design for the purpose of advertising;
- 2) high-intensity, metallic, neon, or fluorescent colors;
- 3) neon tubing, fiber optics, or similar lighting, excluding those used for signage;
- 4) high-gloss vinyl and plastic awnings;
- 5) awnings with horizontal ribbing, flowered, or similarly patterned designs;
- 6) unpainted or plain/unfinished exterior façades, excluding Galvalume and galvanized steel roof; and,
- 7) smooth-faced, painted, concrete masonry block.

g. Rural Design Elements

The following standards shall also apply to non-residential projects, buildings, and signs in the Rural and Exurban Tiers.

1) Roof

The roofline along each elevation shall incorporate a minimum of one design feature each from Table 5.C.1.H, Rural Roof Design Element, and Table 5.C.1.H, Rural Decorative Roof Treatment, below. The same features are not required on each elevation. [Ord. 2018-002]

Table 5.C.1.H – Rural Roof Design Element

1.	Articulated roofline for each 200 linear feet with pitched roof (e.g., hip-on-deck, hip, gable, gambrel, or a combination of them) along a minimum of 70 percent of the length of the façade, and, a minimum 12-inch overhanging eave; or
2.	Full pitched roof (e.g., hip, gable, gambrel, etc.) with two or more plane breaks or slopes; or
3.	Combination of items 1 and 2 above.
[Ord. 2018-002]	

Table 5.C.1.H – Rural Decorative Roof Treatment

1.	Decorative roof details such as dormers, cupolas, rafter tails, balconies, terraces, or exposed beams;
2.	Cornices with decorative moldings; or,
3.	Pediments, porticos, or architectural features at entryways, or decorative towers.
[Ord. 2018-002]	

a) Material

Roof materials shall be limited to standing seam metal, corrugated, or 5V Crimp made of copper, terne-coated stainless steel, Galvalume or galvanized steel, slate, dimensional, or architectural wood shingles, or metal shingles.

2) Exterior Building Finishes

Exterior building and sign finishes shall be limited to:

- a) vinyl, lap cedar, or hard textured concrete siding with rough or smooth horizontal planks, six-inch lap siding, shingles, or vertical board and batten;
- b) brick or brick veneer;
- c) stone;
- d) textured stucco; and,
- e) split face, pre-formed, or textured masonry block.

3) Façades

a) Single-Story Buildings

A minimum of three of the following architectural details or other similar treatment shall be integrated into all applicable single-story building façades to avoid the appearance of a blank wall:

- (1) columns or pilasters;
- (2) decorative cornices;
- (3) horizontal banding;
- (4) arches;
- (5) decorative vents or louvers;
- (6) moldings and trims;
- (7) decorative shutters; and,
- (8) bay windows.

b) Multi-Story Buildings

In addition to the required architectural details above, multi-story buildings shall also have breaks such as a canopy, balcony, overhang, or other horizontal projections.

4) Porches and Entryways

All buildings shall have prominent entryways with well-defined porches and railings. Porches shall be provided along the entire front façades, and 50 percent of the side or rear façades if contiguous to a public street or residential zoning district. The design of a porch may be interrupted by required exits, paved pedestrian entrances, loading areas, and shall include the following: [Ord. 2018-002]

a) Width

Porches shall have a minimum clear, unobstructed width of eight feet.

b) Railings and Posts

Porches shall incorporate decorative railings with posts at a maximum of 12 feet on center along the entire length, excluding pedestrian access points.

5) Windows and Doors

All windows and doors shall have architectural details such as panels, transoms, crossbucks, shutters, decorative trims, or moldings. All glass areas shall appear to be multi-paned.

2. Multifamily Design Elements

In addition to the guidelines for non-residential projects, Multifamily projects shall adhere to the following guidelines: [Ord. 2010-005]

a. Master Elevations

Master elevation approvals may be reused within a project, provided the master elevation complies with Art. 5.C.1.G, Visual Impact Analysis, for each location in which that elevation is used.

b. Balconies and Patios

Individual balconies and/or patios shall be provided for a minimum of 20 percent of the total number of units within each building.

I. Large Scale Commercial Development

Large Scale Commercial Development shall be defined as any large single-tenant retail use, with or without accessory tenants, in a single building, between 65,000 and 200,000 gross square feet. These regulations shall apply to all new developments and developments meeting the requirements of Art. 5.C.1.D, Effect. [Ord. 2005-002]

1. Single Tenant Limit

Variances from these requirements shall be prohibited. [Ord. 2005-002] [Ord. 2011-001]

a. CL FLU

The maximum building size for a single tenant shall be less than 65,000 gross square feet except as follows: [Ord. 2005-002] [Ord. 2013-001] [Ord. 2017-025]

- 1) The commercial development of the parcel located at the northwest corner of Southern Boulevard and Seminole Pratt Whitney Road and identified in the legal description in Ordinance No. 2010-030 (LGA 2010-012); and [Ord. 2005-002] [Ord. 2013-001] [Ord. 2017-025]
- 2) Sites approved under Ordinance No. 2008-048 and Ordinance No. 2009-028 as an LCC in the Urban/Suburban Tier are allowed to have up to a maximum of 100,000 square feet. [Ord. 2017-025]

b. CH FLU

The maximum building size for a single tenant shall be 200,000 gross square feet. [Ord. 2005-002]

1) Exception

An additional 10,000 square feet shall be permitted, for a total of 210,000 gross square feet, subject to Class A Conditional Use approval and the following requirements: [Ord. 2005-002] [Ord. 2018-002]

- a) Perimeter landscaping buffer widths and plant material required by Art. 7.C, Landscape Buffer and Interior Landscape Requirements, shall be increased by twenty percent. [Ord. 2005-002]
- b) One additional pedestrian amenity shall be required in addition to the requirements of Art. 5.C.1.I.3.d, Pedestrian Amenities. [Ord. 2005-002]
- c) A minimum of 50 percent of the walkways required by Art. 5.C.1.I.3.d.2), shall be covered, providing overhead shelter from the elements. Covered areas shall be evenly distributed between the furthest parking stalls and public entrances. [Ord. 2005-002]
- d) A maximum of two outparcels shall be permitted, subject to the following: [Ord. 2005-002]
 - (1) Walkways consistent with those required by Art. 5.C.1.I.3.d.2), shall be provided to both outparcels from a public entrance for any single tenant having greater than 200,000 gross square feet. [Ord. 2005-002]
 - (2) Building square footage for Convenience Stores with Gas Sales and/or Automotive Service Stations shall be deducted from the additional 10,000 square feet permitted under this exception. [Ord. 2005-002]

If the project is to be phased, all of the above improvements shall be installed in the first phase. [Ord. 2005-002]

2. Façade Orientation

For the purposes of this Section, façade orientation shall be defined as follows: [Ord. 2005-002]

- a. Front façade: The wall of a building containing the principal public entrance. The front façade is generally located parallel with and facing the principal parking area for the building. [Ord. 2005-002]
- b. Side A façade: The wall of a building containing a secondary public entrance. The side A façade is generally located parallel with and facing the secondary parking area for the building. [Ord. 2005-002]
- c. Side B façade: Any side building façade not having a secondary public entrance. [Ord. 2005-002]
- d. Rear façade: The rear wall of a building generally opposite the front façade. [Ord. 2005-002]

3. Single Tenants 65,000 Gross Square Feet or More

Developments with single tenants occupying 65,000 gross square feet or more shall be subject to the requirements of Table 5.C.1.I, Large Scale Commercial Development. [Ord. 2005-002]

Table 5.C.1.I – Large Scale Commercial Development

Façade Requirements	Front	Side A (1)	Side B	Rear
Roofline – Parapet Articulation	5'	5'	2.5' (2)	2.5' (2)
Façade – Recesses and Projections (3)	Option 1: 15' depth for 20%; or Option 2: 15' depth for 15%, and 5' depth for 15%	10' depth for 20% (2)	5' depth for 20% (2)	5' depth for 20%
Fenestration Details – Windows (3)	1.6 sq. ft. per linear foot of façade	0.8 sq. ft. per linear foot of façade	Not required	Not required
Exterior Treatment – Use of Building Materials	Min. of 2 types – 70%/30% ratio			
Covered Walkways/Arcades	70%	30%	Not required	Not required
Location of Required Parking	75% max.	25% min. side and/or rear (6)		
Foundation Planting Percentage of Façade Length (4)	Min. – 50%	Min. – 50%	Min. – 50%	Min. – 20%
Width of Foundation Plantings (5)	50% of façade height	50% of façade height	12'	12'
Perimeter Buffers	Perimeter buffers shall be in accordance with Art. 7.C.7, Large Scale Commercial Development			
[Ord. 2005-002]				
Notes:				
1.	Any side or rear façade with a secondary public entrance shall meet the requirements of side A above.			
2.	Front façade requirements shall be used for any façade that is oriented towards a street.			
3.	Percentage as a total length of façade.			
4.	The percentage length shall be in accordance with this Table, or Table 7.C.3.B, Foundation Planting and Dimensional Requirements, whichever is greater.			
5.	Minimum width: 12 feet.			
6.	A minimum of 15 percent of the parking shall be located immediately fronting a side A entrance. [Ord. 2005-002]			

a. Roofline

1) Parapet Articulation

- Articulation in parapet shall be required with a minimum of five feet for front and side A façades, and any façade oriented towards a street; and two and one-half feet for side B and rear façades. [Ord. 2005-002]
- A parapet return is required with a length equal to or exceeding the required parapet articulation. [Ord. 2005-002]

b. Façade

1) Recesses/Projections

Façades greater than 100 feet in length shall incorporate recesses and projections along the total length of the façade, in accordance with Table 5.C.1.I, Large Scale Commercial Development. Required recesses and projections shall be distributed along the façade with a maximum spacing of 150 feet. Recesses and projections shall be from finished grade to roofline. [Ord. 2005-002]

2) Fenestration Details

a) Windows

Windows shall be provided in accordance with Table 5.C.1.I, Large Scale Commercial Development. [Ord. 2005-002]

- A minimum of 70 percent of windows on front and side A façades shall be transparent, or window box displaying only merchandise. The remaining 30 percent may be non-transparent. [Ord. 2005-002]

- Windows shall be at pedestrian scale. [Ord. 2005-002]

3) Exterior Treatment

- A minimum of two different types of building materials shall be used, with a 70 percent/30 percent ratio. A change in stucco or use of windows will not count toward meeting this requirement. [Ord. 2005-002]
- Exposed gutters or rain leaders are permitted if decorative in nature. [Ord. 2005-002]

4) Covered Walkways

- a) Façades with a public entrance shall provide covered walkways along a minimum of 70 percent of the overall length of the front façade, and 30 percent of the overall length of side A façades. [Ord. 2005-002]
- b) Covered walkways shall be a minimum of 10 feet in width, unobstructed, with appropriately spaced columns and pitched roofs. [Ord. 2005-002]

c. Public Entrances

- 1) A minimum of one public entrance shall be provided along the front façade. [Ord. 2005-002]
- 2) One additional secondary public entrance shall be provided on a side façade, subject to the following: [Ord. 2005-002]
 - a) The secondary entrance shall be accessible to the public during the same business hours as the primary entrance, or from 10 a.m. to 6 p.m., whichever is less. [Ord. 2005-002]
 - b) Secondary public entrances shall be located a minimum distance of 25 percent of the length of the side A façade, from the corner of the front façade. [Ord. 2005-002]

d. Pedestrian Amenities

- 1) One public amenity shall be provided for every 50,000 square feet, or fraction thereof, including but not limited to public art; (not depicting any advertising); fountains (of at least eight feet in height and 16 feet in diameter); pergolas; bell or clock tower; and, public seating areas (not in conjunction with a restaurant). Required pedestrian amenities shall be a minimum of 800 square feet and 25 feet in width. [Ord. 2005-002]
- 2) A minimum of two pedestrian pathways a minimum of ten feet in width leading from the furthest parking spaces to public entrances shall be required. These pathways shall incorporate the use of decorative pavement, trellises, seating, pergolas, arbors, gazebos, and landscaping. [Ord. 2005-002]

J. Appeal

1. Non-Judicial Remedies

Any Applicant aggrieved by an administrative interpretation or decision regarding this Chapter who wishes to appeal the interpretation or decision shall file an appeal to the ZC and follow the appeal procedures established in Art. 2.C.5.G, Type 1 Waiver. [Ord. 2005-002] [Ord. 2011-016] [Ord. 2012-027]

2. Exhaustion of Non-Judicial Remedies

Any Applicant, the Executive Director of PZB, the BCC member representing the district in which the project or building is to be located, aggrieved by a decision of the ZC regarding an interpretation or decision regarding this shall, within 30-calendar days from the date a decision by the ZC is rendered, file an appeal to the BCC. [Ord. 2005-002] [Ord. 2011-016]

CHAPTER D PARKS AND RECREATION – RULES AND RECREATION STANDARDS

Section 1 General

The Director of Parks and Recreation shall be responsible for implementing, applying, interpreting, and modifying the standards of this Chapter.

A. Purpose and Intent

The purpose and intent of this Chapter is to ensure the provision of parks, on-site recreation areas, and facilities in proportion to the demand created by development. By requiring such facilities, it is the intent of this Section to ensure the provision of functionally adequate, aesthetically pleasing, and safe park and recreation areas. The specific objectives of this Chapter are as follows:

1. Establish recreational standards for the development of land within unincorporated PBC;
2. Aid in the coordination of land development in PBC in accordance with orderly physical patterns;
3. Provide public and private park and recreation areas in accordance with the Objectives of the Recreation and Open Space Element of the Plan; and,
4. Ensure that necessary recreational improvements will be provided for residents concurrent with residential development.

B. Applicability

The standards of this Chapter shall apply to all development in unincorporated PBC, or existing development that is modified to the extent that it includes residential uses or site design changes or features that were not specifically shown on the previously approved plans. All recreation areas established by this Chapter shall be continuously maintained according to the standards of this Chapter.

Section 2 Types of Parks

A. Countywide Parks and Preservation/Conservation Areas

1. Countywide Parks

The PBC Parks and Recreation Department supplies a Countywide system of public park and recreational facilities for which Level of Service (LOS) standards are established in the Recreation and Open Space Element of the Plan. For purposes of park concurrency, Regional, Beach, and District Park LOS are established and Park Impact Fees assessed on new residential development to maintain the Countywide park systems LOS concurrent with growth. The CIE is updated annually to include projects needed to meet Countywide Comprehensive Plan LOS that will be funded through the Parks and Recreation Department's ongoing Capital Improvement Program. [Ord. 2006-004]

2. Countywide Park Impact Fees

Park Impact Fees shall be assessed according to the provisions of Art. 13.B, County District, Regional, and Beach Parks Impact Fees, as amended, to meet Countywide LOS needs for public regional, beach, and district parks.

3. Reservations

Where a planned Countywide Beach, Regional, District park, or Preservation/Conservation area is shown in the Plan, and a proposed development application is located in whole or part within the planned Beach, Regional, District park, or Preservation/Conservation area, such area shall be reserved for a period not to exceed two years during which time PBC shall either acquire the land or release the reservation. The time period initiating the reservation shall commence with the filing of an application for Development Order.

B. Community and Neighborhood Park Recreation Standards

1. Required Recreational Areas

All proposed residential development shall make adequate provisions for recreation areas to accommodate the community and neighborhood park-level recreational needs of the residents of the development. The recreation areas shall consist of a developed parcel of land that includes recreational facilities of a type consistent with the needs of the residents. The recreation parcel shall be located so as to provide convenient and safe pedestrian access for the residents of the development. The recreation area shall be reserved by the developer for the perpetual use of the residents of the development. The owner of the land or a Property Owners' Association and their successors in interest shall be responsible for the perpetual maintenance of the recreation area.

2. Calculation of Required Recreation

The required recreation area shall be the equivalent of two and one-half acres of developed land per 1,000 people population, based on the 2010 Census average Person Per Household (PPH) rate of 2.39 people per unit. Development of recreational facilities shall be of a type suitable for general community or neighborhood park use. The dollar amount to be spent on recreational improvements per acre shall be no less than 75 percent of PBC's average cost per acre for developing community and neighborhood park-type facilities as calculated by the Parks and Recreation Department based on the current PBC cost per acre to develop community or neighborhood park facilities. The minimum dollar amount to be spent on recreation facilities shall be determined by the Parks and Recreation Department at the time of Final Site Plan submission. [Ord. 2016-042]

a. WCRAO

The required recreation area shall be the equivalent of one and one-quarter acres of developed land per 1,000 people population, based on 2.39 people per unit. [Ord. 2008-037]

3. Approval

Prior to DRO certification, projects proceeding to the Public Hearing process shall indicate the character and location of the proposed recreation in the application for review and approval by the Parks and Recreation Department. For projects requiring Final Site Plan approval, the proposed location and configuration of the recreation area(s) and the recreational improvements shall be indicated on the plan for review and approval by the Parks and Recreation Department.

4. Reduction in Recreation Area Land Requirement

The Parks and Recreation Department may allow reduction of the recreation land area requirement by not more than 25 percent when other open space tracts are platted and made available to residents for recreational purposes and the combined value of the recreation facilities to be constructed and the resulting reduced land area exceeds the total value of the recreation land area and facilities requirement of Art. 5.D.2.B.2, Calculation of Required Recreation, by a minimum of 25 percent. [Ord. 2006-004]

5. Cash-Out Option

At the option of the Parks and Recreation Department, the developer may, in lieu of or in combination with Art. 5.D.2.B.2, Calculation of Required Recreation, contribute the dollar value of the total recreational area requirement of this Chapter including land and improvements of this Chapter for the entire development at the time the first plat is submitted for recording. Land value shall be based on PBC's cost to acquire land for community or neighborhood parks at the time the first plat is submitted for recording, or on a PBC-approved certified MSA appraisal of the average value of the land in the development at the time of first plat. All such funds collected shall be held in a non-lapsing Park and Recreation Trust Fund for the acquisition and improvement of community or neighborhood parks according to the provisions of Art. 5.D.2.B.6, Park and Recreation Trust Fund.

a. WCRAO

At the option of the Parks and Recreation Department, with a positive recommendation from the WCRA, the developer may, in lieu of or in combination with Art. 5.D.2.B.2, Calculation of Required Recreation, contribute the dollar value of the total recreational area requirement, or convey land of equal value within the WCRA-targeted area to the County, as identified by the Parks and Recreation Department or the WCRA Plan, including land and improvements for the entire development, or a portion thereof, at the time the first plat is submitted for recording or issuance of the first residential or mixed-use Building Permit. Land value shall be based on PBC's cost to acquire land for community or neighborhood parks at the time the first plat is submitted for recording, issuance of the first residential or mixed-use Building Permit, or on a PBC-approved certified MSA appraisal of the average value of the land in the development at the time of first plat or issuance of the first residential or mixed-use Building Permit. All such funds collected shall be held in a non-lapsing Park and Recreation Trust Fund for the acquisition and improvement of the WCRA community or neighborhood parks according to the provisions of Art. 5.D.2.B.6, Park and Recreation Trust Fund. [Ord. 2008-037]

6. Park and Recreation Trust Fund

Monies deposited by a developer pursuant to this Chapter shall be expended within a reasonable period of time for the purpose of acquiring and/or developing land necessary to meet the need for community or neighborhood-type recreational facilities created by the development in order to provide a system of parks which will be available to and sufficiently benefit the residents of the development. Monies deposited by a developer pursuant to this Chapter shall be expended to acquire and/or develop land for park purposes not farther than five miles from the perimeter of the development.

7. Other

The BCC shall establish an effective program for the acquisition of lands for the development of public parks in order to meet, within a reasonable period of time, the existing need for public parks. The annual budget and Capital Improvement Program of PBC shall provide for appropriation of funds as may be necessary to carry out PBC's program for the acquisition and/or development of land for public parks. The funds necessary to acquire lands to meet the existing need for PBC parks must be provided from a source of revenue other than from the amount deposited in the Trust Fund.

8. Open Space Credit

Where developed recreational facilities are provided within lands required or credited for other open space purposes pursuant to this Code (i.e., buffer areas, natural preserves, utility easements, R-O-W, drainage, or water management tracts), only credit for the cost of approved facilities may be applied towards the recreation area requirement of Art. 5.D.2.B.2, Calculation of Required Recreation, and only if the facilities are reserved for the use of the residents of the development.

9. Property Development Regulations

Any parcel of land used to satisfy Parks and Recreation Standards shall meet the following requirements: [Ord. 2006-004] [Ord. 2020-001]

Table 5.D.2.B – Property Development Regulations (1)

Number of Units	Min. Lot Size (2)(3)(4)(5)	Min. Lot Width (4)(5)	Min. Lot Depth (4)(5)
≤ 10 Units (6)	2,500 sq. ft.	50'	50'
> 10 Units ≤ 20 Units	4,200 sq. ft.	60'	70'
> 20 Units	7,500 sq. ft.	Average 75', but not less than 50' at any given point	Average 100', but not less than 75' at any given point
[Ord. 2020-001]			
Notes:			
1.	The Parks and Recreation Department may reduce the minimum recreation parcel dimensions by not more than ten percent when considering location, abutting land uses, accessibility, recreation facilities to be offered, and the parcel's function in the overall recreation and open space network of the development. [Ord. 2006-004]		
2.	Exclusive of above-ground easements and landscape buffers, underground easements are permitted in the recreation parcel with prior approval by the Director of the Parks and Recreation Department, and as long as the utility of the recreation parcel is not adversely impacted. [Ord. 2016-042] [Ord. 2020-001]		
3.	Projects providing recreation sites with less than 7,500 square feet in size may not include the parking within the minimum size for a recreation parcel. [Ord. 2020-001]		
4.	CLFs may be exempt from the minimum parcel size and minimum dimensions, with prior approval by the Director of the Parks and Recreation Department. [Ord. 2016-042]		
5.	CLF recreational requirements may be satisfied using a combination of interior and exterior recreation areas, with prior approval by the Director of the Parks and Recreation Department. [Ord. 2016-042]		
6.	Projects with four or fewer dwelling units, may use Art. 5.D.2.B.5, Cash-Out Option for compliance with their minimum recreation site. [Ord. 2020-001]		

C. Passive Park

See Art. 4.B.3.C.8, Park, Passive.

D. Public Park

See Art. 4.B.3.C.9, Park, Public.

E. Infill Neighborhood Park

See Art. 4.B.3.C.7, Park, Neighborhood Infill.

F. Phasing

Any development required to provide recreation shall follow one of the following Phasing Plans:

1. Single Phasing

When the development is to be constructed in a single phase, or where each phase will provide recreational facilities specifically for the residents of that phase, then the recreational site(s) for that phase shall be site planned, or platted, concurrent with that phase of construction. No more than 40 percent of the Building Permits for residential units shall be issued for the phase until the recreational improvements have been completed in their entirety and open for use and accessible to the residents, or unless a Phasing Plan for completion of the required recreation area is agreed to and approved by the Parks and Recreation Department. [Ord. 2006-004]

2. Multiple Phasing

When the development is to be constructed in multiple phases or plats and one or more required recreational site(s) is/are intended to serve the residents of two or more phases of the development, then the following sequence shall be adhered to:

- The recreation site(s) shall be site planned concurrent with the site plan for the first phase of residential development for which the recreational site will serve.
- The recreation site(s) shall be platted concurrent with the plat for the residential development phase they will serve. No more than 40 percent of the Building Permits for residential units shall be issued for any phase until the recreational improvements have been completed in their entirety and open for use and accessible to the residents, or unless a Phasing Plan for completion of the required recreation area is agreed to and approved by the Parks and Recreation Department. [Ord. 2006-004] [Ord. 2016-042]

3. Multifamily and Congregate Living Facilities

No more than 20 percent of the Certificates of Occupancy for the residential units shall be issued for the phase until the recreational improvements have been completed in their entirety and open for use and accessible to the residents, or unless a Phasing Plan for completion of the required recreation area is agreed to and approved by the Parks and Recreation Department. [Ord. 2016-042]

G. Public Park Landscape Standards

This Section recognizes that public parks require flexibility in landscape design to address unique natural and man-made resources that serve the public. Public park landscape standards are applicable in all development tiers and promote open views and vistas into natural landscapes, lakes, greenways, blueways, and open spaces for appreciation and benefit of the public. Deviations for publicly-owned and operated public parks from the landscaping requirements of Art. 7, Landscaping, are as follows: [Ord. 2006-004] [Ord. 2008-003] [Ord. 2011-001]

1. General Standards

a. Minimum Tree Quantities

A minimum of one tree is required per 1,200 square feet of overall area, excluding lakes, natural areas, and recreation areas. [Ord. 2006-004] [Ord. 2008-003]

b. Minimum Shrub Quantities

A minimum of one shrub is required per 1,250 square feet of impervious area, excluding lakes and wetlands. [Ord. 2006-004] [Ord. 2008-003]

c. Interior and Perimeter Buffer Trees

A minimum of 75 percent of required trees shall be Canopy trees. Palms or pines may be counted as one Canopy tree, not to exceed 25 percent of the total number of required trees. [Ord. 2006-004]

d. Foundation Planting

1) Exemption

Open-air pavilions, bathrooms, scoreboxes, mechanical vaults, and similar park structures less than 2,000 square feet are exempt from foundation planting requirements. [Ord. 2006-004]

2) Dimensions

Foundation planting shall be provided along a minimum of 50 percent of front and side façades, and the rear façade if oriented towards any public-use area. Width shall be a minimum of five feet along front and rear façades, where required, and eight feet along side façades. [Ord. 2006-004]

2. Perimeter Buffer Landscape Requirements

a. R-O-W Buffers

1) Applicability

R-O-W Buffers pursuant to Art. 7, Landscaping for public parks, open space, and golf courses, shall be exempt from the planting requirements of Table 7.C.2.A, R-O-W Buffer Landscape Requirements. Required R-O-W Buffer trees may be planted in a natural pattern within and adjacent to the designated landscape buffer. [Ord. 2006-004] [Ord. 2008-037]

2) Required Plantings

Where parking lots, maintenance buildings, and/or loading areas are located immediately adjacent to R-O-W Buffers, the standards in Art. 5.D.2.G.2.a.1), Applicability, shall not apply. Where shrub and hedge plantings are required, the minimum number of layers of shrubs indicated in Table 7.C.2.A, R-O-W Buffer Landscape Requirements may be reduced to two in all tiers. [Ord. 2008-037]

b. Compatibility Buffers

Compatibility Buffers shall be a minimum of five feet in width. Public park uses adjacent to other public park open space and civic uses or pods shall be exempt from Compatibility Buffer requirements. Required Compatibility Buffers shall be exempt from the shrub planting requirements of Table 7.C.2.B, Compatibility Buffer Landscape Requirements. Required trees may be planted in a natural pattern within or adjacent to the designated landscape buffer. [Ord. 2006-004] [Ord. 2008-037]

c. Incompatibility Buffers

Incompatibility Buffers shall be a minimum of 15 feet in width. The minimum number of layers of shrubs indicated in Table 7.C.2.C, Incompatibility Buffer Landscape Requirements may be reduced to two in all tiers. [Ord. 2006-004] [Ord. 2008-037]

d. Pathways in Buffers

Pedestrian pathways, exercise trails, and other related recreational trails may be allowed to meander in required R-O-W and Compatibility Buffers. [Ord. 2006-004]

e. Berms

Berms shall be permitted in any perimeter buffer in all tiers. [Ord. 2006-004]

f. Fences and Walls

Walls and fences may be located along the property line, and may be exempt from the tree, shrub, and hedge requirements of Art. 7.D.4.B, Walls and Art. 7.D.4.C, Fences. Vinyl-coated chain link fences are permitted in any perimeter buffer in any tier, and may be exempt from the requirements of Art. 7.D.4.C.1, Chain Link Fences. [Ord. 2006-004]

g. WCRAO

Landscape buffers shall not be required if the proposed park and recreation areas are internally integrated within the development. [Ord. 2008-037]

3. On-Site Parking Requirements

a. Landscape Islands

One landscape island a minimum of ten feet in width shall be required per ten spaces, in all tiers (maximum 100 feet apart), excluding spaces that are designated for vehicles with trailers. [Ord. 2006-004] [Ord. 2018-002] [Ord. 2018-018]

CHAPTER E PERFORMANCE STANDARDS

Section 1 Major Intersection Criteria

As specified in this Code, certain specific uses shall be located at major intersections or internal to a PDD that is located at a major intersection. For the purpose of this Chapter, to be considered a major intersection each roadway at the intersection, shall meet at least one of the following standards:

A. Four Lanes

The roadway currently exists at four lanes or more, Link to Link, and is shown on the Thoroughfare R-O-W Protection Map. Dedication of R-O-W or construction of additional lanes solely in front of a property shall not satisfy this standard;

B. Five-Year Road Plan

The roadway appears in the Five-Year Road Plan to be constructed as a major Arterial of at least four lanes;

C. Traffic Volume

The current average traffic volume on the roadway is greater than 10,000 trips per day as shown on the Peak Season Traffic Volume Table published by the Palm Beach County Traffic Division; [Ord. 2009-040]

D. R-O-W

The roadway is shown on the Thoroughfare Plan as 120-foot R-O-W or greater; or,

E. Upgrade Agreement

The Applicant agrees to improve the roadway system to meet the standards in this Chapter as a Condition of Approval.

Section 2 Location Criteria

A. Purpose and Intent

To mitigate the adverse impacts created by excessive concentrations of specific uses at intersections and along roadways that adversely impact traffic flow, pedestrian circulation, and visual impacts related to site layout. [Ord. 2006-004]

B. Intersection Criteria

Applicable uses shall be limited within 1,000 feet of any intersection, measured from the intersection of the centerlines of each street to the nearest exterior wall or outdoor dining area of the use. [Ord. 2006-004]

C. Separation Criteria

Any use within 1,000 feet of an intersection pursuant to the location criteria above shall be exempt from this requirement. A use shall meet the following separation criteria of any other same and existing or approved use, measured by drawing a straight line between the nearest point of the exterior wall or outdoor dining area of the proposed use to the same for an existing or approved use: [Ord. 2006-004]

1. 1,000 feet; or

2. 500 feet.

D. Existing Uses

The locational and separation criteria in this Section shall have no effect on any existing uses that are conforming uses as of the effective date of this Code. Where applicable, any DOA to an existing use shall comply with Art. 4.B.2.C.31.f.3), Exceptions, to the greatest extent feasible. [Ord. 2006-004]

Section 3 Drainage

For all development in all districts, drainage shall be designed and constructed in accordance with the drainage and stormwater management standards of Art. 11, Subdivision, Platting, and Required Improvements, except that the requirements for legal positive outfall, pursuant to Art. 11.E.1.A.3, Stormwater Management System, shall not apply to:

A. Development That Meets Both of the Following Criteria

1. The primary use is a parking lot, open storage, open-sided structure with no utilities, or similar use as determined by the County Engineer.
2. The property is not located adjacent or contiguous to a drainage facility which provides access to a point of legal positive outfall.

B. Industrial Designations

Individual lots designated as Industrial on the FLUA which have a zoning designation of IL, IG, MUPD, or PIPD are limited to industrial uses, are located 300 feet or more away from connecting to legal positive outfall, and which provide either:

1. Adequate on-site lake area to store the 100-year, three-day rainfall event within the limits of the lake; or
2. Store a 100-year, three-day rainfall event on this site in a combination of lake and surface storage conditioned upon providing a hydrological study showing that inundation of the parking lot areas and driveways does not persist for more than 72 hours following cessation of the 100-year, three-day rainfall event.

C. Security Trailers or Caretaker Quarters allowed in conjunction with an exempted use.

Any parcel meeting the above listed exemptions from the provisions of legal positive outfall shall connect to a central sewer system and shall not utilize a septic tank system.

D. Lands with Paola or St. Lucie Soil Types

Projects that are planned on lands located approximately along the I-95 corridor that consist of Paola or St. Lucie soil types which are excessively drained and have a depth to water table in excess of eight feet, as measured from the average natural elevation of the property. In lieu of providing legal positive outfall for projects meeting the above criteria, projects shall be developed utilizing a water management system that contains the 100-year, three-day storm event entirely within a designated retention area, after accounting for soil storage. Calculations showing total on-site retention shall be provided utilizing the rainfall distribution as detailed in SFWMD's Vol. IV Manual, latest edition. [Ord. 2005-002]

Section 4 Nuisances

A. General

1. Purpose and Intent

The purpose and intent of this Chapter is to regulate possible nuisances, such as excessive noise, vibration, odors, and outdoor lighting which could interfere with the peaceful enjoyment of land.

2. Applicability

This Chapter shall apply to all land in the unincorporated area of PBC, unless exempt pursuant to Art. 5.E.1.E, Upgrade Agreement.

3. Conflicts

Any conflict between this Chapter and any other provision in this Code or any other Ordinance adopted by the BCC, or provision, regulation, standard, or law adopted by Statute, the more stringent shall apply.

4. Definitions

See Art. 1.H, Definitions and Acronyms.

5. Exemptions

The following are exempt from this Chapter:

a. Transportation

Sound generated from motor vehicles legally operating on any public R-O-W regulated by F.S. ch. 316 (Uniform Traffic Control Law). Sound generated by interstate rail carriers operating on any railroad R-O-W. Sound generated by an airport, including all airport-related operations. All other uses of land preempted by applicable State of Florida or Federal laws or regulations.

b. Sanctioned Activities

Sound generated by a government sanctioned activity conducted on public land or in a public R-O-W (e.g., parades).

c. Crowd Noise

Non-amplified sound generated by crowd noises at sporting events.

d. Research and Technology Overlay (RTO)

Sound generated from a source located within the RTO.

e. Farm Operation

Bona Fide Agriculture operations conforming to generally accepted agricultural and best management practices.

f. AGR District

Noise, vibration, smoke, emissions, particulate matter, and odors by farm operations conforming to generally accepted agricultural and management practices in the AGR district. [Ord. 2005-041]

g. Temporary, Portable Power Generators

Sound generated by temporary, portable power generators used only during periods of electrical power outages in utility distribution systems maintained by the utility service provider. [Ord. 2005-041]

B. Noise Limitations and Prohibitions

In addition to the maximum sound levels set forth in Table 5.E.4.B, Maximum Sound Levels, the following activities shall be limited or prohibited as follows:

1. Prohibitions

a. Horns

Sounding a horn or other audible signal device, except as required by law or as a warning of imminent danger. The sounding of any device for an unnecessary reason or unreasonable period of time is prohibited.

b. Parks

Operating or playing any radio, television, phonograph, musical instrument, or similar device on public land or in a public R-O-W at a distance of 100 feet from the source which generates excessive noise.

c. Amplified Sound

Operating, playing, or using any loudspeaker, loudspeaker system, sound amplifier, radio, television, phonograph, musical instrument, or similar device which generates excessive noise at the property line of inhabited residential land. This provision shall not apply to special events but shall apply to lounges, restaurants, or nightclubs.

d. Advertising

Operating, playing, or using any device which generates excessive noise at the property line that is cast or emitted upon the public streets and sidewalks for the purpose of commercial advertising or for attracting the attention of the public.

e. Machinery and Construction Work

The operation of any machinery, demolition equipment, construction equipment, excavating equipment, power tool, equipment of a semi-mechanical device, or undertaking construction work which generates excessive noise at the property line of inhabited residential land between the hours of 10:00 p.m. and 7:00 a.m. Construction work other than minor repairs by a homeowner and work permitted to an owner-builder shall be prohibited on Sunday. This restriction shall not prohibit the use of pumps or machinery which, because of their nature and purpose, are required to be in operation 24 hours a day.

f. Lawn Equipment

The operation of lawn or garden maintenance equipment or machinery which generates excessive noise at the property line of inhabited residential land between the hours of 10:00 p.m. and 7:00 a.m.

2. Maximum Sound Levels

- a. No person shall operate or cause to be operated any source of sound from any location in such a manner as to create a sound level which exceeds the limits set forth below in Table 5.E.4.B, Maximum Sound Levels, for more than ten percent of any measurement period, which period shall not be less than ten minutes. Sound Level Measurement Compliance shall be determined with a Type 2 or equivalent sound level meter using the A-Weighting Scale in accordance with the standards of the American National Standards Institute (ANSI). All measurements shall be made with a sound meter at or within the boundary of the complaining landowner within the property lines of the receiving land.

Table 5.E.4.B – Maximum Sound Levels

Receiving Land Use Type	Sound Source	Time of Day	Max. Sound Level	
			USA	RSA
Residential	Fixed mechanical equipment	Any time	60 dB	60 dB
Residential	Permanent generator	See Art. 5.B.1.A.19, Permanent Generators	75 dB	75 dB
Residential	All other sources	7:00 a.m. to 8:00 p.m.	60 dB	55 dB
		8:00 p.m. to 10:00 p.m.	55 dB	50 dB
		10:00 p.m. to 7:00 a.m.	50 dB	50 dB
Commercial Non-Residential	All sources	Any time	70 dB	70 dB
Non-Residential	Permanent generator	See Art. 5.B.1.A.19, Permanent Generators	75 dB	75 dB

[Ord. 2006-004]

3. Public Nuisance

a. Injunctive Relief

Any emission of noise, the generation of sound from any source in excess of the limitations established in, or pursuant to, this Chapter shall be deemed and is hereby declared to be a public nuisance. Upon receipt of written complaint of violation of this Chapter, the Code Enforcement Officer may investigate and request the County Attorney to file injunctive proceedings to abate the nuisance. Such proceedings shall be cumulative and in addition to the penalties provided herein.

b. Civil Action

The generation of sound from any source not limited by this Code shall be considered a civil issue and addressed accordingly by law.

C. Vibration

1. Non-Industrial Districts

In all districts, except with an Industrial (IND) FLU designation, no use shall operate so as to produce ground vibration noticeable by a person of reasonable sensitivity at the property line.

D. Smoke, Emissions, and Particulate Matter

1. General Requirements

No use or activity shall be operated except in full compliance with the standards controlling air pollution as provided in the laws of the State of Florida and the Ordinances. [Ord. 2006-004]

2. Smoke

In all districts, unless otherwise covered by a specific visible emission limiting standard by a FDEP Rule or County Ordinance, every use shall be operated so as to prevent the emission of smoke from any source whatever, the density of which is equal to or greater than that designated as Number 1 on the Ringelmann Chart, or the opacity of which is equal to or greater than 20 percent. For the purpose of grading the density of smoke, the Ringelmann Chart, as published and used by the United States Bureau of Mines, or Method 9, as published in Chapter 62-296, F.A.C., is incorporated herein by reference. All measurements shall be at the point of emission. [Ord. 2006-004]

3. Dust and Particulate

Every use shall be operated to prevent the emission into the air of dust or other solid particulate matter which may cause danger to land and the health of persons or animals at or beyond the lot line of the premises on which the use is located, in accordance with Chapter 62-296, F.A.C. [Ord. 2006-004]

4. Objectionable Odors

No person shall cause, suffer, allow, or commit the discharge of air pollutants which contribute to an objectionable odor in accordance with Rule 62-296.320(2), F.A.C. [Ord. 2006-004]

5. Toxic or Noxious Matter

No use shall for any period of time, discharge across the boundaries of a lot on which it is located, toxic or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or general welfare, or cause injury or damage to persons, land, or the use of land, or render unclean the waters of the State to the extent of being harmful or inimical to the public health, or to animal or aquatic life, or to the use of such waters for domestic water supply, industrial purposes, recreation, or other legitimate and necessary uses. [Ord. 2006-004]

E. Outdoor Lighting

1. Purpose and Intent

It is the intent of this Section to preserve, protect, and enhance the lawful nighttime use and enjoyment of any and all property through the use of appropriate lighting practices and systems. Such individual fixtures, luminaires, and lighting systems are designed, constructed, and installed to: control glare and light trespass; minimize obtrusive light; eliminate the increase of lighting levels on competing sites;

provide safe roadways for motorists, cyclists, and pedestrians; conserve energy and resources while maintaining safety, security, and productivity; and, curtail the degradation of the nighttime visual environment. [Ord. 2005-041]

2. Applicability

All outdoor lighting shall be subject to the requirements of Table 5.E.4.E, Illumination Levels, and Table 5.E.4.E, Maximum Permitted Luminaire Height, unless exempted or permitted to deviate as described herein. Lighting not specifically listed may be classified by the Executive Director of PZB pursuant to Art. 1.B, Interpretation of the Code. In addition to the standards in this Section, outdoor lighting shall be consistent with Art. 14, Environmental Standards. [Ord. 2005-041] [Ord. 2011-016] [Ord. 2019-034]

a. Conflict

In the case of a conflict between this Section and other provisions of this Code, or other applicable codes, the more strict regulation shall apply. [Ord. 2005-041]

b. Non-Conforming Lighting

All luminaires that do not comply with the standards of this Section shall be subject to the limitations on expansion, maintenance, relocation, damage repair, and renovations pursuant to Art. 1.F, Non-Conformities. [Ord. 2005-041]

c. Exemptions

The following shall be exempt to the extent listed below: [Ord. 2005-041] [Ord. 2019-034]

1) Residential

Single Family, Townhouses, and Multifamily with a maximum of two units shall not be subject to the requirements of Art. 5.E.4.E.3, Submittal Requirements and Art. 5.E.4.E.4, Standards. All permitted outdoor lighting shall be oriented and directed away from adjacent residential uses or adjacent streets that are internal or external to the subject property. [Ord. 2005-041] [Ord. 2019-034]

2) Street Lights

Street lights in any public R-O-W that meet the requirements of the appropriate public utility. [Ord. 2005-041]

3) Temporary Lighting

The temporary use of low-wattage or low-voltage lighting for public festivals, celebrations, and the observance of holidays are exempt from regulation except where they create a hazard or nuisance from glare. [Ord. 2005-041]

4) Landscape and Accent Lighting

Landscape and accent lighting fixtures that comply with the Florida Building Code, Building Section 13-415.AB.2.1 efficiency requirements shall be exempt. All exempt landscape and accent lighting fixtures must have a locking mechanism and a glare shield so that light is aimed, and remains aimed at the surface intended. [Ord. 2008-037]

5) Public Park and Recreation Facilities

Government-owned or operated public parks and recreation facilities that are only open between dawn and dusk, shall not be subject to the requirements of this Section. [Ord. 2018-018]

6) Temporary Uses pursuant to Art. 4.B.11, Temporary Uses. [Ord. 2019-034]

d. Prohibited Outdoor Lighting

The following types of outdoor lighting are prohibited in unincorporated PBC: [Ord. 2005-041]

- 1) Any light that creates glare observable within the normal range of vision onto a street or creates a safety hazard; [Ord. 2005-041]
- 2) Any light that resembles an authorized traffic sign, signal, or device, or that interferes with, misleads, or confuses vehicular traffic as determined by the Zoning Director or Traffic Director; [Ord. 2005-041]
- 3) Beacon or searchlights, except for temporary grand openings and special events, as limited by State of Florida or Federal law; [Ord. 2005-041]
- 4) Any drop lens fixture or fixture that does not meet the IESNA full-cutoff classification of zero percent of lumens above 90 degrees from nadir. This includes, but is not limited to, parking lot fixtures, building façade fixtures, and other non-landscape lighting fixtures; and, [Ord. 2008-037]
- 5) Animated lighting, unless authorized under Art. 8, Signage. [Ord. 2005-041]

e. Deviations

Lighting may vary from this Section to the extent necessary to comply with the following: [Ord. 2005-041]

- 1) F.S. § 655.962, related to ATM lighting; [Ord. 2005-041]

- 2) F.S. § 812.173, related to parking lots for convenience businesses; [Ord. 2005-041]
- 3) Lighting on Public Schools required by Florida Building Code, Building Section 423, and the SDPBC Electrical Design Criteria; [Ord. 2005-041] [Ord. 2012-027]
- 4) Airport lighting regulated by State or Federal law; [Ord. 2005-041]
- 5) Lighting for obstructions to air navigation as provided in U.S. Department of Transportation, Federal Aviation Administration Advisory Circular 70/7460-1K; [Ord. 2005-041]
- 6) Lights required on vehicles under State Uniform Traffic Control Statutes or for vessels under Vessel Safety Statutes under F.S. ch. 316 and F.S. ch. 327; [Ord. 2005-041]
- 7) Lighting for public health required by F.S. ch. 381; [Ord. 2005-041]
- 8) Electrical Code Statute requirements under State Building Code; [Ord. 2005-041]
- 9) F.S. § 553.963 and F.S. § 553.904, Efficiency and Energy Conservation Statutes under Building Code Standards; [Ord. 2005-041]
- 10) Lighting for outdoor theaters under F.S. § 555.07; [Ord. 2005-041]
- 11) Lighting for Commercial Communication Towers under Art. 4.B.9.B.9, Lighting of the ULDC; and, [Ord. 2005-041] [Ord. 2017-007]
- 12) Other Federal, State, and Local laws and regulations that may apply. [Ord. 2005-041]

3. Submittal Requirements

a. Photometric Plan

All Building Permit applications that include the use of external luminaires, or luminaires visible from the exterior of a structure shall include an outdoor lighting plan and an outdoor security lighting plan showing location, type, and height of all luminaires, and photometrics in foot-candle output of all proposed and existing luminaires on site. On-site lighting to be included in the calculations shall include, but is not limited to, lighting for parking lot, canopies, recessed lighting along the building, and/or overhang. Each plan shall include any calculations or modifications required to comply with items listed in Art. 5.E.4.E.2.e, Deviations. The photometric plans shall include the following: [Ord. 2005-041]

- 1) A table showing the average, minimum, and maximum foot-candles, average to minimum ratio, and maximum to minimum ratio on the site, and maximum luminaire heights. Maximum photometric calculation grid shall not exceed ten feet. [Ord. 2005-041]
- 2) Manufacturer's catalog cuts that provide a description of the luminaires, including wattage, lumen output, glare reduction/control devices, lamps, on-off cycle control devices, and mounting devices. [Ord. 2005-041]
- 3) All photometric plans must be signed and sealed by a licensed Engineer, Architect, or Landscape Architect. [Ord. 2005-041] [Ord. 2008-037]
- 4) A Certificate of Compliance signed and sealed by a licensed Engineer, Architect, or Landscape Architect, must be submitted prior to the issuance of a Certificate of Occupancy. [Ord. 2005-041] [Ord. 2008-037]
- 5) The photometric plan shall not include time averaging or other alternative methods of measurement. A Light Loss Factor (LLF) shall be used for the calculations in a photometric plan. The values of the LLF shall be a maximum value of 0.72 for Metal Halide, 0.81 for High Pressure Sodium, and 0.95 for LED, based on manufacturers' initial lamp lumens. [Ord. 2005-041] [Ord. 2008-037]

4. Standards

a. Confinement

All outdoor lighting shall utilize full-cutoff luminaires per the Illuminating Engineering Society of North America (IESNA) definition of full cutoff which allows for zero percent of lumens above 90 degrees from nadir. No luminaires other than landscape lighting exempted per Art. 5.E.4.E.2.c.4), Landscape and Accent Lighting, shall be directed upwards to avoid urban sky glow. In the U/S Tier, accent and landscape luminaires not exceeding 100 watts. [Ord. 2005-041] [Ord. 2008-037]

b. Light Trespass

The maximum illumination at the property line of an adjoining residential parcel or public R-O-W is 0.33 horizontal and vertical foot-candles measured at six feet above grade level. Said illumination likewise measured at the property line of an adjoining non-residential parcel, shall not exceed 3.0 horizontal and vertical foot-candles measured at six feet above grade level. [Ord. 2005-041]

c. Security Lighting and Time Restrictions

- 1) Full-cutoff luminaires shall be used for all security lighting and dusk-to-dawn area lighting. [Ord. 2005-041]
- 2) Outdoor illumination, including but not limited to, areas used for outdoor sales and display, eating, parking, assembly, service, storage of equipment and freight, loading and unloading,

repair, maintenance, commercial activities, and industrial activities shall not continue after 11:00 p.m., or no more than one hour after active use of the area ceases, whichever is later, except for security lighting. [Ord. 2005-041]

- 3) Security lighting shall be required for all active entrances to buildings, parking lots, and access to buildings or parking lots. All security lighting shall maintain an average of 0.75fc, a minimum of 0.3fc, and a maximum of 3fc from dusk until dawn. [Ord. 2005-041] [Ord. 2008-037]
- 4) No outdoor recreational facility shall be illuminated after 11:00 p.m. except to conclude a scheduled and sanctioned recreational or sporting event by PBC or other authorized agency in progress prior to 11:00 p.m. The luminaires shall be extinguished after outdoor recreational events are completed and the site has been vacated. [Ord. 2005-041]

a) Exceptions

Public recreational facilities such as boat ramps, fishing piers, or other similar facilities that operate or are open to the public on a 24-hour basis. [Ord. 2005-041]

- 5) Automatic timing devices with a photosensor or an astronomical timeclock, which control the hours of illumination shall be required for all parking lots, car dealerships/outdoor display lots, and parking garages. These devices may remain on Eastern Standard Time throughout the year. [Ord. 2005-041] [Ord. 2008-037]

d. Illumination Levels

Table 5.E.4.E, Illumination Levels, indicates the minimum and maximum illumination levels for specific site elements, as well as the maximum to minimum, and average to minimum ratios. [Ord. 2005-041]

Table 5.E.4.E – Illumination Levels

Outdoor Lighting	Max. Illumination (1)	Min. Illumination (1)	Max. to Min. Ratio	Average to Min. Ratio
Buildings and Accessory Structures				
a. Pathway Lighting (2)	5.0 (5)	-	-	-
b. Canopies, Drive-Through, and Overhangs	30.0	3.0	10:1	2.5:1
Parking Lots				
a. Multifamily Residential	3.0	0.3	10:1	-
b. All Other Uses	12.0	1.0	12:1	3:1
Parking Structures				
a. Parking Area	10.0	1.0	10:1	4:1
b. Ramps – Day	20.0	2.0	10:1	-
c. Ramps – Night	10.0	1.0	10:1	-
d. Entrance Area – Day	50.0	5.0	10:1	-
e. Entrance Area – Night	10.0	1.0	10:1	-
f. Stairways	-	10.0	-	-
Property Boundary	Refer to Light Trespass			
Specialty Lighting (4)				
a. Golf Courses	Per IESNA Lighting Handbook			
b. Outdoor Entertainment				
c. Parks				
Other Lighting Types				
a. Outdoor Display and Storage for Vehicle Sales and Rental	15 (3)	1.0	15:1	4:1
b. Other Outdoor Display and Storage Areas	20	1.0	15:1	4:1
c. Outdoor Work Areas	20	1.0	15:1	4:1
[Ord. 2005-041] [Ord. 2008-037] [Ord. 2010-005] [Ord. 2019-034]				
Notes:				
1.	Measured in foot-candles.			
2.	Building or accessory-mounted luminaires used to light parking lots shall comply with parking lot illumination levels.			
3.	May be increased to 20 foot-candles for the first row of display parking located adjacent, but not more than 100 feet from a R-O-W.			
4.	Applicable to outdoor recreation areas only, excluding areas such as parking lots, drive aisles, pathways, building, and landscape lighting.			
5.	Fully shielded bollards not greater than 42 inches in height may be permitted up to 20 foot-candles.			

e. Luminaire Heights

Table 5.E.4.E, Maximum Permitted Luminaire Height, identifies the maximum height for any freestanding or structure-mounted luminaires.

Table 5.E.4.E – Maximum Permitted Luminaire Height

Location	Max. Height	
	U/S Tier	Rural, Exurban, Glades, and AGR Tiers
Buildings and Accessory Structures		
a. Buildings	25' or eave overhang, whichever is lower (unless required by the Florida Building Code)	
b. Accessory Structures	10'	8'
Parking Lot		
a. Residential	20'	15'
b. Industrial	40'	-
c. Commercial, Civic, and Institutional	30', or equal to the height of the building up to a max. of 40'	25'
Parking Structures		
a. Luminaires on Top Parking Level	20' or 25' (4)	15'
Property Boundary		
a. Luminaires within 100' of Residential (2)	20'	15'
Specialty Lighting (3)		
a. Golf Course	Per IESNA Lighting Handbook	
b. Outdoor Entertainment		
c. Parks		
[Ord. 2005-041] [Ord. 2019-034]		
Notes:		
1.	For the purposes of this Table, residential parcel shall include any residential use, or any vacant parcel with a residential FLU designation.	
2.	The height of any lighting luminaire within 100 feet of a parcel with a residential use or FLU designation shall be limited in accordance with the height limitations for Property Boundary, Residential.	
3.	Applicable to outdoor recreation areas only, excluding areas such as parking lots, drive aisles, pathways, building, and landscape lighting.	
4.	Minimum setback shall be 45 feet from exterior edge of wall for all luminaires, except luminaires mounted to interior face of perimeter wall, which do not exceed the height of the perimeter wall.	

f. Measurement

- 1) Illumination levels shall be measured in foot-candles with a direct-reading, calibrated, portable light meter. The light meter shall be placed not more than six inches above grade level. [Ord. 2005-041]
- 2) For the purpose of measuring light trespass, the light meter shall be placed at the property line of the subject parcel six feet above the grade level. [Ord. 2005-041]

Section 5 Hours of Operation

Hours of operation relate to the time during which the use is open to the public for business. For uses not open to the public, hours of operation shall be the time in which the use has employees working. [Ord. 2017-007]

A. Proximity to Residential

Any non-residential use shall be subject to the hours of operations indicated in Table 5.E.5.A, Hours of Operation, when located within 250 feet of a parcel of land with a residential FLU designation or use, unless stated otherwise. Mixed uses located in the following zoning districts shall not be considered residential uses for the purposes of hours of operation: Neighborhood General (NG), Neighborhood Commercial (NC), and Urban General (UG) Sub-areas of the WCRAO and UC, UI, MUPD, and TMD. [Ord. 2017-007] [Ord. 2017-025] [Ord. 2018-018] [Ord. 2021-023]

Table 5.E.5.A – Hours of Operation

Non-Residential Use Classification	Hours (1)
Commercial	6:00 a.m. to 11:00 p.m.
Recreation	6:00 a.m. to 11:00 p.m.
Institutional, Public, and Civic	6:00 a.m. to 11:00 p.m.
Industrial with Outdoor Activities	7:00 a.m. to 7:00 p.m. (Monday through Saturday)
Industrial without Outdoor Activities	6:00 a.m. to 11:00 p.m. (Monday through Saturday)
Transportation	7:00 a.m. to 11:00 p.m.
Temporary	6:00 a.m. to 11:00 p.m.
Accessory Non-Residential Uses to Residential Uses	7:00 a.m. to 7:00 p.m.
[Ord. 2017-007] [Ord. 2018-018]	
Notes:	
1.	Stocking activities or deliveries for non-residential uses are subject to the hours listed above when located within 250 feet of a parcel of land with a residential use or FLU designation. [Ord. 2018-018]

B. Measurement

Measurement shall be taken by drawing a straight line from the property line of the residential use or FLU designation to the closest point of the loading area, the exterior wall, structure, or bay housing the non-residential use. [Ord. 2009-040] [Ord. 2017-007] [Ord. 2018-018]

C. Existing Uses

Uses existing prior to this amendment may comply with the requirements existing at the time the use was established, unless modified by a subsequent Development Order. [Ord. 2009-040] [Ord. 2017-007]

D. Exemptions

Uses owned or operated by a governmental entity that provide essential services for the public, as determined by the Zoning Director, shall be exempt from these standards. [Ord. 2009-040] [Ord. 2017-007]

E. Type 2 Waiver

Hours of operation may be altered pursuant to Art. 2.B.7.D, Type 2 Waiver. [Ord. 2018-018]

CHAPTER F LEGAL DOCUMENTS

Any legal documents requiring PBC approval shall be reviewed prior to submission by a licensed attorney. This shall include documents required by Code or as a condition of any land use approval. For the purposes of the provisions, “legal documents” shall include, but not be limited to, the following types of documents: restrictive covenants, easements, agreements, access agreements, removal agreements, Unity of Control, and Unity of Title. Any document that follows exactly the language of a PBC-approved form is exempt from this requirement.

Section 1 Maintenance and Use Documents

A. Purpose and Intent

This Chapter is established to ensure that adequate ownership and maintenance measures will be provided in residential and other developments to protect and perpetually maintain all common areas or other required areas (including improvements located upon or within the common areas) required pursuant to this Code or other applicable PBC Ordinances or regulations. This Chapter is also established to ensure the continued availability and utility of the common areas for the residents or occupants of the development and to prevent such facilities or the need for such facilities from becoming an unnecessary burden or nuisance to PBC or surrounding property. Nothing in this Chapter shall be construed as creating any obligation upon PBC to maintain such common areas or their improvements or to otherwise ensure their availability and condition.

B. Applicability

This Chapter shall apply to all developments subject to review by the DRO as delineated elsewhere in this Code. Developments for which waivers of platting are administratively obtained shall also comply with the requirements of this Chapter. [Ord. 2010-022]

C. Exception

Generally, the maintenance and use documents requirement shall not apply to lands or improvements to be owned and maintained under a condominium or cooperative. The developer of any lands to be owned and maintained under a condominium or cooperative shall establish and regulate those in accordance with the requirements set forth by the State of Florida. If the condominium or cooperative is located within a PUD, though, additional PBC document requirements may apply.

D. General Requirements

A developer shall submit documents establishing maintenance and use of the common areas of a proposed development and other required areas at the point in the development process set forth in Art. 11.D, Platting, or as required as a Condition of Approval by any Decision Making or Administrative Body of PBC. All documents shall be reviewed and approved by the County Attorney's Office prior to recording in the Public Records. The recording of the documents and all associated fees shall be the responsibility of the developer. All documents shall be recorded as approved by the County Attorney's Office, and copies of the recorded documents shall be submitted to PBC when requested.

E. Documents Establishing Maintenance and Use

The type of document required to establish use rights and responsibility for maintenance of the common areas and private preserve areas of a development depends upon the nature of the development.

1. Developments Including a Subdivision of Five or More Lots

A POA shall be required. Developer shall submit a Declaration of Covenants and Restrictions, Articles of Incorporation, and By-Laws. If there are to be party walls within the development, the Declaration of Covenants and Restrictions shall include a Declaration of Party Wall. This requirement applies to both residential and non-residential developments.

2. Subdivisions of a Maximum of Four Lots

A POA may or may not be required depending upon the individual subdivision. Prior to the approval of the Final Subdivision Plan or Plat, if the DO includes common areas, the Applicant shall be required to establish a POA or a Unity of Control pursuant to the requirements below. If there are to be party walls within the development, a Declaration of Party Wall shall be included in the submission. [Ord. 2021-006]

F. Applicability and Document Requirements

The following shall be the minimal requirements for specific maintenance and use documents described below. Provisions, which do not conflict with any PBC requirements, may also be included. [Ord. 2023-026]

1. Property Owners' Association (POA) Documents

a. Declaration of Covenants and Restrictions

1) Legal Description

a) For Master Property Owners' Associations

Where applicable, all property included within the Master Plan for a Development Order, regardless of how many phases, shall be subjected to the terms of the declaration at the time the first plat of the development is recorded. Property shall not be withdrawn from the terms of the declaration unless it is also withdrawn from the Master Plan. This shall also apply to any affected portion of an AGE Allocation Plan with a Development Order for a Rezoning, Conditional Use, or related Development Order Amendment subject to the requirements of the AGE. [Ord. 2010-022] [Ord. 2017-007]

b) For Sub-Associations

All property included within a plat in which a sub-association is named in a dedication/reservation shall be subjected to the terms of the declaration for that sub-association at the time the plat is recorded.

2) Definitions

There shall be a declaration in which, minimally, the following terms (or similar terms) are defined: association, common areas, member, properties, declarant/developer, unit/lot/parcel. The definition of association shall include the name of the POA responsible for maintaining the common areas of the development. The association named here must be the same association that accepts the dedications/reservations on any plat of the development. The association shall be a State of Florida corporation not for profit. The definition of common areas shall include the phrase "any area dedicated to or reserved for the association on any recorded plat or replat of the Properties."

The definition of member shall reflect the requirement that all persons or entities holding title to any portion of the properties shall be voting members of the association. In the case of a master association, this may be accomplished either by direct membership by all owners or by the owners' sub-association membership with the sub-association(s) being the voting member(s) of the master association. The definition must specifically allow direct membership for any owner who is not a member of a represented sub-association.

The definition of properties shall include all the property subject to the terms of the declaration including any added by amendment to the declaration. The definition of declarant/developer shall include successors and assigns. The definition of unit/lot/parcel shall identify the division of property by which membership in the association is defined and shall be consistent with the terms used to define member in the declaration.

3) Association Structure and Responsibilities

There shall be provisions for the following:

- a) All persons or entities owning any portion of the development shall automatically become members of the association;
- b) All members of the association shall be entitled to vote on association matters;
- c) The association shall have the authority to assess all members for association expenses including, but not limited to, the cost of maintaining the common areas;
- d) All members of the association, except any governmental entity, which may own property in the development, shall be subject to assessments by the association. The developer shall either pay assessments or fund the deficit in the association's operating budget until he has turned over control of the association. After he has turned over control of the association, he shall pay assessments for any lot(s) he may still own;
- e) The association shall have the authority to place a lien on a member's property for any unpaid assessment;
- f) The developer may control the association while development is ongoing. He must, however, establish in the declaration a definite time by which he will turn over control of the association to the owners; and,
- g) The declaration shall provide that the association shall be responsible for the maintenance of the common areas and private preserve areas. Maintenance responsibility may be delegated to a sub-association or to an individual lot owner (in the case of certain limited use areas), but the delegating association shall be responsible in the event the sub-association or the lot owner fails to maintain any portion of the common area or other required areas.

4) Common Areas

The common areas shall be defined to include any area dedicated to or reserved for the association on any recorded plat of the properties. The developer shall state at what point he will deed the common areas to the association.

5) Easements

The following easements shall be granted or confirmed if already established by recorded plat or grant of easement:

- a) Ingress/egress easements for members, their guests, and licensees;
- b) Utility easements for installation, maintenance, and repair by any utility company, including cable, servicing the development;
- c) Drainage easements;
- d) Maintenance easements for maintenance of the common areas. If the association will need access to an owner's property to fulfill its maintenance obligation, the easement should be granted here;

- e) Encroachment easements for accidental encroachment onto the common area;
- f) Common area easement for use by all members of the association and their guests;
- g) Developer's easement to allow developer access as needed to complete construction of development;
- h) Public service for police protection, fire protection, emergency services, postal service, and meter reading;
- i) Zero Lot Line (ZLL) easement, if applicable. An easement with a minimum of two feet in width, and contiguous to the ZLL boundary shall be established for the purpose of incidental encroachment, access, and maintenance; or, [Ord. 2013-001]
- j) All easements, with the exception of the developer's easement, shall be perpetual.

6) Architectural Control

Any provisions included in the declaration regarding architectural control should be consistent with PBC regulations. It should be noted in the declaration that nothing in the declaration should be interpreted as an exemption from compliance with PBC regulations.

7) General Provisions

There shall be provisions for the following:

a) Duration

The declaration shall run with the land for a minimum of 20 years with provision for automatic renewal;

b) Enforcement

The association, the individual members, and the developer shall all have the ability to enforce the terms of the declaration;

c) Amendment

The method by which the declaration may be amended shall be established. If the developer is given a separate right for amending the declaration, his right shall not survive the turnover of control. No amendment that withdraws property from the terms of the declaration shall be recorded unless approved in writing by the County Attorney's Office. No amendment inconsistent with the requirements of this Chapter shall be recorded unless approved in writing by the County Attorney's Office. Nothing contained herein shall create an obligation on the part of the County Attorney's Office to approve any amendment.

d) Dissolution

Any owner may petition the Circuit Court for the appointment of a receiver to manage the affairs of the association in the event of dissolution of the association.

b. Articles of Incorporation

- 1) All terms shall be consistent with the terms of the Declaration and By-Laws.
- 2) The POA shall be a State of Florida corporation not for profit with, minimally, the authority to maintain common areas or other required areas, assess members for operating costs, place liens on members' property for failure to pay assessments, and enter into agreements with governmental entities.

c. By-Laws

All terms shall be consistent with the terms of the Declaration and Articles of Incorporation.

2. Declaration of Party Wall

A Declaration of Party Wall shall be recorded whenever there are shared walls in a development. The declaration may be a part of a Declaration of Covenants and Restrictions or it may be recorded as a separate instrument. It should address the following:

- a. Repair of the wall is a joint obligation and expense unless damage is caused by the negligence of one party. In that case the cost of repair is the obligation of that party alone;
- b. Repair or replacement of the wall shall be to its original construction;
- c. Each party shall have the right to file a lien for the cost of repairs;
- d. The mortgagee shall have the same rights as the mortgagor;
- e. Structural changes in the wall are prohibited;
- f. If there is a common roof, the same provisions shall apply;
- g. If access and/or parking are to be shared, there should be an easement granted to accommodate that; and,
- h. This shall be a covenant running with the land.

3. Unity of Control

All PDDs and projects in Standard Zoning Districts with multiple uses, shall be contiguous, unless otherwise stated, and owned or under the control of the Applicant or subject to a Unity of Control. The Unity of Control shall be in a form acceptable to the County Attorney and shall provide for the perpetual

operation and maintenance of all shared/common facilities and improvements, which are not provided, operated, or maintained at the public's expense. The Unity of Control shall be recorded and tied to all properties within the Development Order, unless stated otherwise below: [Ord. 2019-005] [Ord. 2021-006]

a. Subdivisions of a Maximum Four Lots

The Unity of Control shall be recorded prior to approval of a plat or issuance of a Building Permit, whichever occurs first, and shall contain the following: [Ord. 2021-006]

- 1) Legal description of the property subject to the terms of the Unity of Control. This shall include all property included in the Master Plan for the development; [Ord. 2021-006]
- 2) Creation of perpetual cross-access, parking, drainage, and utility easements for the benefit of all owners of the development;
- 3) Maintenance responsibilities for all common areas of the development and method by which maintenance costs shall be shared; and,
- 4) Establishment of these provisions as covenants running with the land.

b. PDDs

For a PDD with a subdivision of a maximum four lots, a Unity of Control shall be recorded prior to approval of a plat or issuance of a Building Permit, whichever occurs first. [Ord. 2021-006]

1) Exception

Public civic uses and AGR Preservation Areas shall not be subject to Unified Control, unless required by a Condition of Approval.

2) The Unity of Control shall contain the following: [Ord. 2021-006]

- a) Legal description of the property subject to the terms of the Unity of Control. This shall include all property included in the Master Plan for the development; [Ord. 2021-006]
- b) Creation of perpetual cross-access, parking, drainage, and utility easements for the benefit of all owners of the development; [Ord. 2021-006]
- c) Maintenance responsibilities for all common areas of the development and method by which maintenance costs shall be shared; and, [Ord. 2021-006]
- d) Establishment of these provisions as covenants running with the land. [Ord. 2021-006]

e) Architectural Guidelines

All buildings and signage shall maintain architectural consistency between all building, signage, and project identification. Consistency shall include, a minimum, an overall unified image and character created by the use of common elements such as building and roofing materials, rooflines, consistent colors, fenestration, architectural features, and architectural elements. Infrastructure, such as Minor Utilities and Water or Wastewater Treatment Plants which are approved for construction in a PDD prior to the approval of other buildings will not be used to set the architectural standards for a PDD. [Ord. 2007-013] [Ord. 2017-007] [Ord. 2021-006]

3) Successive Owners

The Unified Control shall run with the land and shall be binding on all successors in interest to the property.

4) Amendments

Prior to approval of a modification to a Master Plan, Site Plan, or subdivision by the DRO, the Unified Control shall be amended to include/exclude all land added to/deleted from the PDD, and incorporate any revisions modified by the new Development Order that may be in conflict with the original Unified Control. [Ord. 2019-005]

4. Unity of Title

The Unity of Title process shall comply with subdivision and platting requirements pursuant to Art. 11, Subdivision, Platting, and Required Improvements, except as provided below. A Unity of Title and a Release of Unity of Title shall be pursuant to Art. 2.C, Administrative Processes and the Zoning Technical Manual. [Ord. 2021-006] [Ord. 2021-023] [Ord. 2023-026]

- a. The Property Owner may record a Unity of Title to unify two or more abutting residentially zoned Legal Lots of Record in order to allow a Single Family residence and its accessory structure(s) on separate individual lots. Lots separated by a roadway or a platted right-of-way are not considered to be abutting, for the purposes of this Section. The Unity of Title, which shall be a covenant running with the land, provides that the properties shall be considered one unified lot or parcel and that no portion of the property may be sold, transferred, devised, assigned, or conveyed to a different person or entity, except in its entirety as one parcel of land. A Unity of Title shall not be used in lieu of a plat, lot combination, or plat waiver, pursuant to Art. 11, Subdivision, Platting, and Required Improvements. [Ord. 2023-026]

- 1) Structures shall be subject to the following: [Ord. 2023-026]
 - a) The principal structure and accessory structure(s) shall meet the minimum setbacks for the individual lot where it is located. Compliance with the setbacks will ensure if there is a Release of Unity of Title, the structures will comply with setbacks for the individual lots; [Ord. 2023-026]
 - b) The principal structure and accessory structure(s) shall share utilities; [Ord. 2023-026]
 - c) An Accessory Quarter on the individual lot without a principal structure shall meet principal structure setbacks; and, [Ord. 2023-026]
 - d) Accessory structure(s) on the individual lot without a principal structure shall not exceed the square footage of the principal structure. [Ord. 2023-026]
- b. Release of Unity of Title**

The Property Owner may request to release a Unity of Title if the Property Owner demonstrates that the conditions that required the Unity of Title no longer exist, or if the Property Owner agrees to record covenants establishing maintenance and use, in accordance with this Section and Art. 11.B.2.A, Land Development Permit Application Submittal, approved by Zoning and Land Development Divisions in consultation with the County Attorney's Office. [Ord. 2023-026]

 - 1) If applicable, prior to release of the Unity of Title, the Property Owner must demolish or convert the accessory structure to a dwelling unit. If the accessory structure has been converted to a residential dwelling unit, the Property Owner must install separate utilities. [Ord. 2023-026]
 - 2) When a Release of Unity of Title is approved, the Property Owner will be responsible for recording the release in the Public Records of the County prior to selling, transferring, devising, assigning, or conveying any portion of the unified lot. [Ord. 2023-026]
- 3) Recordation**

The cost of recording the Unity of Title and/or a Release of Unity of Title shall be the responsibility of the Property Owner. [Ord. 2023-026]

Section 2 Easements

A. Easement Encroachment

1. Minor Encroachments

Minor encroachments of buildings and structures may be allowed within an easement in accordance with this Chapter.

2. Major Encroachments

Buildings or structures designed for human occupancy, screen enclosures, pools, or spas shall be prohibited within any easement. [Ord. 2010-005] [Ord. 2019-005]

3. Incompatible Uses

No construction shall be permitted within any easement where such construction is incompatible with the use for which the easement was established. If the terms of the easement, statute, law, ordinance, rule, regulation, or approval pursuant to which the easement was established prohibits or excludes the use, such use shall be considered incompatible. The burden shall be on the Applicant to demonstrate that the proposed construction is or will not become incompatible with the purpose for which the easement was established, or impair the rights of the easement holders and beneficiaries. The determination of whether a use is incompatible with the purpose for which an easement was established shall be made by the appropriate regulating agency(s) in accordance with this Chapter.

4. Application Process

Buildings and structures, which are not prohibited pursuant to Art. 5.F.2.A.2, Major Encroachments, shall be subject to the following:

- a. If an application for a Building Permit includes construction in an easement, the application shall include consent from all easement holders and beneficiaries. The consent shall be specific to the proposed construction and in a form acceptable to PZB; and
- b. Prior to the issuance of the Building Permit, the Applicant shall record an executed removal and indemnification declaration. The removal and indemnification declaration shall inure to the benefit of the easement holders and beneficiaries.

5. All Other Approvals Required

- a. All other government permits, approvals, or consents necessary for the construction shall be obtained prior to commencement of the construction.
- b. Compliance with this Chapter shall not be construed to relieve the Applicant from obtaining any required approvals, if applicable, for encroaching into the affected easement.
- c. Nothing herein shall be construed as affecting any right to construct except to the limited and strict extent of any approval granted hereunder. An approval granted in accordance with this Chapter is for the limited purpose of complying with this Chapter only.

6. Accountability

The Applicant is responsible for providing and representing true, accurate, and correct information. Except as specifically set forth herein, no PBC Official, employee, or agent shall have the duty of:

- a. searching the Official Records of the Clerk of the Circuit Court; or
- b. conducting any other investigation to determine whether a permit application or request for PBC approval is inconsistent with the use for which an easement was established; whether an easement exists in the area within which a permit for construction/development is sought; or [Ord. 2005-002]
- c. whether any other government or private approvals are required for construction or development for which the permit is sought. However, PZB, DEPW, or any other department, official employee, or agent may undertake an investigation, search, or inquiry to determine the aforesaid. [Ord. 2005-002]

7. Modifications

- a. If, upon inspection, the construction is found to be materially different than that which was approved by PBC, then the approval shall be of no force and effect and the construction shall be removed immediately, unless the modification is approved by the Department having jurisdiction pursuant to this Chapter.

B. Drainage Easement Encroachments

1. All construction in a drainage easement shall be subject to approval by the beneficiary of said easement. Further, the Land Development Division (LDD) shall approve all encroachments into easements which drain County roads. [Ord. 2010-005] [Ord. 2010-022]
2. If a Building Permit is required, the Applicant shall obtain approval from the LDD or appropriate entity prior to submitting the Building Permit application to PZB. [Ord. 2010-005] [Ord. 2010-022]
3. When approval is required from LDD, the Applicant shall submit a request to encroach a drainage easement in or on a form established by the LDD and include a copy of the recorded deed to the parcel on which the easement is located; the document creating the easement; a certified sketch of survey of the easement; a sketch or plans showing the proposed construction in relation to the location of existing drainage improvements in the easement; and, such other documentation as the LDD reasonably deems appropriate. [Ord. 2010-005] [Ord. 2010-022]
4. When encroachments are proposed in easements which drain County roads, the LDD may deny, approve, or approve with conditions the construction. [Ord. 2010-005] [Ord. 2010-022]
5. When approval is required from LDD, no approval shall be given before the LDD has received specific written consent from all easement holders, easement beneficiaries, and governmental entities or agencies having jurisdiction of the drainage easement. The LDD is hereby authorized to effect consent on behalf of PBC when PBC is the easement holder or beneficiary of a drainage easement. The LDD may require that consent be in or on a form established by the LDD. [Ord. 2010-005] [Ord. 2010-022]
6. For easements which drain County roads, the LDD shall also have executed in proper form, and shall cause to be recorded against the Applicant's land involved, a removal and indemnification declaration (with the necessary consents) on a form approved by County Attorney's Office. Said declaration shall provide that all direct and indirect costs related to removal shall be borne by the Property Owner, its heirs, successors, assignees, and grantees; that the aforesaid person(s) shall indemnify and hold PBC, its officers, employees, contractors, and agents harmless against any and all claims and liabilities of whatever nature (including personal injury and wrongful death) arising from any approval granted hereunder or the construction or installation approved hereunder. The removal declaration shall inure to the benefit of the easement holders and beneficiaries. It shall contain such other terms and covenants as the LDD or the County Attorney deems appropriate. Proof of the recording of the document shall be furnished to PZB with the application for a Building Permit. [Ord. 2010-005] [Ord. 2010-022]
7. Construction in or overlapping a drainage easement approved by the LDD shall comply with the provisions of Sections: Art. 5.F.2.A.5, All Other Approvals Required, Art. 5.F.2.A.6, Accountability, and Art. 5.F.2.A.7, Modifications of this Chapter. [Ord. 2010-005]

CHAPTER G DENSITY BONUS PROGRAMS

The WHP, AHP, or the TDR Programs are the required methods for increasing density above the maximum density permitted by a property's FLUA designation within unincorporated PBC, unless a Site Specific FLUA Amendment is adopted pursuant to Art. 2.H, FLU Plan Amendments. [Ord. 2008-003] [Ord. 2010-005] [Ord. 2019-033]

Section 1 Workforce Housing Program (WHP)

A. General

1. Purpose and Intent

The WHP is intended to increase the supply of housing opportunities for persons employed in PBC in jobs that residents rely upon to make the community viable. The WHP implements Policies 1.1-o and 1.5-g of the Housing Element of the Comprehensive Plan, among others, by establishing an inclusionary WHP to provide Low, Moderate 1, Moderate 2, and Middle-Income housing. The program mandates the provision of workforce housing for all new developments in the Urban/Suburban Tier with a residential component of ten or more dwelling units; encourages the development of additional workforce housing through a density bonus and other incentives; encourages the equitable geographic distribution of workforce housing units; and, ensures a minimum affordability period. The WHP is implemented by the Planning Division of the Planning, Zoning and Building Department, and the Department of Housing and Economic Development (HED). [Ord. 2019-033] [Ord. 2023-036]

2. Applicability

a. Conflicts

In cases of conflict between this Chapter and other Articles of this Code, the provisions of this Chapter shall apply. In cases of conflict between this Chapter and Conditions of Approval imposed by the Board of County Commissioners, the more restrictive shall apply. [Ord. 2019-033]

b. Thresholds

The WHP shall apply to all new developments with a residential component of ten or more dwelling units. [Ord. 2019-033]

c. Prior Approvals

For existing projects proposing ten or more additional dwelling units, the program shall apply to those units being added. For projects approved under versions of this Section in effect prior to October 26, 2023 and having rental WHP units subject to the requirement for either an annual report or Utility Allowance, or both, the Property Owner may request an amendment to the Master Restrictive Covenant in order to forgo either the annual report or Utility Allowance requirement, or both. [Ord. 2019-033] [Ord. 2023-036]

d. Location

1) Urban/Suburban Tier

The WHP applies for all new developments with a residential component in the Urban/Suburban Tier, except as follows: [Ord. 2019-033]

a) URA Priority Redevelopment Areas

The WHP obligation for developments with a UC or UI FLU shall be met through the provision of a minimum of 15 percent of all new units, pursuant to Policy 1.2.2-b of the Future Land Use Element of the Comprehensive Plan. The Limited Incentive Option shall not be available to these developments, nor any incentives offered through the WHP. All other applicable provisions of the WHP shall apply. [Ord. 2019-033]

b) WCRAO

Developments of ten or more units in the WCRAO shall not be subject to the WHP if Density Bonus Pool Units are used pursuant to Art. 3.B.14.H.1, Density Bonus Pool. [Ord. 2019-033] [Ord. 2021-006]

2) Other Tiers

The WHP may be required by the Board of County Commissioners in developments in other tiers through Conditions of Approval. [Ord. 2019-033]

e. Exemptions

- 1) Developments utilizing the AHP. [Ord. 2019-033]
- 2) Congregate Living Facilities (CLFs). [Ord. 2019-033] [Ord. 2021-022]

f. Developments with Both WHP and AHP

If a development includes both WHP and AHP units or units restricted to occupancy by households with Annual Household Incomes below 60 percent of Median Family Income, the Planning Director or designee shall make a determination as to the applicability of the WHP to the development, considering the affordable housing programmatic requirements of the governmental or other agency providing affordable housing funding. [Ord. 2019-033] [Ord. 2023-036]

3. Program Standards

a. Definitions

1) Subject Development

For the purposes of the WHP, the Subject Development is the boundaries of the overall project generating the WHP obligation, regardless of whether the required WHP units will be provided on that site. [Ord. 2019-033]

2) Developer

The developer of the Subject Development. [Ord. 2019-033]

3) Exchange Builder

The builder of the Exchange Project. [Ord. 2019-033]

4) Exchange Project

The development where the WHP units will be delivered through the Off-Site Construction/Exchange Builder Option. [Ord. 2019-033]

5) Annual Household Income

For WHP rental units, documentable gross income before taxes received annually by income earners residing in the WHP tenant's household only. At least one income earner must be employed in Palm Beach County. Annual Household Income is used to determine the income category, and subcategory if applicable. Annual Household Income does not include investment, retirement, or checking/savings account balances, but may include distributions to the WHP tenant from retirement accounts, and periodic determinable allowances such as alimony and child support. Irregular income such as overtime and bonus payments may be considered income at the discretion of the WHP rental unit owner or designee. [Ord. 2023-036]

6) Maximum WHP Rent

The maximum price published and updated annually by the Planning Director, or designee, for each income category, and subcategory if applicable, by the number of bedrooms, based on the monthly rent limits published annually for the Florida Housing Finance Corporation Multifamily Rental Programs. [Ord. 2023-036]

7) WHP Rent

The amount that is charged to the WHP tenant that includes all Mandatory Fees, and reflects the Utility Allowance if applicable. [Ord. 2023-036]

8) Mandatory Fees

Fees required to be paid by all tenants in a rental development that includes WHP rental units. These fees include but are not limited to charges assigned by virtue of ratio utility billing or similar unmetered allocation arrangements. For projects subject to a Utility Allowance pursuant to a Master Restrictive Covenant, Mandatory Fees shall not include charges assigned by virtue of ratio utility billing or similar unmetered allocation arrangements for water, sewer, gas, or electric service provided directly to the unit and not to common areas. [Ord. 2023-036]

9) Voluntary Fees

Fees for optional services or features offered to and selected by the WHP tenant, and not mandatory for all units in the development. [Ord. 2023-036]

10) Utility Allowance

A monthly rent reduction to help offset WHP tenant-paid costs of water, sewer, gas, and/or electric service provided directly to the unit and not to common areas, that are billed to the WHP tenant by the WHP rental unit owner or designee, the utility, or a third party. If the cost of one or more of these utilities is borne by the WHP rental unit owner and not billed to the WHP tenant by the WHP rental unit owner or designee, the utility, or a third party, the Utility Allowance is applied against such cost and any difference is credited or charged to the WHP tenant. [Ord. 2023-036]

b. Income Categories

There are four targeted income categories in the WHP. Income categories are derived from the Median Family Income (MFI), also known as the Area Median Income (AMI), published annually for Palm Beach County by the U.S. Department of Housing and Urban Development, as follows: [Ord. 2019-033]

- 1) Low-Income (> 60 to 80 percent MFI); [Ord. 2019-033]
- 2) Moderate 1 Income (> 80 to 100 percent of MFI); [Ord. 2019-033]
- 3) Moderate 2 Income (> 100 to 120 percent of MFI); and, [Ord. 2019-033]
- 4) Middle-Income (> 120 to 140 percent of MFI). [Ord. 2019-033]

c. Pricing

The Planning Director or designee shall annually set and publish WHP sale prices and rent ranges for all income categories and subcategories. [Ord. 2019-033] [Ord. 2023-036]

- 1) WHP for-sale units shall target the Low, Moderate 1, and Moderate 2 categories. The sale prices shall be derived as follows: Median Family Income for Palm Beach County (West Palm Beach/Boca Raton Metropolitan Statistical Area) published annually by the U.S. Department of Housing and Urban Development, multiplied by three, and adjusted to the midpoint of each of the income categories: Low (70 percent), Moderate 1 (90 percent), and Moderate 2 (110 percent). [Ord. 2019-033]
- 2) WHP rental units shall target all four WHP income categories, unless otherwise specified by the project's development approval. Rent ranges shall be published annually by the Planning Director or designee, based on the Florida Housing Finance Corporation Multifamily Rental Programs Rent Limits by number of bedrooms. [Ord. 2019-033] [Ord. 2023-036]
- 3) For the purposes of annual price updates, the WHP prices initially established for the for-sale unit's income category at the time of approval of the Subject Development shall be the sales floor throughout the affordability period. No WHP for-sale unit is required to be sold at a price below the sales floor, though a seller may opt to do so. The WHP rent range initially established for the rental unit's income category at the time of approval of the Subject Development shall be the rental floor throughout the affordability period. No WHP rental unit is required to be rented below the rental floor, though a rental unit owner may opt to do so. [Ord. 2019-033] [Ord. 2023-036]

d. Assignment of the Required WHP Units

WHP required units are intended to be distributed equally among all required income categories pursuant to Art. 5.G.1.B, Program Options or Conditions of Approval. When assigning units to income categories, units shall be assigned first to the highest income category, proceeding downward to low income. This does not prohibit a Developer or rental unit owner from providing higher numbers of lower-income units. [Ord. 2019-033] [Ord. 2023-036]

e. Calculations

Calculations shall be performed using two decimal places, and standard rounding applied for density and WHP density bonus calculations; standard rounding is applied at the end for the WHP obligation calculation. [Ord. 2019-033] [Ord. 2023-036]

f. Unencumbered Units

WHP units shall not be subject to restrictions beyond WHP income qualifications. Units used to meet a WHP obligation shall not be income restricted as a result of funding or other requirements of any other program, unless: [Ord. 2019-033] [Ord. 2023-036]

- 1) The workforce housing units result from the Off-Site Construction/Exchange Builder Option of the Workforce Housing Program, and the Board of County Commissioners approves the income restriction to be applied due to another program; or [Ord. 2023-036]
- 2) The restrictions result from funding sources used to provide purchase assistance to qualified buyers of a for-sale workforce housing unit with terms that are consistent with or equal to County terms. [Ord. 2023-036]

g. Affordability Periods

1) For-Sale Units

All WHP for-sale units shall be income restricted for a period of 15 years (recurring), from the date of sale. In the event a unit is resold before the 15-year period concludes, a new 15-year period shall take effect on the date of resale. [Ord. 2019-033] [Ord. 2023-036]

2) Rental Units

All WHP rental units shall be income restricted for a period of 30 years (non-recurring), from the date of occupancy of the first WHP unit. [Ord. 2019-033]

h. Design Standards

1) Compatible Design and Unit Features for All WHP Units

- a) The exteriors of WHP units shall be designed compatible with market rate units in the development. [Ord. 2019-033] [Ord. 2023-036]
- b) One of more of the following shall be provided: [Ord. 2019-033]
 - (1) a representative WHP model at the WHP site; [Ord. 2019-033]
 - (2) a representative WHP model at a different location in Palm Beach County; or, [Ord. 2019-033]
 - (3) a market rate model with information delineating the differences between the market rate model and the WHP units. [Ord. 2019-033]

2) Requirements for WHP For-Sale Units

- a) At minimum, all WHP for-sale units shall include a refrigerator, range, built-in microwave, dishwasher, washer, and dryer. [Ord. 2019-033] [Ord. 2023-036]
- b) All WHP for-sale units shall have a minimum of two bedrooms, and 25 percent of the WHP for-sale units shall have a minimum of three bedrooms. All WHP for-sale units shall have a minimum bedroom size of 100 square feet. [Ord. 2019-033] [Ord. 2023-036]

3) Requirements for WHP Rental Units

No minimum number or size of bedrooms applies to WHP rental units. [Ord. 2019-033] [Ord. 2023-036]

B. Program Options

The WHP offers the choice of either a “limited” or a “full” program option, which determines the amount of required workforce housing and the availability of other incentives. These options are not available to Subject Developments that are subject to FLUA amendment Conditions of Approval establishing a specific percentage of required workforce housing. [Ord. 2019-033] [Ord. 2023-036]

1. Limited Incentive Option

a. Intent

The Limited Incentive Option minimizes the WHP obligation, and allows only a limited density bonus as an incentive. [Ord. 2019-033]

b. Incentives Available

The only incentive available through the Limited Incentive Option shall be a density bonus; the density bonus shall not exceed 50 percent of the permitted density. [Ord. 2019-033]

c. Amount of WHP Required

The required percentage of WHP units shall be two and one-half percent of standard density; eight percent of maximum density; and, 17 percent of any WHP density bonus. The WHP obligation may be further modified by the disposition option selected, per Art. 5.G.1.C.4, Methods Available. The number of WHP units required shall be identified by the Planning Director or designee in a WHP Letter of Determination. [Ord. 2019-033]

d. Pricing of Workforce Housing Units

50 percent of the required WHP units shall be provided in the Low-Income category and 50 percent of the required WHP units shall be provided in the Moderate 1 Income category. [Ord. 2019-033]

e. WHP Letter of Determination for Limited Incentive Developments

Developments opting for the Limited Incentive Option are eligible for a maximum density bonus of 50 percent of the permitted density. No additional incentives are available for the developments using the Limited Incentive Option. For the purposes of this Subsection, permitted density shall be the number of units allowed by the standard and maximum density pursuant to the Comprehensive Plan; TDR units or any other density bonus shall not be included as part of the permitted density for purposes of calculating the WHP density bonus. [Ord. 2019-033]

Upon request, the Planning Director or designee shall provide a WHP Determination Letter identifying the density bonus requested, and the total number of WHP units required. This WHP Determination Letter is to be submitted by the Developer with the Zoning or Building Permit application. [Ord. 2019-033]

2. Full Incentive Option

a. Intent

The Full Incentive Option offers several incentives, including a density bonus, and requires an increased amount of workforce housing. [Ord. 2019-033]

b. Incentives Available

A development selecting the Full Incentive Option shall have available all applicable WHP incentives provided in this Section below, including a density bonus of up to 100 percent of the permitted density, pursuant to the Density Bonus process in Art. 5.G.1.B.2.e, Density Bonus Determination for Full Incentive Developments. [Ord. 2019-033]

c. Amount of WHP Required

For WHP for-sale units, the required percentage of WHP units shall be four and three-eighths percent of standard density; 14 percent of maximum density; and, 29.75 percent of any WHP density bonus used. For WHP rental units or in-lieu fee purposes, the required percentage of WHP units shall be five percent of standard density; 16 percent of maximum density; and, 34 percent of any WHP density bonus used. The WHP obligation may be further modified by the disposition option selected, per Art. 5.G.1.C.4, Methods Available. The number of WHP units required shall be identified by the Planning Director or designee in a WHP Letter of Determination, pursuant to the Density Bonus process in Art. 5.G.1.B.2.e, Density Bonus Determination for Full Incentive Developments below. [Ord. 2019-033]

d. Pricing of Workforce Housing Units

Units shall be priced in all applicable income categories, pursuant to Art. 5.G.1.A.3.c, Pricing. [Ord. 2019-033]

e. Density Bonus Determination for Full Incentive Developments

Developments opting for the Full Incentive Option are eligible for a density bonus of up to 100 percent of permitted density. For the purposes of this Subsection, permitted density shall be the number of units allowed by the standard and maximum density pursuant to the Comprehensive Plan; TDR units or any other density bonus shall not be included as part of the permitted density for purposes of calculating the WHP density bonus. [Ord. 2019-033]

1) Full Incentive Developments Requesting a WHP Density Bonus up to and including 50 Percent

For Full Incentive Developments requesting a WHP density bonus of up to and including 50 percent, upon request the Planning Director or designee shall provide a WHP Determination Letter identifying the density bonus requested, and the total number of WHP units required. This WHP Determination Letter is to be submitted by the Developer with the Zoning or Building Permit application. [Ord. 2019-033]

2) Full Incentive Developments Requesting a WHP Density Bonus Greater Than 50 Percent

For developments requesting a WHP density bonus of greater than 50 percent, the Planning Director or designee shall review the request pursuant to the following process: [Ord. 2019-033]

a) Density Bonus Pre-Application Appointment

Requests received for density bonuses greater than 50 percent shall be scheduled for the next available Pre-Application Appointment, which shall be conducted regularly by the Planning Division, according to a schedule published by the PZB Department. Pre-Application Appointments shall include other appropriate County Departments and Agencies, as determined by the PZB Department. The Developer shall be required to participate in the Pre-Application Appointment for the proposed development, to discuss the proposed development and unit types, characteristics of the site and surrounding area, and other relevant factors. [Ord. 2019-033]

b) Factors for Consideration

Staff shall consider the following factors in developing a maximum density and density bonus recommendation. [Ord. 2019-033]

(1) The extent of which the proposed WHP units further County objectives: [Ord. 2019-033]

(a) The intent to provide the workforce housing units on site; [Ord. 2019-033]

(b) The intent to provide Single Family and for-sale workforce housing units; [Ord. 2019-033]

(c) The proximity of the location where the WHP units are to be provided to employment centers; [Ord. 2019-033]

- (d) The concentration of households with incomes in the WHP income categories, in the location where the WHP units are to be provided. [Ord. 2019-033]
 - (2) The potential impact of the proposed density bonus: [Ord. 2019-033]
 - (a) The total number of units proposed, including any Transfer of Development Rights; and [Ord. 2019-033]
 - (b) The compatibility with the character of the adjacent and surrounding area in the location of the Subject Development. [Ord. 2019-033]
- c) **Density Bonus Recommendation**
 Within ten days following the Pre-Application Appointment, the Planning Director or designee shall provide a written WHP Letter of Determination identifying the recommended maximum density bonus and the total number of WHP units required, subject to further limitations due to property development regulations and other factors in the development review process. The Planning Director or designee shall provide the WHP Letter of Determination to the Developer, DRO, ZC, or BCC, whichever is appropriate and may include recommended Conditions of Approval for the resulting Development Order. [Ord. 2019-033]
- f. **Incentives Available under Full Incentive Option**
 - 1) **Traffic Performance Standards Mitigation**
 - a) **WHP Special Methodologies**
 TPS mitigation shall be permitted for developments where the required WHP units are being provided in accordance with Policy 1.2-d(4) of the Transportation Element of the Comprehensive Plan. [Ord. 2019-033]
 - b) **WHP Traffic Concurrency Hall Pass**
 TPS mitigation shall also include the option of applying for a WHP Traffic Concurrency Hall Pass separate from a Development Order application. The WHP Traffic Concurrency Hall Pass serves as a provisional traffic concurrency approval for a period of not more than 90 days, during which it must be merged into an application submitted for a Concurrency Reservation approval. The WHP Traffic Concurrency Hall Pass is described further in Art. 2.F, Concurrency (Adequate Public Facility Standards). [Ord. 2019-033]
 - 2) **Expedited Review**
 The following expedited review processes may apply to a development where the required WHP units are being provided: [Ord. 2019-033]
 - a) **Design Review**
 Review of Multifamily or Townhouse structures by the Building Division and Fire Rescue shall be allowed concurrent with Final DRO review, prior to permit application. [Ord. 2019-033]
 - b) **Platting**
 - (1) If only a boundary plat is required for an existing single lot, Building Permits may be issued after submittal of the Final Plat for recordation. [Ord. 2019-033]
 - (2) If a subdivision plat is required, permits will be concurrently reviewed, but only issued at recording of the plat. [Ord. 2019-033]
 - (3) Pursuant to Art. 3.E.1.H.1, Standards, Building Permits may be issued for Sales Offices, Sales Models, gatehouses, entry features, and utilities prior to the recording of the Final Plat. [Ord. 2019-033]
 - 3) **Flexibility in Property Development Regulations**
 - a) **Purpose and Intent**
 To provide flexibility from property development and other related regulations in order to provide greater opportunity for cost-effective development of WHP units. These provisions are not intended to supersede deviations that are normally addressed through the Variance process. These options shall only be granted at the time of approval for the entire development, and shall not be granted on a lot-by-lot basis. [Ord. 2019-033]
 - b) **Applicability**
 Full Incentive Option developments providing all the required WHP units on site may utilize the flexibility in property development regulations listed herein. This flexibility shall be granted for all units of the same unit type as the WHP units, in all pods where WHP units are being provided. [Ord. 2019-033]

c) Justification Report

Use of these provisions shall not be granted by right, and shall require submittal of a justification report that demonstrates that deviations are the minimum needed to allow for the use of density bonus incentives. The report shall include the following: [Ord. 2019-033]

- (1) The regulations that are proposed to be modified. [Ord. 2019-033]
- (2) The amounts and specifics of the requested deviation(s). [Ord. 2019-033]
- (3) The areas within the development that the deviation(s) will be applied to. [Ord. 2019-033]
- (4) Graphic representations such as, but not limited to, Site Plans, elevations, perspectives, and typical examples, showing how the deviations will meet the intent of the district and WHP with emphasis on open space, privacy, maintenance, and public health, safety, and welfare. [Ord. 2019-033]

d) Site Plan Approval

Any deviations sought pursuant to this Subsection shall be reflected on Site Plans submitted for DRO approval. [Ord. 2019-033]

e) Drainage

Any reduction in lot size or open space area, or increase in building coverage shall be subject to approval of a drainage study demonstrating that reduced pervious surface area will not create adverse drainage issues. [Ord. 2019-033]

f) Option 1 – RT District

The zoning for parcels electing to use this option must be in compliance with Art. 3.A.3, Zoning District Consistency with the Future Land Use Atlas (FLUA). [Ord. 2019-033]

(1) RT PDR Deviations

Deviations from the minimum PDRs for the RT district with an LR-2 or LR-3 FLU designation may be in accordance with Table 5.G.1.B, RT Deviations for WHP, only for those developments that exceed the standard density in the footnote in FLUE Table 2.2.1-g.1, Residential Future Land Use Designation Maximum Density, and utilize a minimum density bonus of 20 percent. [Ord. 2019-033]

Table 5.G.1.B – RT Deviations for WHP

Zoning District	Applicability	FLU	Lot Dimensions		Setbacks			
			Size	Width and Frontage	Building Coverage	Depth	Side	Rear
RT	TDR, WHP	LR-2	12,000 sq. ft.	85'	35%	100'	ND	ND
RT	TDR, WHP	LR-3	9,000 sq. ft.	65'	40%	80'	1st floor – 10'	1st floor – 15'
[Ord. 2006-055] [Ord. 2019-033]								
Key:								
ND No deviation.								

g) Option 2 – TND Regulations

Developments eligible for this option shall be permitted to utilize the PDRs of Table 3.F.3.D, TND Residential Lot Size and Setback Regulations, subject to meeting the requirements of Art. 3.F.3.D.5, Residential Uses and the following limitations: [Ord. 2019-033]

- (1) U/S Tier only; [Ord. 2019-033]
- (2) Development does not qualify to be a TND or use Option 1 or 3; and, [Ord. 2019-033]
- (3) If the development has an LR-1, LR-2, LR-3, or MR-5 FLU designation, the development shall meet all requirements for and be approved as a PDD. [Ord. 2019-033]

h) Option 3 – Flexible Regulations

Developments with MR-5, HR-8, HR-12, or HR-18 FLU designations, or if approved as a PDD or TDD, may deviate from the residential requirements of Table 3.D.1.A, Property Development Regulations, or Table 3.D.2.B, ZLL Property Development Regulations, as follows: [Ord. 2019-033]

- (1) SFD units may be permitted up to a maximum ten percent deviation for the following PDRs: lot size; width and frontage; building coverage; and, side and rear setbacks. [Ord. 2019-033]

- (2) SFD units limited to one floor with no loft or other similar feature, may be permitted up to a maximum 20 percent deviation for the following PDRs: building coverage; and front and side street setbacks. [Ord. 2019-033]
- (3) ZLL lots may be permitted up to a maximum lot width reduction of five feet, and ten percent deviation from the minimum lot size, building coverage, and front setback for units with front loading garages. [Ord. 2019-033]

i) Option 4 – PDD Open Space Reduction

Developments which elect to utilize a density bonus of not less than 15 percent, may reduce the 40 percent open space requirement of Table 3.E.2.C, PUD Land Use Mix, to not less than 30 percent open space, provided the development incorporates common usable open space areas as defined in Art. 1.H.2.O.13, Open Space, Usable for WHP. [Ord. 2019-033]

j) Option 5 – Internal Incompatibility Buffers

Required Incompatibility Buffers between SFD and MF units within a development shall not be required. [Ord. 2019-033]

k) Option 6 – Relocation of Units to Civic Tracts

Residential units may be permitted in a Civic Pod subject to PREM approval. This may include collocating residential units with civic uses. The DRO shall have the following authority where PREM approval is obtained after BCC approval of the overall development: [Ord. 2019-033]

- (1) In the case of a civic site cash out, the deletion of the Civic Pod and increase in Residential Pod area; or [Ord. 2019-033]
- (2) The relocation of residential units to a Civic Pod, or the relocation of residential units where the Civic Pod is deleted. [Ord. 2019-033]

3. Approval Process

Subject Developments requesting density bonuses greater than 50 percent are subject to a Class A Conditional Use approval; approval processes for developments with density bonuses up to and including 50 percent are determined by the applicable thresholds in Art. 3, Overlays and Zoning Districts and Art. 4, Use Regulations of the Code. [Ord. 2019-033]

C. Disposition of WHP Obligation

1. Declaration of Method to Meet WHP Obligation

The Developer is required to declare the selected method to meet the WHP requirement prior to certification for public hearing for approval of the proposed Subject Development, or at DRO if the Subject Development is not subject to public hearing. The declared method shall be included as a Condition of Approval. [Ord. 2019-033]

2. Change of Declared Method

A change to the selected method cannot be requested after Building Permits have been issued for more than 25 percent of the units in the Subject Development. A change to the declared method shall be subject to the same approval process through which the Subject Development received approval. For developments subject to public hearing, approval of a change in declared method shall be at the discretion of the Board of County Commissioners. The Developer may request Expedited Application Consideration for a Development Order Amendment pursuant to Art. 2, Application Processes and Procedures. Any necessary amendments to the recorded Master Restrictive Covenant for the Subject Development as a result of the change of declared method shall be recorded by the Developer no later than 60 days following the approval of the change. [Ord. 2019-033] [Ord. 2023-036]

3. Recalculation

A change to a Subject Development's unit total, unit type, unit tenure, or declared method or WHP unit location shall require a recalculation of the workforce housing obligation, and shall include reassessment of the density bonus pursuant to the process outlined in Art. 5.G.1.B.2.e, Density Bonus Determination for Full Incentive Developments. Any recalculation that reduces the number of units approved on the Subject Development's Final Site Plan may require that the Final Site Plan be amended to reflect the reduced unit count, or the purchase of Transfer of Development Rights in the amount of the reduction. [Ord. 2019-033] [Ord. 2023-036]

4. Methods Available

Several alternative methods are available for the disposition of a Subject Development's WHP obligation: [Ord. 2019-033]

a. WHP On-Site Construction Option

WHP units may be located on site. For Single Family or Townhouse for-sale developments using the Full Incentive Option, the number of required WHP units may be reduced by 20 percent if all

required WHP units are to be provided as on-site, for-sale, Single Family units, or reduced by ten percent if provided as on-site, for-sale, Townhouse units. Prior to Final DRO approval, the Developer shall identify on the plan the total number of WHP units proposed for the Subject Development within each pod or phase, as applicable. 50 percent of WHP units must receive Certificates of Occupancy prior to the issuance of 50 percent of market rate unit Building Permits in the Subject Development. All WHP units must receive Certificates of Occupancy prior to issuance of no more than 85 percent of the residential Building Permits in the Subject Development. [Ord. 2019-033]

b. WHP Off-Site Options

WHP units may be located off site using the options listed below. For-sale Subject Developments that opt to provide the required WHP units as off-site rental units through off-site construction, through the Purchase of Market Rate Units, or through an Exchange Builder, shall have a WHP obligation one and one-half times the number of WHP units required if developed on site not including the on-site reduction. Off-site options may be accommodated in municipalities located within Palm Beach County. When the obligation is to be met in a municipality, the Developer shall provide written confirmation to the Planning Director or designee that the administrator or manager of the municipality has been notified that the WHP unit obligation is to be met in the municipality, prior to the issuance of the first WHP Building Permit; or prior to the recordation of a deed restriction or deed transfer to the County for a market rate unit pursuant to Art. 5.G.1.C.4.b.3), Off-Site Option 3 – Purchase of Market Rate Units. The enforcement of any requirements of this Section for units provided in municipalities shall be the responsibility of Palm Beach County. For Subject Developments outside the Westgate Community Redevelopment Area Overlay that opt to locate WHP units in the WCRAO, no more than ten percent of the development's WHP units to be located in the WCRAO shall be in the Low-Income category. The Developer shall provide written confirmation to the Planning Director or designee that the WCRA has been notified that WHP units will be provided in the WCRAO. [Ord. 2019-033]

1) Off-Site Option 1 – Off-Site Construction/Same Developer

Prior to issuance of the first residential Building Permit or Final DRO approval for the Subject Development, whichever comes first, all contracts or related agreements for any off-site option evidencing site control and necessary approvals shall be approved by the County Administrator, or designee. Certificates of Occupancy shall be issued for a minimum of 50 percent of the required WHP units to be constructed off-site prior to the issuance of no more than 50 percent of the Building Permits in the Subject Development. All off-site WHP units must receive Certificates of Occupancy prior to issuance of no more than 85 percent of the Building Permits in the Subject Development. The Site Plan, the Master Restrictive Covenant, or other appropriate document shall be amended to reflect the number of WHP units, including the number in each applicable WHP income category, to be located on the receiving site(s). The Planning Director or designee shall determine the appropriate document and the timeframe for the modification, which shall be no later than the 85 percent threshold identified in this paragraph. [Ord. 2019-033] [Ord. 2023-036]

2) Off-Site Option 2 – Off-Site Construction/Exchange Builder

Provision of required WHP units may be arranged by the Developer of the Subject Development through an Exchange Builder who will provide them off site, subject to the following: [Ord. 2019-033] [Ord. 2023-036]

- a) The exchange price shall be set by the County at 80 percent of the in-lieu fee associated with the Subject Development. [Ord. 2019-033] [Ord. 2023-036]
- b) All Exchange Projects that propose to utilize other programs in addition to WHP exchange payments that will result in income restrictions on WHP units will require the approval of the Board of County Commissioners. This approval is required prior to the earlier of Final DRO or first Building Permit. [Ord. 2019-033] [Ord. 2023-036]
- c) Prior to issuance of the first residential Building Permit for the Subject Development, the Developer of the Subject Development shall record a Notice of Disposition for the Subject Development indicating that the Exchange Builder Option has been selected to meet some or all of the WHP obligation, and shall select one of the following two options: [Ord. 2019-033] [Ord. 2023-036]
 - (1) Demonstrate engagement of an Exchange Builder, who shall provide: [Ord. 2019-033]
 - (a) Evidence of receipt of payment of the required exchange price; [Ord. 2019-033]
 - (b) A detailed description of the proposed Exchange Project, including site location; the site's land use designation, zoning, and density bonus determination if

- applicable; the total number of proposed units by type, size, and income category; proposed Exchange Project layout including the number and type of buildings; proposed Exchange Project schedule; status of any development approvals; *pro forma* financial statements demonstrating the Exchange Project's financial viability; and, documentation evidencing availability of all sources of funding required for the Exchange Project development budget, including documentation from the financing source(s) providing a firm or a conditional commitment to financing and identifying all financing terms and conditions. [Ord. 2019-033]
- (c) Evidence of control of the proposed Exchange Project site, through a recorded deed or title, or an executed purchase agreement or purchase option, approved by the County Attorney for legal sufficiency and by the County Administrator or designee; [Ord. 2019-033]
 - (d) A recorded Master Restrictive Covenant, or deed restriction if a Master Restrictive Covenant is not practical, for the Exchange Project site; and, [Ord. 2019-033] [Ord. 2023-036]
 - (e) Guarantee acceptable to Palm Beach County and approved by the County Attorney's Office for an amount equal to 80 percent of the full in-lieu fee. The guarantee shall be for a term not to exceed 39 months, and of a type described in Art. 11.B.2.A.6, Guarantees. [Ord. 2019-033]
- (2) Provide guarantee acceptable to Palm Beach County and approved by the County Attorney's Office, for an amount equal to 100 percent of the in-lieu fee. The guarantee shall be for a term not to exceed 39 months, and of a type described in Art. 11.B.2.A.6, Guarantees. Prior to issuance of no more than 25 percent of the Building Permits in the Subject Development, the Developer of the Subject Development shall have the option to replace the guarantee provided at first Building Permit with items meeting the requirements of Art. 5.G.1.C.4.b.2)c)(1) above. If at 25 percent of Building Permits the required information has not been provided or is not approved by the County Administrator or designee, the Developer may pay the full in-lieu fees, and if not Palm Beach County shall file a claim against the guarantee for 100 percent of the in-lieu fees. Prepayment of the in-lieu fee by the Developer shall not be allowed. [Ord. 2019-033]
- d) Prior to the end of the 36th month of the guarantee, all WHP units shall be issued COs or a renewed guarantee shall be delivered by the Exchange Builder to Palm Beach County. The terms of the renewed guarantee shall be at the discretion of Palm Beach County, but in no case shall exceed an additional three months beyond the term of the original guarantee. The amount of the renewed guarantee shall be prorated to reflect any WHP units already issued Certificates of Occupancy. The Exchange Builder may request additional time beyond the three-month extension; approval of such a request will be at the discretion of the Board of County Commissioners and will require a renewed guarantee for the extension approved by the Board. If neither the required WHP units nor an acceptable renewed guarantee is delivered, Palm Beach County shall collect the guarantee. [Ord. 2019-033]
 - e) The Site Plan, the Master Restrictive Covenant, or other appropriate document shall be amended to reflect the number of WHP units, including the number in each applicable WHP income category, to be located on the Exchange Project(s). The Planning Director or designee shall determine the appropriate document and the timeframe for the modification, which shall be no later than the 85 percent threshold identified in Art. 5.G.1.C.4.b.2)c) above. [Ord. 2019-033] [Ord. 2023-036]
- 3) Off-Site Option 3 – Purchase of Market Rate Units**
- Purchase of existing market rate units to be deeded to the County, sold to eligible households and deed restricted, or retained by the Developer subject to recordation of a deed restriction that meets the intent of this provision and subject to the conversion factor pursuant to Art. 5.G.1.C.4.b, WHP Off-Site Options if applicable. Prior to issuance of the first residential Building Permit or Final DRO approval for the Subject Development, whichever comes first, all contracts or related agreements for any off-site option evidencing site control and necessary approvals shall be approved by the County Administrator, or designee. A minimum of 50 percent of the units must be purchased and deeded to the County or deed restricted prior to the issuance of no more than 50 percent of the residential Building Permits in the Subject Development. All market rate units shall be purchased and deeded to the County or deed restricted prior to

issuance of no more than 85 percent of the COs in the Subject Development. The market rate units shall be approved by the Department of Housing and Economic Development, and must meet housing quality standards and criteria established by PBC. The Site Plan, the Master Restrictive Covenant, or other appropriate document shall be amended to reflect the number of WHP units, including the number in each applicable WHP income category, to be located on the receiving site(s). The Planning Director or designee shall determine the appropriate document and the timeframe for the modification, which shall be no later than the 85 percent threshold identified in this paragraph. [Ord. 2019-033] [Ord. 2023-036]

c. Donation of Buildable Land Option

Donation of developable land acceptable to the County in an amount equal to the buyout costs of the affected units. Donated land must be approved by the Property and Real Estate Management Division prior to submittal of the Subject Development's application in the Zoning process. The donated land must be deeded to the County prior to issuance of 50 percent of the residential Building Permits in the Subject Development. [Ord. 2019-033] [Ord. 2023-036]

d. In-Lieu Fee Option

- 1) In-lieu fees shall be published by the Palm Beach County Planning, Zoning and Building Department for Single Family units, Townhouse units, and Multifamily units as defined by Art. 4, Use Regulations. The in-lieu fee amounts shall be adjusted annually in accordance with the annual All Items Consumer Price Index for All Urban Consumers (CPI-U) for the U.S. City Average, not seasonally adjusted, as published by the U.S. Bureau of Labor Statistics. [Ord. 2019-033] [Ord. 2023-036]
- 2) The in-lieu fees assessed for a Subject Development shall be based on the unit type of the Subject Development. For Subject Developments with a mix of unit types, the in-lieu fees shall be calculated based on the unit type distribution in the Subject Development. [Ord. 2019-033]
- 3) Fees shall be paid prior to the issuance of 50 percent of residential unit Building Permits for the Subject Development. Fees shall be made payable to the Palm Beach County Board of County Commissioners and submitted to the Department of Housing and Economic Development. The payment shall be deposited in the WHP Trust Fund maintained by the PBC Department of Housing and Economic Development. [Ord. 2019-033] [Ord. 2023-036]

5. Banking of WHP Units

A Developer may opt to bank or restrict WHP units for the purpose of applying those units toward the obligation of a future development subject to the WHP. The Developer shall record, in a form provided by the County, a Master Restrictive Covenant or deed restriction for the banked unit site which shall include the applicable restriction for WHP for-sale or WHP rental units, pursuant to Art. 5.G.1.D, Delivery of WHP Units below. The affordability period for the banked units shall begin upon the effective date established by the Master Restrictive Covenant or deed restriction recorded for the banked unit site. The Developer may claim a banked unit for a future Subject Development through the Master Restrictive Covenant or deed restriction for the Subject Development, provided that the income category of the banked units is consistent with or lower than the income category of the WHP units required for the Subject Development. [Ord. 2023-036]

D. Delivery of WHP Units

Except as noted, the following Section applies to Subject Developments that opt to dispose of the WHP obligation through the following methods: On-Site Construction, Off-Site Construction/Same Developer, Off-Site Construction/Exchange Builder, or Purchase of Market Rate Units. Required WHP units may be delivered as for-sale or for-rent units. [Ord. 2019-033]

1. For-Sale Units

a. Master Restrictive Covenant

- 1) Except for Subject Developments using Off-Site Construction/Exchange Builder Option for the Subject Development's entire WHP obligation, prior to first Building Permit on the Subject Development, the Developer of the Subject Development shall record in the Public Records of Palm Beach County a Master Restrictive Covenant binding the entire Subject Development, in a form provided by the County, which identifies the WHP unit requirement for the Subject Development and addresses the requirements of this Subsection. Subject Developments that use the Exchange Builder Option to meet some or all of the WHP obligation may record a Notice of Disposition instead of a Master Restrictive Covenant for that portion of the obligation met through the Exchange Builder Option. [Ord. 2019-033] [Ord. 2023-036]
- 2) The Master Restrictive Covenant shall include but not be limited to restrictions requiring: that all identified WHP units shall be sold or resold only to a purchaser certified by the Department of Housing and Economic Development, at or below the price established annually by Palm

Beach County for the income category of the WHP for-sale unit, subject to the affordability requirements and provisions of this Article; that the County shall have the exclusive option to purchase WHP units that are unsold at day 150 of the required marketing period; that rental of units is permitted only under specific circumstances, for limited periods of time, and with prior approval by the Director of the Department of Housing and Economic Development; that these restrictions remain in effect for 15 years recurring from the date of sale that in the event a unit is resold before the 15-year period concludes, a new 15-year period shall take effect on the date of resale; and, that the 15-year period shall be extended by the amount of time a Code Enforcement magistrate or a judge finds the Developer or unit owner out of compliance with the WHP. The Master Restrictive Covenant shall further provide monitoring and compliance requirements including but not limited to those set forth below to ensure compliance with the WHP, and provide that every deed for sale of a WHP housing unit shall include: a statement that the units are subject to covenants, conditions, and restrictions including the Master Restrictive Covenant; the date and the Book and Page of the Official Record of recordation of the Master Restrictive Covenant; and, the income category associated with the unit. [Ord. 2019-033] [Ord. 2023-036]

b. Process for Initial Sale of WHP Units

1) Pricing/Affordability

- a) WHP units shall be sold at or below the current designated price for the unit's income category. In the event that an income-certified purchaser seeks to purchase a WHP unit whose price has increased through annual price adjustments pursuant to this Article, the Developer of that WHP unit shall honor the price in effect at the time of the purchaser's income certification, provided that the purchaser enters into a purchase contract within one year of the date of income certification. [Ord. 2019-033]
- b) Developers shall not be required to provide units in an income category when the category price is greater than the median sales price for the County. These units are eligible for the In-Lieu payment pursuant to Art. 5.G.1.C.4.d, In-Lieu Fee Option, or can be distributed equally among the remaining income categories. [Ord. 2019-033]
- c) The price of a WHP for-sale unit shall not be raised once a unit is under contract to a purchaser. Purchase price of the WHP unit, including all charges imposed by the seller, cannot exceed the maximum WHP price for the income category. Options selected by the purchaser, including but not limited to upgraded finishes or premium lots, shall not be reflected in the sales price of WHP units, but may be paid by the purchaser at the time of contract execution, or included as a line item on the closing/settlement statement. Earnest money deposit required of purchasers shall not exceed two percent of the sales price. [Ord. 2019-033] [Ord. 2023-036]
- d) Affordability restrictions remain in effect for 15 years recurring from the date of sale of the unit; in the event a unit is resold before the 15-year period concludes, a new 15-year period shall take effect on the date of resale. [Ord. 2019-033] [Ord. 2023-036]
- e) Rental of WHP for-sale units is permitted only under specific circumstances, for limited periods of time, to income-qualified renters, at or below the Maximum WHP Rents established annually by Palm Beach County for the unit's designated income categories, and with prior approval by the Director of the Department of Housing and Economic Development based on criteria established by the Department. [Ord. 2019-033] [Ord. 2023-036]

2) Qualification and Certification for For-Sale Purchasers

WHP units shall be sold only to a purchaser certified by the Department of Housing and Economic Development. HED shall qualify prospective purchases and issue a certification letter confirming eligibility to purchase the WHP unit. Palm Beach County retains the right to qualify purchasers for units in categories above or below their income category. When available, down payment assistance may be offered for all workforce housing purchasers; Palm Beach County shall not be obligated to provide down payment assistance to any purchaser. The amount of financial assistance, if any, that is available for purchase of the WHP unit shall be identified in the certification letter. The HED certification process shall be implemented according to procedures established and published by the Department. [Ord. 2019-033] [Ord. 2023-036]

3) Closing

- a) The process and requirements for closing of sales of WHP units shall be as set forth in County procedures. [Ord. 2019-033]
- b) Every warranty deed documenting a sale of a WHP unit shall include a statement that a unit is subject to covenants, conditions, and restrictions including the Master Restrictive Covenant, and shall include the date of recordation of the Master Restrictive Covenant, and the Book and Page of the Official Record. [Ord. 2019-033] [Ord. 2023-036]

4) Compliance Reporting during Initial Sales Period

Beginning with the commencement of sales of WHP units, until such time as all WHP units have been sold, the Developer or Exchange Builder will provide to the County monthly reports detailing the number of WHP and market rate units built, the number under contract, and the number sold. The Developer shall also provide notice to the Planning Director or designee if ownership of the Subject Development, or Exchange Project, has been transferred. [Ord. 2019-033]

5) Marketing of WHP For-Sale Units

a) WHP Units Delivered through the Exchange Builder or Purchase of Market Rate Options

The marketing of WHP units delivered through an Exchange Builder, and the marketing of Purchase of Market Rate WHP Units which are intended to be sold by the Developer, shall be the responsibility of the Developer or Exchange Builder. If requested, the County may provide, at the County's sole discretion, a list of interested parties, WHP brochures, informational packets, or other information or assistance for the marketing of WHP for-sale units delivered through these options. [Ord. 2019-033] [Ord. 2023-036]

b) WHP Units Delivered through the On-Site Construction or Off-Site/Same Developer Options

The County shall prepare and publish minimum marketing requirements applicable to WHP units provided through the WHP On-Site Construction Option or Off-Site Construction by Same Developer Option. The marketing requirements shall address the following, at minimum: [Ord. 2019-033]

- (1) The intent that the Developer will act in good faith to market and sell the WHP units in the same manner as the market rate units and for the same period of time. [Ord. 2019-033]
- (2) The marketing of WHP units shall commence concurrent with the marketing of market rate units, and shall continue until at least 75 percent of the for-sale market rate units have been issued Certificates of Occupancy, but not less than 180 days. [Ord. 2019-033]
- (3) Prior to commencement of sales, the Developer shall obtain from the Director of HED or designee a list of interested parties, WHP brochures, and informational packets which provide the qualification standards, terms of the Master Restrictive Covenant, where to go to get qualified, and other relevant information regarding the WHP units. [Ord. 2019-033] [Ord. 2023-036]
- (4) The Developer shall provide notice of commencement of sales to the Planning Director or designee, the Director of HED, and the list of interested parties. The notice shall include the address where the WHP units are located, the address of the sales office, the hours of the sales office, the floor plan and construction specifications for the WHP units, and the pricing of the WHP units. The Developer shall provide to the Planning Director or designee proof of notice to the interested parties list, in the form of a copy of the email or letter sent, and a copy of the distribution list. [Ord. 2019-033] [Ord. 2023-036]
- (5) Within ten days of receipt, the County shall provide written acknowledgement of the notice of commencement of sales. [Ord. 2019-033]
- (6) The Developer shall maintain in the sales office and sales office of the Subject Development if the WHP units are located off site, hard physical copies of informational packets obtained from HED, available to any and all potential buyers. The Developer shall also maintain hard physical copies of the County's WHP brochure and prominent displays indicating certain units are available for purchase for qualified households subject to the WHP provisions, and shall identify the location and availability timeframe for WHP units. [Ord. 2019-033] [Ord. 2023-036]

- (7) The Developer shall attend all housing workshops, fairs, orientations, and other WHP events requested by HED during the marketing period, and shall present information about the WHP units and purchase options. [Ord. 2019-033] [Ord. 2023-036]
- (8) The Developer shall maintain publicly accessible website landing pages for the WHP units that are prominently displayed on the Subject Development's primary webpage, starting at the time of commencement of sales of the market rate units. [Ord. 2019-033]
- (9) The Developer shall provide monthly documentation to the Planning Director or designee demonstrating that the required materials are available in the sales office and prominently displayed, that the Developer is participating in County WHP events, that the website for the WHP units is active and easily accessed, and that marketing efforts for the WHP units are consistent with the marketing efforts for the market rate units. Documentation shall include photographs of the required materials and displays demonstrating a prominent location in the sales office, screenshots of webpages, copies of mailers, photos of billboards, proof of television, radio, newspaper, or online advertisements, for both market rate and WHP units, and shall include a log of visitors and callers interested in the WHP units. [Ord. 2019-033]
- c) The County may conduct site visits and inspections to verify compliance with the requirements of this Section. [Ord. 2019-033]

6) Release of Obligation

It is the County's intent that each Subject Development fulfill its obligation pursuant to this Chapter. Release of obligation is available only for Subject Developments delivering WHP required units as for-sale units through the WHP On-Site Construction or the Off-Site Construction by Same Developer disposition options. It is not the intent of the WHP provisions to require a Developer to commence construction on any WHP for-sale unit for which a valid and binding contract for purchase between Developer and purchaser has not been executed. In the event WHP units have been marketed according to the requirements of this Article, then the WHP units are eligible to be released from the WHP obligations indicated in the Master Restrictive Covenant pursuant to the process below. [Ord. 2019-033] [Ord. 2023-036]

- a) The Developer shall provide a written notice to the Planning Director or designee requesting release of obligation and confirmation of the In-Lieu cash payment amount. The request shall include documentation demonstrating that at least 75 percent of the for-sale market rate units in the Subject Development have received Certificates of Occupancy. [Ord. 2019-033]
- b) The County shall provide a written response to the Developer, within ten business days of receipt, indicating the County's agreement/disagreement with request for release of obligation and confirming the amount of the required In-Lieu cash payment. [Ord. 2019-033]
- c) Upon payment of the required In-Lieu cash payment, the WHP unit shall thereafter be released from any and all obligations of the WHP requirements of this Code and the County shall provide written confirmation that the unit has been released, inclusive of release from the Master Restrictive Covenant. [Ord. 2019-033] [Ord. 2023-036]
- d) Should a Developer wish to appeal the Planning Director's determination that a Subject Development has not met the requirements for a release of obligation; the appeal shall be pursuant to Art. 2.A.14.C.2.d, Interpretations of the ULDC. [Ord. 2019-033]

c. Process for Subsequent Sales

1) Pricing/Affordability

- a) Affordability restrictions remain in effect for 15 years recurring from the date of sale; in the event a unit is resold before the 15-year period concludes, a new 15-year period shall take effect on the date of resale. [Ord. 2019-033] [Ord. 2023-036]
- b) An owner intending to sell a WHP unit during the affordability period must notify the Planning Director or designee in writing of the intent to sell, and request a resale price determination. The Planning Director or designee will determine the current maximum resale price based on the income category of the WHP unit and the current sales price for that category. The WHP price initially established for the for-sale unit's income category at the time of approval of the Subject Development shall be the sales floor throughout the affordability period. No WHP unit is required to be sold at a price below the sales floor, though a seller may opt to do so. [Ord. 2019-033]

2) HED Review

a) Qualification and Certification of For-Sale Purchasers

WHP units shall be sold only to a purchaser certified by the Department of Housing and Economic Development. Unit owners shall refer prospective purchasers to HED, who shall qualify prospective purchasers and issue a certification letter confirming eligibility to purchase the WHP unit. Palm Beach County retains the right to qualify purchasers for units above or below their income category. When available, down payment assistance may be offered for all workforce housing buyers; Palm Beach County shall not be obligated to provide down payment assistance to any purchaser. The amount of financial assistance, if any, that is available for purchase of the WHP unit shall be identified in the certification letter. The HED certification process shall be implemented according to procedures established and published by the Department. [Ord. 2019-033] [Ord. 2023-036]

3) Closing

- a) The process and requirements for closing of sales of WHP units shall be as set forth in County procedures. [Ord. 2019-033]
- b) Every warranty deed documenting a sale of a WHP unit shall include a statement that a unit is subject to covenants, conditions, and restrictions including the Master Restrictive Covenant, and shall include the date of recordation of the Master Restrictive Covenant, and the Book and Page of the Official Record. [Ord. 2019-033] [Ord. 2023-036]

d. Annual Compliance Reporting

The owner of the WHP unit shall submit to the Planning Director or designee, on a form provided by the County, an annual report containing information and documentation to demonstrate continued compliance with the WHP. The County may conduct site visits at reasonable times, or perform other independent investigation to verify continued compliance with the WHP. [Ord. 2019-033]

2. Rental Units

a. Master Restrictive Covenant

- 1) Except for Subject Developments using Off-Site Construction/Exchange Builder Option for the Subject Development's entire WHP obligation, prior to first Building Permit on the Subject Development, the Developer of the Subject Development shall record in the Public Records of Palm Beach County a Master Restrictive Covenant binding the entire project, in a form provided by the County, which identifies the WHP unit requirement for the Subject Development and addresses the requirements of this Subsection. Subject Developments that use the Exchange Builder Option to meet some or all of the WHP obligation may record a Notice of Disposition instead of a Master Restrictive Covenant for that portion of the obligation met through the Exchange Builder Option. [Ord. 2019-033] [Ord. 2023-036]
- 2) The Master Restrictive Covenant shall include but not be limited to restrictions requiring: that all required WHP units shall be rented only to an income-qualified household, in an income category corresponding to the WHP obligation of the Subject Development, at or below the Maximum WHP Rents established for the income category annually by Palm Beach County, subject to the affordability requirements and provisions of this Article; that these restrictions remain in effect for a period of 30 years (non-recurring) for each unit, from the date of occupancy of the first WHP unit; that the 30-year period will be extended by the amount of time a Code Enforcement magistrate or judge finds that the Subject Development is out of compliance with the WHP; and that in the event a rental complex is resold before the 30-year period concludes, the new owner assumes the requirement for the number of remaining years; and the number of years remaining shall be determined by the Planning Director or designee; and shall take effect on the date of resale. The Master Restrictive Covenant shall further provide monitoring and compliance requirements including but not limited to those set forth below to ensure compliance with the WHP. Every deed for a rental development with WHP units and every rental agreement for each WHP unit shall incorporate by reference the Master Restrictive Covenant. [Ord. 2019-033] [Ord. 2023-036]

b. Marketing of WHP Rental Units

Marketing of WHP rental units is the responsibility of the WHP rental unit owner or designee. Information regarding the WHP, including eligible income ranges and the availability of workforce housing units, shall be posted in the leasing office and website for the rental project, if any. The WHP rental unit owner or designee shall also maintain current the information provided to the County regarding the rental project. [Ord. 2019-033] [Ord. 2023-036]

c. Notifications to Palm Beach County

The WHP rental unit owner or designee shall notify the Planning Director, or designee, in writing prior to the commencement of leasing, to obtain the current income and rent ranges. The WHP rental unit owner or designee shall provide the Planning Director, or designee, with written notice of the date of occupancy of the first WHP unit no later than five days after occupancy. The WHP rental unit owner or designee shall also provide written notice to the Planning Director or designee of a change in WHP rental unit owner or designee no later than 30-calendar days after the change occurs. [Ord. 2019-033] [Ord. 2023-036]

d. Rents/Affordability

- 1) All required WHP units shall be rented only in the designated income categories corresponding to the WHP obligation of the Subject Development, at or below the prices established by Palm Beach County. [Ord. 2019-033] [Ord. 2023-036]
- 2) Affordability restrictions remain in effect for a period of 30 years (non-recurring) for each rental unit, from the date of occupancy of the first WHP unit; in the event a rental complex is resold before the 30-year period concludes for all units, the new owner assumes the requirement for the remaining number of years; as shall be determined by the Planning Director or designee based on the date of resale. [Ord. 2019-033]
- 3) The rent ranges shall be updated annually by the Planning Director, or designee, based on the monthly rent limits published annually for the Florida Housing Finance Corporation Multifamily Rental Programs, by number of bedrooms. The rent ranges shall address the following income subcategories: > 60 to 70 percent; > 70 to 80 percent; > 80 to 90 percent; > 90 to 100 percent; > 100 to 110 percent; > 110 to 120 percent; > 120 to 130 percent; and, > 130 to 140 percent of MFI. The maximum rent established by Palm Beach County for each income category and subcategory, by number of bedrooms, constitutes the Maximum WHP Rent for that category or subcategory. [Ord. 2019-033] [Ord. 2023-036]
- 4) WHP Rents for required WHP rental units are set by the rental unit owner or designee, and shall: [Ord. 2023-036]
 - a) include any Mandatory Fees required to be paid by all tenants. Mandatory Fees cannot be charged in addition to the Maximum WHP Rent, even if such charges are designated as "Additional Rent" per the lease. [Ord. 2023-036]
 - b) reflect the Utility Allowance if applicable. [Ord. 2023-036]
 - c) not exceed the Maximum WHP Rent minus any applicable Utility Allowance. [Ord. 2023-036]

Voluntary Fees may be charged in addition to the WHP Rent, even if these cause the Maximum WHP Rent to be exceeded. [Ord. 2023-036]

5) Utility Allowance

A Utility Allowance is required to be applied if the WHP rental units are subject to a Utility Allowance pursuant to the Master Restrictive Covenant governing the WHP rental units. The amount of the Utility Allowance shall be as established by the Master Restrictive Covenant. For the purposes of this provision, utilities are limited to water, sewer, gas, or electric service provided directly to the unit, and not for common areas. Owners of WHP rental units subject to a Utility Allowance must either: [Ord. 2023-036]

- a) reduce the rent by the amount of the Utility Allowance, if the cost of all the identified utilities is billed to the WHP tenant by the WHP rental unit owner or designee, the utility, or a third party; or [Ord. 2023-036]
- b) apply the Utility Allowance amount against the actual cost of the utilities provided to the unit, if the cost of any of the identified utilities are borne by the WHP unit owner and not billed to the WHP tenant by the WHP rental unit owner or designee, the utility, or a third party. If the utility costs are less than the prescribed Utility Allowance, the difference shall be credited to the WHP resident's rent cost. If the cost of the utilities exceeds the Utility Allowance, the excess cost may be charged to the WHP tenant, even if it exceeds the Maximum WHP Rent for the WHP tenant's income category or subcategory. Reasonable, reliable, and verifiable documentation is required to confirm utility costs. [Ord. 2023-036]

6) Rentals Below Low-Income Category

The owner of a WHP unit may request approval from the Executive Director of the Planning, Zoning and Building Department, or designee to rent the unit to a household having an income below 60 percent of Area Median Income, at a rent below the minimum rent for the Low-Income category, but not to exceed 33 percent of the WHP tenant's monthly household income. The Executive Director of the Planning, Zoning and Building Department, or designee, in consultation with the Department of Housing and Economic Development, shall consider the income characteristics of the census block(s) or tract(s) where the development is located and any other relevant information in determining whether to grant the request. [Ord. 2019-033] [Ord. 2023-036]

- 7) The rent ranges initially established for the rental unit's income category at the time of approval of the Subject Development shall be the rental floor throughout the affordability period. No WHP unit is required to be rented below the rental floor, though a rental unit owner or designee may opt to do so. [Ord. 2019-033] [Ord. 2023-036]

e. Income Qualification of WHP Tenants

WHP units shall be rented only to an income-qualified household. The verification of prospective WHP tenants as income qualified for the income category or subcategory, pursuant to the requirements of this Article and procedures established by the Department of Planning, Zoning and Building, is the responsibility of the rental unit owner or designee. [Ord. 2019-033] [Ord. 2023-036]

1) At Initial Lease Execution

The household's income eligibility must be verified through completion of the County's WHP lease addendum and WHP Rent calculation worksheet, which are available on the County's website or from the Planning Director or designee. The WHP rental unit owner or designee may request financial documents it deems reasonably necessary to ensure the household is eligible pursuant to the WHP. The WHP lease addendum and WHP Rent calculation worksheet are submitted by the WHP rental unit owner or designee to the Planning Director or designee for compliance review prior to or at the time of lease execution, but no later than the timeframe specified in the Master Restrictive Covenant for submittal of the lease addendum, or no later than ten days after lease execution if no timeframe is specified. [Ord. 2023-036]

2) At Lease Renewal or at Income Reverification

At renewals of the lease, the WHP rental unit owner or designee may choose to reverify the Annual Household Income and assigned income category, but is not required to do so. If the WHP tenant's income is to be reverified at lease renewal, the WHP rental unit owner shall provide the tenant a minimum of 60 days' notice prior to renewal date of the intent to reverify. If no new income reverification is completed at lease renewal, no new WHP lease addendum is required, but the WHP rental unit owner or designee is required to provide the WHP Rent calculation worksheet within ten days of lease renewal, indicating the WHP Rent amount pursuant to the renewed lease, to the Planning Director or designee for compliance review. [Ord. 2023-036]

The WHP rental unit owner or designee may also reverify the income, adjust the income category or subcategory, and adjust the WHP Rent of the WHP rental unit during the course of the lease if requested by the WHP tenant due to changed household circumstances, but is not required to do so. [Ord. 2023-036]

In considering any income category reassignment as a result of the income reverification, the required number of WHP rental units in each category shall not be exceeded, except when opting to shift a WHP rental unit to a lesser income category. [Ord. 2023-036]

In the event of any reverification of Annual Household Income, a new completed WHP lease addendum and WHP Rent calculation worksheet must be provided to the Planning Director or designee for compliance review prior to or at the time of lease execution, but no later than the timeframe specified in the Master Restrictive Covenant for submittal of the initial WHP lease addendum, or no later than ten days after lease execution if no timeframe is specified in the Master Restrictive Covenant. [Ord. 2023-036]

f. Compliance Review and Compliance Determination

It is the County's intent that each Subject Development fulfill 100 percent of its workforce housing obligation pursuant to its Development Order and this Chapter. For each WHP rental unit, the Planning Director or designee shall review the WHP lease addendum and/or WHP Rent calculation worksheet documenting the Annual Household Income verified by the WHP rental unit owner or designee, the household's WHP category and subcategory if applicable, and the WHP Rent to be charged. [Ord. 2023-036]

A WHP rental unit shall only be considered compliant once an accurate, complete, and fully notarized WHP lease addendum and/or WHP Rent calculation worksheet are provided to the Planning Director or designee, and the Planning Director or designee verifies that the correct income category, income subcategory if applicable, and rent are applied. [Ord. 2023-036]

The Planning Director or designee shall notify the WHP rental unit owner or designee of the result of the review of the submitted documents within three business days of receipt. [Ord. 2023-036]

If compliance issues are identified, the WHP rental unit owner or designee shall address the issues identified by the Planning Director or designee to the Planning Director or designee's reasonable satisfaction and resubmit the required documentation for review within ten business days of the Planning Director or designee's request. [Ord. 2023-036]

A copy of the completed WHP lease addendum and WHP Rent calculation worksheet shall be provided to the WHP tenant by the WHP rental unit owner or designee within three business days of verification of compliance by the County. [Ord. 2023-036]

If the documents are deemed compliant, the WHP rental unit shall be considered compliant from the date of the event (lease start, lease renewal, or income reverification), or the date the compliant documents were submitted to the County, whichever is later. [Ord. 2023-036]

The Planning Director or designee shall maintain a record of the project's WHP unit compliance using the WHP lease addenda form and WHP Rent calculation worksheets and other documentation provided by the WHP rental unit owner or designee. [Ord. 2023-036]

The Planning Director or designee may conduct site visits at reasonable times, request rent rolls, unit ledgers, or other documentation, and/or perform other independent investigation to verify compliance with the WHP. [Ord. 2019-033] [Ord. 2023-036]

It is a violation of this Code if the project has failed to maintain a minimum of 90 percent of its WHP unit obligation for more than 60 consecutive days, has failed to make a non-compliant WHP rental unit compliant within ten business days of written notice provided by the Planning Director or designee, or has failed to provide additional compliance documentation requested by the Planning Director or designee within ten business days of the written request provided by the Planning Director. In the event of a violation of this part or any other part of this Section, the 30-year period will be extended by the amount of time a Code Enforcement magistrate or judge finds that the Subject Development was out of compliance. [Ord. 2023-036]

g. Deed Restriction

The warranty deed documenting a sale of WHP rental units shall include a statement that the units are subject to covenants, conditions, and restrictions including the Master Covenant, and shall include the date of recordation of the Master Covenant, and the Book and Page of the Official Record. [Ord. 2019-033]

E. Enforcement

The County may enforce the requirements of the WHP through the County's Code Enforcement process or by bringing an action in the 15th Judicial Circuit Court in and for Palm Beach County, Florida by any cause of action available at law or equity, and seek remedies including but not limited to, specific performance, injunctive relief, rescission of any unauthorized sale or lease, reclassification of a market rate unit to a WHP unit, reclassification of the WHP unit income categories to lower categories, and extensions of the 15-year recurring term of for-sale units or the 30-year non-recurring term for rental units. These remedies are not exclusive and may be awarded in combination with each other and in addition to any other remedy available to the County. [Ord. 2019-033] [Ord. 2023-036]

Section 2 Affordable Housing Program (AHP)

A. Purpose and Intent

The AHP implements HE Policies 1.1-o and 1.5-g of the Plan, among others, by establishing an AHP. The AHP is a voluntary program used by an Applicant seeking additional density for an affordable housing development. An AHP Applicant elects to provide at a minimum 65 percent of the total number of dwelling units targeted to households at incomes of 60 percent of Area Median Income (AMI) and below. In any proposal a maximum of 20 percent of all units will target incomes of 30 percent and below AMI. The program ensures a minimum affordability period, and provides for a density bonus and other incentives. The program is intended to increase the supply of housing opportunities for persons employed in PBC in jobs that residents rely upon to make the community viable. Consideration may be given to developments requesting income percentage targets that are different from those previously indicated, based on programmatic requirements imposed by a governmental agency providing affordable housing funding or another entity with different programmatic requirements, with the final determination made by the Executive Director of Planning, Zoning and Building or designee. [Ord. 2009-040] [Ord. 2012-003]

B. Applicability

In cases of conflict between this Chapter and other Articles of this Code, the provisions of this Chapter shall apply. The AHP shall apply to developments with a residential component of ten or more dwelling units with all units being built on site. This shall include the expansion of existing projects that add ten or more dwelling units, where the program shall apply to those units being added. Requirements and limitations are further defined in Table 5.G.2.B, Affordable Housing Program. [Ord. 2009-040]

1. Exemptions

Congregate Living Facilities (CLFs). [Ord. 2009-040] [Ord. 2021-022]

2. Limitation on Restrictions

AHP units shall not be subject to restrictions beyond income qualifications except those restrictions imposed by a governmental agency providing affordable housing financing. [Ord. 2009-040]

Table 5.G.2.B – Affordable Housing Program

Applicability		
Location	Tier or Overlay	U/S
	FLU (1)	LR-1, LR-2, LR-3, MR-5, HR-8, HR-12, HR-18
Density Bonus Incentive		
LR-1 through LR-3		0-30% (3)
MR-5 through HR-18 (2)		0-100% (3)
[Ord. 2009-040]		
Notes:		
1.	Shall also apply to mixed-use projects with applicable underlying FLU designations for commercial and industrial mixed-use development. [Ord. 2009-040]	
2.	A density bonus of greater than 30 percent shall be permitted subject to meeting the additional standards of Art. 5.G.2.E, Additional Requirements for Density Bonus. [Ord. 2009-040]	
3.	Percentages shall be rounded up to the nearest whole number. [Ord. 2009-040]	
Affordability: A minimum of 65 percent of all units at 60 percent of AMI or below and a 20 percent maximum of all units at 30 percent and below AMI. [Ord. 2009-040]		

C. Design Requirements

AHP units shall be designed to be compatible with the overall project, as follows: [Ord. 2009-040]

1. All AHP units shall be constructed on site; [Ord. 2009-040]
2. All units shall be designed to a compatible exterior standard as other units within the development or pod; and, [Ord. 2009-040]
3. AHP units may be clustered or dispersed throughout the project. [Ord. 2009-040]

D. AHP Incentives

All projects with ten or more residential units shall be eligible for AHP incentives. [Ord. 2009-040]

1. Density Bonus

Table 5.G.2.B, Affordable Housing Program, delineates the ranges of density bonus allowed for the AHP by land use category. For the purposes of this Section, permitted density shall be the number of units allowed by the standard density allowed by the Plan; or the maximum density allowed by the Plan, where developed as a PDD, TDD, or other density provision of the Plan. TDR units or any other density bonus shall not be included as part of the permitted density for purposes of calculating the AHP density bonus. To ensure compliance with the compatibility requirement of HE Objective 1.5 of the Plan, projects requesting a density bonus shall be subject to the requirements of Table 5.G.2.D, Review

Table 5.G.2.D – Review Process

Density Bonus	DRO Approval	Class A Conditional Use
Standard District > 30-50%	X	
Standard District > 50-100%		X
PDD or TDD > 30-100%		X
[Ord. 2009-040] [Ord. 2017-025]		

2. Traffic Performance Standards Mitigation

a. AHP Special Methodologies

TPS mitigation shall be permitted for AHP projects in accordance with County Comprehensive Plan Transportation Element Policy 1.2-d(4). [Ord. 2009-040] [Ord. 2011-016]

b. AHP Traffic Concurrency Hall Pass

TPS mitigation shall also include the option of applying for an AHP Traffic Concurrency Hall Pass separate from a Development Order application. The AHP Traffic Concurrency Hall Pass serves as a provisional traffic concurrency approval for a period of not more than 90 days, during which it must be merged into an application submitted for a Concurrency Reservation approval. The AHP Traffic Concurrency Hall Pass is described further in Art. 2.F, Concurrency (Adequate Public Facility Standards). [Ord. 2009-040]

3. Expedited Review

The following expedited review processes may apply to a proposed AHP development: [Ord. 2009-040]

a. Design Review

Review of Multifamily or Townhouse structures by the Building Division and Fire Rescue shall be allowed concurrent with Final DRO review, prior to permit application. [Ord. 2009-040]

b. Platting

- 1) If only a boundary plat is required for an existing single lot, Building Permits may be issued after submittal of the Final Plat for recordation. [Ord. 2009-040]
- 2) If a subdivision plat is required, permits will be concurrently reviewed, but only issued at recording of the plat. [Ord. 2009-040]
- 3) Pursuant to Art. 3.E.1.H.1, Standards, Building Permits for Sales Offices, Sales Models, gatehouses, entry features, and utilities may be issued prior to the recording of a Final Plat. [Ord. 2009-040]

4. Density Bonus Development Options

a. Purpose and Intent

To provide flexibility from property development and other related regulations in order to provide greater opportunity for cost-effective development of AHP units. These provisions are not intended to supersede deviations that are normally addressed through the Variance process. These options shall only be granted at the time of approval for the entire project, and shall not be granted on a lot-by-lot basis. [Ord. 2009-040]

b. Applicability

Projects with ten or more units that utilize a density bonus incentive and are subject to the requirements of the AHP may utilize the Development Options listed herein. [Ord. 2009-040]

c. Justification Report

Use of Density Bonus Development Options shall not be granted by right, and shall require submittal of a justification report that demonstrates that deviations are the minimum needed to allow for the use of density bonus incentives. The report shall include the following: [Ord. 2009-040]

- 1) The regulations that are proposed to be modified. [Ord. 2009-040]
- 2) The amounts and specifics of the requested deviation(s). [Ord. 2009-040]
- 3) The areas within the development that the deviation(s) will be applied to. [Ord. 2009-040]
- 4) Graphic representations such as, but not limited to, Site Plans, elevations, perspectives, and typical examples, showing how the deviations will meet the intent of the district and AHP with emphasis on open space, privacy, maintenance, and public health, safety, and welfare. [Ord. 2009-040]

d. Site Plan Approval

All projects requesting Density Bonus Development Options shall submit an application and Site Plan to the DRO for certification where applicable, and for Final Site Plan approval for all others. The Site Plan shall indicate in the tabular data all Development Options requested and where feasible, a Regulating Plan shall be included to provide typical examples. Approval shall be granted

only for the minimum deviations needed to allow for the use of density bonus incentives and where the requirements of all applicable reviewing Agencies have been met. [Ord. 2009-040]

e. Drainage

Any reduction in lot size or open space area, or increase in building coverage shall be subject to approval of a drainage study demonstrating that reduced pervious surface area will not create adverse drainage issues. [Ord. 2009-040]

f. Option 1 – AR and RT Districts

The zoning for parcels electing to use this option must be in compliance with Art. 3.A.3, Zoning District Consistency with the Future Land Use Atlas (FLUA). [Ord. 2009-040]

1) AR FAR Calculations

New SFD lots in the AR district shall be permitted to calculate FAR based on the acreage of the FLU designation. [Ord. 2009-040]

2) RT PDR Deviations

Deviations from the minimum PDRs for the RT district with an LR-2 or LR-3 FLU designation may be in accordance with Table 5.G.2.D, RT Deviations for AHP, only for those projects that exceed the standard density in the footnote in FLUE Table 2.2.1-g.1, Residential Future Land Use Designation Maximum Density, and utilize a minimum density bonus of 20 percent. [Ord. 2009-040] [Ord. 2019-005]

Table 5.G.2.D – RT Deviations for AHP

Zoning District	Applicability	FLU	Lot Dimensions			Setbacks		
			Size	Width and Frontage	Building Coverage	Depth	Side	Rear
RT	TDR, WHP, AHP	LR-2	12,000 sq. ft.	85'	35%	100'	ND	ND
RT	TDR, WHP, AHP	LR-3	9,000 sq. ft.	65'	40%	80'	1st floor – 10'	1st floor – 15'
[Ord. 2009-040] [Ord. 2019-005]								
Key:								
ND	No deviation. [Ord. 2019-005]							

g. Option 2 – TND Regulations

Projects eligible for this option shall be permitted to utilize the PDRs of Table 3.F.3.D, TND Residential Lot Size and Setback Regulations, subject to meeting the requirements of Art. 3.F.3.D.5, Residential Uses and the following limitations: [Ord. 2009-040]

- 1) U/S Tier only; [Ord. 2009-040]
- 2) Project does not qualify to be a TND or use Option 1 or 3; [Ord. 2009-040]
- 3) If the subject site has an LR-1, LR-2, LR-3, or MR-5 FLU designation, the project shall meet all requirements for and be approved as a PDD; [Ord. 2009-040]

h. Option 3 – Flexible Regulations

Projects with MR-5, HR-8, HR-12, or HR-18 FLU designations, or if approved as a PDD or TDD, may deviate from the residential requirements of Table 3.D.1.A, Property Development Regulations, or Table 3.D.2.B, ZLL Property Development Regulations, as follows: [Ord. 2009-040]

- 1) SFD units may be permitted up to a maximum ten percent deviation for the following PDRs: lot size; width and frontage; building coverage; and, side and rear setbacks. [Ord. 2009-040]
- 2) SFD units limited to one floor with no loft or other similar feature, may be permitted up to a maximum 20 percent deviation for the following PDRs: building coverage; and front and side street setbacks. [Ord. 2009-040]
- 3) ZLL lots may be permitted up to a maximum lot width reduction of five feet, and ten percent deviation from the minimum lot size, building coverage, and front setback for units with front loading garages. [Ord. 2009-040]

i. Option 4 – PDD Open Space Reduction

Projects which elect to utilize a density bonus of not less than 15 percent, may reduce the 40 percent open space requirement of Table 3.E.2.C, PUD Land Use Mix, to not less than 30 percent open space, provided the project incorporates common usable open space areas as defined in Art. 1.H.2.O.13, Open Space, Usable for AHP. [Ord. 2009-040]

j. Option 5 – Internal Incompatibility Buffers

Required Incompatibility Buffers between SFD and MF units within an AHP development shall not be required. [Ord. 2009-040]

k. Option 6 – Relocation of Units to Civic Tracts

Residential units may be permitted in a Civic Pod subject to PREM approval. This may include collocating residential units with civic uses. The DRO shall have the following authority where PREM approval is obtained after BCC approval of the overall project: [Ord. 2009-040]

- 1) In the case of a civic site cash out, the deletion of the Civic Pod and increase in Residential Pod area; or [Ord. 2009-040]
- 2) The relocation of residential units to a Civic Pod, or the relocation of residential units where the Civic Pod is deleted. [Ord. 2009-040]

l. Option 7 – Type 2 Waiver for Affordable Housing Program Parking Reduction

Multifamily projects may request a Type 2 Waiver to reduce parking pursuant to Art. 6.C.1.A.3.a, Affordable Housing Program Parking Reduction. [Ord. 2025-007]

E. Additional Requirements for Density Bonus

Projects requesting a density bonus shall comply with the following: [Ord. 2009-040]

1. Sector Analysis

AHP projects shall be equitably distributed so that there is no undue concentration of very-low and low-income housing throughout the County. Table 5.G.2.E, AHP Density Bonus Guide (Step 1) indicates the Step 1 density bonus permitted. The concentration of very-low and low-income housing within a sector will be taken into consideration when determining the Step 1 density bonus permitted. Additional density may be added in accordance with Table 5.G.2.E, AHP Density Bonus Multipliers (Step 2). This Step 2 analysis considers the proposed development and its location to neighborhood amenities; a public transit option; employment and shopping opportunities; grocery store (excluding convenience store); public school; medical facilities; social services; and, public recreation facilities. Prior to submittal of an AHP pre-application, the Applicant shall meet with the Planning Director or designee to establish the sector within which the distribution analysis shall be conducted. The boundaries of the sector shall be approved by the Planning Director or designee. The maximum AHP density bonus, total Step 1 plus Step 2, not to exceed a 100 percent bonus as recommended by the Planning Director or designee. [Ord. 2009-040]

Table 5.G.2.E – AHP Density Bonus Guide (Step 1)

Percentage of Very-Low and Low-Income Housing (≤ 60% of AMI) in Sector	> 40%	40-30%	30-20%	20-0%
Step 1 Density Bonus	≤ 30%	≤ 50%	≤ 80%	≤ 100%
[Ord. 2009-040]				

Table 5.G.2.E – AHP Density Bonus Multipliers (Step 2)

Table 6: AHP Density Bonus Multiplier (Step 2)								
Proximity to Proposed Development	Public Transit Option	Employment and Shopping Opportunities 150,000 sq. ft., Guide (Office, Industrial, Business, Government, Community/Regional Commercial, Retail Center)	Grocery Store (Excluding Convenience Store)	Public School (Elementary, Middle, High Schools or Community College)	Medical Facilities (Hospital, Health Care, Urgent Care, Medical Offices)	Social Services (Day Care, Full-Service Community Centers, Public Library)	Public Recreation Facilities Off Site (Public Parks, Ballfields, etc.)	Max. AHP Density Bonus
> 0 Miles ≤ 1/4 of a Mile*	20%	20%	20%	20%	20%	10%	10%	100%
> 1/4 of a Mile ≤ 1/2 of a Mile*	15%	15%	15%	15%	15%	5%	5%	
> 1/2 of a Mile ≤ 1 Mile*	0%	10%	10%	10%	10%	2.5%	2.5%	
> 1 Mile ≤ 2 Miles*	0%	5%	5%	5%	5%	0%	0%	
[Ord. 2009-040]								
Notes:								
*	For each multiplier column, only one of the four options (the closest amenity) may apply.							

- a. The sector shall be proportional to the size and character of the proposed development. At a minimum, the sector shall consist of one or more neighborhoods that include features such as schools, shopping areas, an integrated network of Residential and Collector Streets bounded by Arterial Roads, civic uses, localized shopping, and employment opportunities. For data and analysis purposes, the sector shall be adjusted to accommodate census tracts or census block groups but shall not extend beyond important physical boundaries that may include a major Arterial Roadway or a wildlife refuge. [Ord. 2009-040]
- b. Housing characteristics (such as household family incomes and affordable housing stock data), for the sector shall be derived from the most current available census data. The analysis of housing and demographic data within the sector shall be in a manner and form approved by the Planning Director. [Ord. 2009-040]

2. **Pre-Application**

An application for density bonus shall require the submittal of a pre-application prior to submittal of a Zoning or Building Permit application for purposes of establishing a density bonus determination. [Ord. 2009-040]

a. **Contents**

The pre-application shall be in a form established by the Planning Director, and made available to the public. [Ord. 2009-040]

b. **Sufficiency Review**

The pre-application shall be subject to the provisions of Art. 2.B.2, or Art. 2.C.2, Sufficiency Review. [Ord. 2009-040]

c. **Compliance**

The density bonus shall not be granted until the project is found in compliance with Policy HE 1.5-h in the Plan. [Ord. 2009-040]

d. **Density Determination**

The Planning Director or designee shall provide a written density determination letter within ten working days of determining the pre-application is sufficient. The determination shall be based on the sector analysis, size, location, and development characteristics of the project with consideration given towards affordability, accessibility, proximity to mass transit or employment centers, compatibility, quality of design, pedestrian and vehicular circulation, open space, and resource protection. The Planning Director shall prepare a report for the Applicant, DRO, ZC, or BCC, whichever is appropriate, making a determination of compliance with this Chapter, consistency with the Plan, and recommend approval, approval with conditions, or denial of the request. [Ord. 2009-040]

F. **Affordability Requirements**

1. **Sales and Rental Prices of AHP Units**

All AHP units shall be offered for sale or rent at an attainable housing cost for the targeted AHP income range (60 percent of AMI or below). The sale and rent prices will be based on the Area Median Income (AMI), and the household income limits for PBC (West Palm Beach/Boca Raton Metropolitan Statistical Area) as published annually by HUD and based on the annual Florida Housing Finance Corporation Multifamily Rental Figures. [Ord. 2009-040]

2. **Master Covenant**

Prior to Final DRO approval, the Applicant shall record in the Public Records of Palm Beach County a Covenant binding the entire project, in a form provided for by the County, which identifies each AHP unit. An extension of up to six additional months to record the Covenant may be requested only in order to secure government funding for the proposed development. [Ord. 2009-040]

a. **For-Sale Units**

The Covenant shall include but not be limited to restrictions requiring: that all identified AHP units shall be sold or resold only to an income-qualified purchaser at an attainable housing cost for the targeted AHP income range (60 percent of Area Median Income (AMI) or below). The sale prices will be based on the AMI and the household income limits for PBC (West Palm Beach/Boca Raton Metropolitan Statistical Area) as published annually by HUD; that these restrictions remain in effect for 15 years recurring from the date of the Certificate of Occupancy for each unit; and, that in the event a unit is resold before the 15-year period concludes, a new 15-year period shall take effect on the date of resale. The Covenant shall further provide monitoring and compliance requirements including but not limited those set forth below to ensure compliance with the AHP. Every deed for each AHP for-sale housing unit shall incorporate by reference the controlling Covenant. [Ord. 2009-040] [Ord. 2011-001]

b. Rental Units

The Covenant shall include but not be limited to restrictions requiring: that all identified AHP units shall be rented only to an income-qualified renter at an attainable housing cost for the targeted AHP income range (60 percent of AMI or below). The rental prices will be based on the AMI and the household income limits for PBC (West Palm Beach/Boca Raton Metropolitan Statistical Area) as published annually by HUD and based on the annual Florida Housing Finance Corporation Multifamily Rental Figures; that these restrictions remain in effect for a period of 30 years (non-recurring) from the date of occupancy of the first AHP unit; and that in the event a rental complex is resold before the 30-year period concludes, the new owner assumes the requirement for the number of remaining years; and the number of years remaining shall be determined by the Planning Director or his designee; and shall take effect on the date of resale. The Covenant shall further provide monitoring and compliance requirements including but not limited to those set forth below to ensure compliance with the AHP. Every deed for a rental development with AHP housing units and every rental agreement for each AHP unit shall incorporate by reference the controlling Covenant. [Ord. 2009-040] [Ord. 2011-001]

3. Monitoring and Compliance

At the time of sale, resale, or rent of any AHP unit established pursuant to this program, the seller shall provide the County Administrator, or designee, documentation sufficient to demonstrate compliance with the AHP. Such documentation shall include but not be limited to information regarding the identity and income of all occupants of the AHP unit. The owner or lessee of the AHP unit shall submit to the County Administrator, or designee, on a form provided by the County, an annual report containing information and documentation to demonstrate continued compliance with the AHP and a copy of any monitoring information provided to and received from the appropriate funding agency/source. The County may conduct site visits at reasonable times, or perform other independent investigation to verify continued compliance with the AHP. [Ord. 2009-040]

4. Enforcement

The County may enforce the requirements of the AHP through any cause of action available at law or equity, including but not limited to seeking specific performance, injunctive relief, rescission of any unauthorized sale or lease, and tolling of the 15-year term (for-sale units) or the 30-year term (rental units) of the AHP, or the term required by the funding agency/source if more restrictive. [Ord. 2009-040]

5. Compatibility

The resulting development shall be compatible with surrounding residential land uses, as described herein. [Ord. 2009-040]

G. Annual Report

The Executive Director of PZB shall submit an annual report to the BCC indicating the status of the AHP. [Ord. 2009-040]

Section 3 Transfer of Development Rights (TDRs) – Special Density Program

A. Purpose and Intent

The purpose of this Chapter is to provide for a TDR Program, including the establishment of a TDR Bank, to facilitate both the protection of environmentally sensitive lands, the preservation of agriculture on lands designated as AGR on the FLUA, and to promote orderly growth in PBC. This is accomplished by allowing development rights to be severed from environmentally sensitive lands and lands designated as AGR and transferred to sites where additional development can be accommodated. The TDR Program is designed to redistribute population densities, or development potential, to encourage the most appropriate and efficient use of resources, services, and facilities.

Further, it is the purpose and intent of this Chapter to provide an alternative to the development of environmentally sensitive lands and lands designated as AGR on the FLUA by establishing a mechanism to seek economic relief from the limitation of development imposed on these lands. TDR can mitigate inequities in the valuation of land by providing a means of compensating landowners whose property is restricted, by permitting the sale of development rights, and making landowners in more intensively developed areas pay for the right to develop beyond the existing density, by purchasing development rights.

The TDR Program allows a Property Owner to achieve a density bonus by purchasing the increase in density from the PBC TDR Bank, or from a Property Owner with land in a designated sending area, without going through the land use amendment process. In order to increase density, the site must meet the requirements to become a designated receiving area and follow the procedures as described in this Chapter. After development rights have been transferred from the sending area to the receiving area, an appropriate conservation easement or an agricultural conservation easement shall be attached to the sending area and recorded in the Public Records of PBC, restricting future development potential. [Ord. 2005-002] [Ord. 2008-003]

B. Authority

The BCC has the authority to adopt this pursuant to Art. VIII, § 1, Fla. Const., the PBC Charter, F.S. § 125.01 *et seq.*, and F.S. § 163.3161 *et seq.*

C. Applicability

This Chapter shall apply to property in unincorporated PBC which is located within designated sending areas, as defined in Art. 5.G.3.F, Sending Areas. Development rights may be transferred from sending areas pursuant to the procedures contained in this Chapter, to property which meets the qualifications to receive such density according to Art. 5.G, Density Bonus Programs, and the standards contained herein.

The use of TDR shall be allowed in all residential zoning districts within the U/S Tier and shall be approved pursuant to this Chapter. TDR units may be utilized for all housing types. Additionally, TDR units may be converted to CLF beds subject to the provisions of Art. 4.B.1.C.1, Congregate Living Facility (CLF), whereby the total approved density, including TDR units, is utilized when calculating permissible CLF occupants. [Ord. 2021-022]

D. Previous Approvals

All previously approved Transfers of Development Rights, as long as they remain in force, shall remain valid and shall not be affected nor changed by subsequent revisions to the TDR Program.

E. Administration

1. General

Except as otherwise specified, the TDR Program shall be administered by the Executive Director of PZB or designee. [Ord. 2010-005]

2. Responsibilities

The Executive Director of PZB shall be responsible for:

- a. Establishing, administering, and promoting PBC's TDR Program;
- b. Establishing and administering the TDR Bank;
- c. Ensuring the orderly and expeditious processing of TDR applications under this Chapter;
- d. Executing contracts for sale and purchase of TDR units being purchased from the County's TDR Bank, including related escrow or similar bonding agreements, and TDR deeds as part of the DRO approval process; [Ord. 2010-005]
- e. Ensuring the Contracts for Sale and Purchase of Development Rights are executed and all deeds and conservation easements are filed in the Public Records of PBC;
- f. Ensuring that the Property Appraiser's Office is notified of all TDRs;
- g. Ensuring that the densities approved through the TDR Program are placed on the FLUA as

notations following approval of the TDR receiving area; and, [Ord. 2008-003]

- h. Ensuring that the FLUA is amended by a Staff-initiated Site Specific Plan amendment to reflect an appropriate land use designation for land acquired by PBC whose units are placed in the TDR Bank. [Ord. 2008-003]

F. Sending Areas

1. General

Sending areas represent those areas of PBC that are designated by the BCC to warrant protection. The owner of property in a designated sending area may transfer the development rights to a parcel of land in a designated receiving area, subject to the provisions of this Chapter.

2. Eligible Sending Areas

- a. Lands designated RR-20 on the FLUA;
- b. Lands designated as priority acquisition sites by the Environmentally Sensitive Lands Acquisition Selection Committee (ESLASC) or the Conservation Land Acquisition Selection Committee (CLASC) that meet the criteria listed below:
 - 1) Rarity in PBC of native ecosystems present on the environmentally sensitive lands site;
 - 2) Diversity of the native ecosystems present on the environmentally sensitive lands site; or,
 - 3) Presence of species listed as endangered, threatened, rare, or of special concern by the U.S. Fish and Wildlife Service, the Florida Fish and Wildlife Conservation Commission, the Florida Committee on Rare and Endangered Plants and Animals, or the Florida Department of Agriculture.
- c. Lands designated AGR on the FLUA;
- d. Privately-owned lands designated CON on the FLUA; and,
- e. Other sites determined by the BCC to be worthy of protection, provided that the sites:
 - 1) Further the purpose of the TDR Program in keeping with the criteria listed above; or
 - 2) Further other PBC Goals, Objectives, and Policies. At such a time that the BCC determines that a parcel of land is environmentally sensitive, or preservation of the site is in the public interest, the parcel is eligible to become a sending area. The site shall be designated by Resolution of the BCC.

3. Overlap in Sending Areas

In such cases where a parcel of land is both a priority acquisition site and designated RR-20 or AGR on the FLUA, all provisions in this Chapter pertaining to the priority acquisition sites shall prevail.

4. Transfer Rate

The owner of land which is designated as a sending area may elect to transfer development rights as provided in this Chapter. Development rights may be transferred from sending areas according to the following schedule. For the purposes of this Subsection, acres means gross acreage.

- a. Development rights may be transferred from property designated RR-20 on the FLUA at the rate of one development right per five acres. The minimum land area eligible for the TDR as a sending area shall be ten acres.
- b. Development rights may be transferred from property designated AGR on the FLUA at the rate of one development right per one acre. The minimum land area eligible for the Transfer of Development Rights as a sending area shall be 20 acres unless the sending area parcel is located adjacent to other preserved properties, in which case the minimum land area shall be five acres.
- c. Development rights may be transferred from priority acquisitions sites (both residential and non-residential) located outside of the U/S Tier at a transfer rate of one development right per five acres. The minimum land area eligible for the TDR as a sending area shall be five acres.
- d. Development rights may be transferred from privately-owned lands designated CON on the FLUA at a rate of one development right per ten acres. The minimum land area eligible for the Transfer of Development Rights as a sending area shall be ten acres.
- e. Development rights may be transferred from all environmentally sensitive sites described in Art. 5.G.3.F.2, Eligible Sending Areas, at a rate which equals the maximum density permitted by the future land use designation for the property. The minimum land area eligible for the Transfer of Development Rights as a sending area shall be determined by the BCC, upon a recommendation from PZB and ERM.

5. Computation of Development Rights

The number of development rights assigned to a sending area parcel of land shall be determined by the Executive Director of PZB pursuant to Art. 5.G.3.F.2, Eligible Sending Areas, and Art. 5.G.2.J, TDR – Sending Area Procedure, as calculated below:

- a. All development rights shall be in whole numbers, no fractions shall be permitted. Any fractional residential unit that may occur during calculations shall be converted upward, if one-half or more of a whole unit, or downward, if less than one-half of a whole unit, to the nearest whole unit.
- b. The amount of development rights assigned to a sending area parcel shall be reduced by one dwelling unit for every conforming residential structure situated on the property at the time of approval.

6. Restriction on Future Use

Upon BCC or DRO approval of the TDR transfer, a conservation easement or agricultural conservation easement shall be recorded in the Public Records of PBC. The BCC or DRO shall determine which easement is appropriate for the sending area as part of the approval of the TDR transfer. Prior to recordation of the easement, a legally enforceable Maintenance Plan providing for perpetual maintenance of the sending area shall be established by the Property Owner and approved by ERM. No further Development Permit or Development Order for the designated receiving area shall be issued by PBC until the applicable easement is recorded in the Public Records of PBC. The easement shall restrict the use of the sending area in perpetuity. In particular, a conservation easement shall require that the sending area be maintained in its natural state while an agricultural conservation easement shall restrict the use of the sending area to Bona Fide Agriculture, fallow land, or uses permitted in the Conservation Water Resources Area (WRA) Future Land Use category; all other development rights of the subject property shall be considered transferred in perpetuity.

7. Existing Uses

Conforming residential dwelling units which existed prior to making application to transfer development rights shall be permitted to remain as legal conforming uses. All other existing uses on the sending area shall cease.

8. Remaining Land Area

If all of the development rights assigned to a sending area are not transferred off the site, the remaining land, if proposed for development, shall be developed in accordance with this Code and in a manner which is compatible with the surrounding area. This provision shall not apply to sending areas designated AGR on the FLUA; these parcels are required to transfer all development rights off the site.

If the owner of land in a sending area only transfers a portion of the development rights available for the property, PBC, upon a recommendation from PZB and ERM, reserves the right to determine which portion of the land is subject to the applicable conservation easement. The intent is to link environmentally sensitive land, to link agricultural land, and to link open space areas, when feasible, and allow compatible development to occur on the remainder of such sites.

G. Transfer of Development Rights (TDR) Bank

1. General

The purpose of this Chapter is to authorize the establishment of a TDR Bank. The TDR Bank is hereby created in order to, among other things, facilitate the purchase and Transfer of Development Rights as hereinafter provided and maintain an inventory of those development rights purchased by PBC.

2. Establishment of Development Rights for the Bank

Development rights for the TDR Bank shall be generated from environmentally sensitive lands purchased by PBC, including the priority acquisition sites meeting the criteria in Art. 5.G.3.F.2, Eligible Sending Areas, through August 30, 1999. Priority acquisition sites in the unincorporated area of PBC which are not purchased as part of the acquisition program shall maintain the opportunity to transfer development rights on the private market. The TDR Bank shall be maintained by the Executive Director of PZB and shall be reviewed in accordance with the FLUE of the Plan to determine the need for additional units.

Development rights in the TDR Bank generated under the TDR Program shall remain in the TDR Bank until sold by PBC, the TDR Bank is dissolved, or the units are otherwise disposed of.

3. Transfer Rate from the Purchase of Environmentally Sensitive Lands

a. Land Purchased inside the U/S Tier

The number of development rights within the bank shall equal the maximum density allowed by the FLU designation as established by the applicable PBC or municipal Comprehensive Plan.

b. Land Purchased outside the U/S Tier

The number of development rights severed, or generated for the bank, shall equal the TDR transfer rate established in Art. 5.G.3.F, Sending Areas.

4. Pricing and Sale of TDR Bank Development Rights

PBC may sell development rights to Property Owners who meet the receiving area criteria pursuant to this Chapter. [Ord. 2022-029]

a. A Property Owner seeking an increase in density must apply to become a receiving area and submit a draft Contract for Sale and Purchase of Development Rights. [Ord. 2011-001]

b. The price of a development right shall be set annually pursuant to a methodology approved by the BCC. No TDR price or price reduction other than those included in this Section shall be permitted. The County shall utilize the median sales price data for Palm Beach County, as published by the Broward, Palm Beaches and St. Lucie Realtors association, using data for the month of March to set the price each year: [Ord. 2011-001] [Ord. 2012-027] [Ord. 2022-029]

1) For Single Family units (Single Family and Zero Lot Line) the full price shall be ten percent of the median sales price of single-family, existing homes. [Ord. 2011-001] [Ord. 2022-029]

2) For Multifamily units, the full price shall be ten percent of the median sales price of existing condominiums and townhouses. For TDR pricing purposes, the Multifamily price applies to Townhouses, Cottage Homes, and CLF units. [Ord. 2011-001] [Ord. 2022-029]

c. For proposals including a mix of Single Family and Multifamily units, the pricing of TDR units shall proportionally reflect the proposal's unit type mix. [Ord. 2011-001] [Ord. 2022-029]

d. Additional prices adjustments are available for TDR units as indicated below: [Ord. 2011-001] [Ord. 2022-029]

1) For TDR receiving areas located within an area that has a BCC-accepted Neighborhood Plan pursuant to FLUE Policy 2.4-b, and the proposed density is identified within and supported by the Neighborhood Plan, the TDR price shall be 75 percent of full TDR price; [Ord. 2011-001] [Ord. 2012-003] [Ord. 2022-029]

2) For TDR receiving areas located within the RRIO as depicted on Map LU 1.1, Managed Growth Tier System, in the Map Series of the Plan, the TDR price shall be 25 percent of full TDR price; [Ord. 2011-001] [Ord. 2022-029]

3) The price for TDRs used to provide workforce housing units on site shall be five percent of the applicable TDR price as established in Art. 5.G.3.G.4.b.1) or Art. 5.G.3.G.4.b.2), or Art. 5.G.3.G.4.d.1) or Art. 5.G.3.G.4.d.2) above. This discount is not available for TDRs purchased for CLF purposes; and, [Ord. 2011-001] [Ord. 2022-029]

4) Affordable Housing TDR units are required to be provided on site and shall be priced at one percent of the applicable TDR price as established in Art. 5.G.3.G.4.b.1) or Art. 5.G.3.G.4.b.2), or Art. 5.G.3.G.4.d.1) or Art. 5.G.3.G.4.d.2) above. The discount is not available for TDRs purchased for CLF purposes. The dollar difference between the TDR price and the Affordable Housing TDR price can be used as a price waiver to be counted as part of the Local Government contribution for housing funding application purposes. [Ord. 2011-001] [Ord. 2022-029]

5. Revenue from the Sale of TDRs

The revenue generated from the sale of development rights from the TDR Bank shall be allocated to the Natural Areas Fund administered by ERM for acquisition and management of environmentally sensitive lands and wetlands.

H. TDR Receiving Areas

Development rights shall only be transferred to those parcels which meet the qualifications for designation as receiving areas.

1. Eligible Receiving Areas

a. PDDs and TDDs

The total density of the project, including the TDR units, shall be utilized for calculating the minimum PDD or TDD acreage threshold; and

b. Residential subdivisions which are not within a PDD or TDD.

2. Qualify as a Receiving Area

a. Be located within the U/S Tier; [Ord. 2004-040] [Ord. 2008-003]

b. Be compatible with surrounding land uses and consistent with the Plan;

- c. Meet all concurrency requirements;
- d. Meet all requirements as outlined in this Code; and,
- e. Be compatible with adjacent environmentally sensitive lands.

3. Compatibility with Adjacent Environmentally Sensitive Lands

A receiving area shall not degrade adjacent environmentally sensitive lands. Receiving areas, therefore, shall reduce the intensity/density of that portion of the development which is contiguous to any regionally significant natural resource as defined by the Treasure Coast Regional Planning Council, environmentally sensitive land as defined by the ESLASC or CLASC, or sites designated as preserve areas according to Art. 14.C, Vegetation Preservation and Protection, so that the development is compatible with, and does not negatively impact the environmentally sensitive area, by providing a buffer zone of native vegetation according to the following Table.

Table 5.G.3.H – Required Buffer Zone

Density of Adjacent Pod/Development Area	Required Buffer Zone of Native Vegetation
Net Density ≤ 3 Units per ac.	50' buffer
Net Density > 3 Units per ac. ≤ 5 Units per ac.	100' buffer
Net Density > 5 Units per ac.	200' buffer

4. Applicability – TDR Increased Buffer and Setbacks for LR-1, LR-2, and LR-3 PDDs

The perimeter buffer and building setbacks for a TDR receiving area in a PDD with an LR-1, LR-2, or LR-3 FLU designation shall be upgraded where ZLL, TH, MF, or SFD using RS PDRs are located within 125 feet of any SFD with a lot size of 14,000 square feet or greater, or any vacant parcels with an LR-1, LR-2, or LR-3 FLU designation. [Ord. 2008-037]

a. Increased Buffer Widths

Where applicable, the perimeter buffer shall be increased by 15 feet for projects having ZLL or SFD units, and 20 feet for TH and MF units. [Ord. 2008-037]

b. Upgraded Landscaping

Where an increased buffer width is required, an additional native palm or tree shall be provided for each 30 linear feet, with a maximum spacing of 90 feet between clusters. [Ord. 2005-002] [Ord. 2008-037]

c. Increased Setbacks

Where applicable, when a development has a more intense housing classification, an additional ten-foot rear setback shall be required. For the purposes of this Section, housing classification shall be ordered from least intense to most intense, as indicated in Table 5.G.3.H, Housing Classification. [Ord. 2005-002] [Ord. 2008-037]

Table 5.G.3.H – Housing Classification

Intensity by Group	Housing Type
1 – Low	Single Family residential (RT PDRs); or Zero Lot Line homes.
2 – Medium	Single Family residential (RS PDRs); Mobile Homes; Townhouses; or, Multifamily.
3 – High	Congregate Living Facilities.
[Ord. 2005-002] [Ord. 2008-037]	

5. Prohibitions

Under no circumstances shall a receiving area contain a sending area as defined in Art. 5.G.3.F.2, Eligible Sending Areas. This shall not apply if the project is providing all of the units at prices attainable by persons making between 30 to 120 percent of AMI. The County shall establish the actual prices for each unit and each unit shall be deed restricted consistent with Art. 5.G.2.F, Affordability Requirements. [Ord. 2008-003]

I. Housing Program Requirements

1. WHP

In accordance with FLUE Policy 2.4-a.5 of the Plan TDR density bonus units acquired from the TDR Bank shall have a workforce housing obligation of 34 percent. The 34 percent requirement does not apply to TDRs used for CLF purposes All WHP units resulting from TDRs shall comply with the requirements of Art. 5.G.1, Workforce Housing Program (WHP). [Ord. 2008-003] [Ord. 2011-001] [Ord. 2019-033] [Ord. 2022-029]

2. AHP

When using the voluntary AHP, all TDR density bonus units shall be provided as AHP units. These AHP units shall be constructed on site and shall comply with the affordability range requirements of Art. 5.G.2, Affordable Housing Program (AHP). [Ord. 2009-040] [Ord. 2022-029]

3. WHP and AHP Units

Consideration may be given to developments requesting both WHP and AHP units within the proposal. In this instance, the Planning Director or designee will determine which program's (WHP or AHP) density bonus criteria will be utilized based on the programmatic requirements imposed by a governmental agency providing affordable housing funding or another entity with programmatic requirements (e.g., Habitat for Humanity or a Community Land Trust). [Ord. 2009-040]

4. Permitted Density Ranges

The maximum number of development rights which may be transferred to the receiving parcel shall be determined in accordance with Art. 5.G.3.H, TDR Receiving Areas, Art. 5.G.3.K, TDR – Receiving Area Procedure, and the following: [Ord. 2008-003]

a. Standard Density Bonus

Approved receiving areas may receive a bonus density as follows: [Ord. 2008-003] [Ord. 2008-037]

- 1) Receiving areas in the U/S Tier west of Florida's Turnpike: up to two dwelling units per acre; or [Ord. 2008-003]
- 2) Receiving areas in the U/S Tier east of Florida's Turnpike, but not in a Revitalization, Redevelopment, and Infill Overlay: up to three dwelling units per acre; or [Ord. 2008-003] [Ord. 2009-040]
- 3) Receiving areas in a Revitalization, Redevelopment, and Infill Overlay: up to four dwelling units per acre. [Ord. 2008-003] [Ord. 2009-040]
- 4) The bonus density may be less than the total bonus density indicated in Art. 5.G.3.I.4.a.1), Art. 5.G.3.I.4.a.2), and Art. 5.G.3.I.4.a.3) above when an additional WHP or AHP density bonus has also been utilized. (see Art. 5.G.3.I.4.d below) [Ord. 2009-040]

b. Additional Density Bonus

Receiving areas meeting one or both of the following criteria shall be eligible for an additional one dwelling units per acre density bonus above the aforementioned density bonus ranges. [Ord. 2008-003] [Ord. 2008-037]

- 1) Receiving areas within one-quarter mile radius of a public park, (excluding golf courses), community commercial facility, or mass transit facility within the U/S Tier; and [Ord. 2008-003] [Ord. 2009-040]
- 2) Receiving areas within one-quarter mile radius of a regional commercial facility or a major industrial facility within the U/S Tier. [Ord. 2008-003]

In order to be eligible for the additional one dwelling unit per acre density bonus, at least 25 percent of the receiving area must be located within the required radius. The density bonus shall apply to the entire receiving area. [Ord. 2008-003]

c. LR-1, LR-2, and LR-3 FLU Density Limitation

To mitigate any potential adverse impacts in low-density residential neighborhoods (as determined by residential FLU designation), the maximum TDR density bonus in the LR-1, LR-2, and LR-3 FLU designations shall not exceed 100 percent of the standard or maximum density, exclusive of any other density bonus allowed on the subject site. Exceptions shall be permitted for any project that is located in the URA or entirely surrounded by one or more of the following: [Ord. 2008-037]

- 1) Parcels with an MR-5 or higher FLU designation; or [Ord. 2008-037]
- 2) Parcels with a non-residential FLU designation or use; or [Ord. 2008-037]
- 3) Open space 100 feet in width or greater; or [Ord. 2008-037]
- 4) A Major Street. [Ord. 2008-037]

- d. A development's WHP or AHP density bonus increase will be given consideration when assigning the number of TDR units recommended to the development. Other factors to be considered include: the location of the proposed development and its relationship to the study area; the housing type(s) proposed; if the development site is located within one-quarter mile radius of a public park (neighborhood or regional park, not a golf course); civic uses (schools/libraries); a mass transit facility; child care facilities; medical facilities; a supermarket; a community commercial facility; employment opportunities; and, within one-half mile radius of social services; a regional commercial facility; an industrial facility; additional civic uses and employment opportunities. [Ord. 2009-040]

J. TDR – Sending Area Procedure

1. Sending Parcel Application

The Property Owner of lands which are designated sending areas as defined under Art. 5.G.2.F.2, Eligible Sending Areas, must make application to PZB for an administrative determination in order to be formally designated as a sending area. The purpose of this administrative determination is to ascertain the exact number of development rights the Property Owner is entitled to. The application shall include, at a minimum:

- a. Proof of ownership;
- b. A legal description of the property; and,
- c. Contract, or option, for the purchase and sale of development rights (unless requesting a TDR Certificate, as outlined in Art. 5.G.3.J.6, Development Rights Certificates). The application shall be submitted to the Executive Director of PZB. Applications for a sending area designation may be accepted for review and processing at any time.

2. Review Process

a. Environmentally Sensitive Lands and Lands Designated RR-20 or CON on the FLUA

Prior to the first scheduled DRO meeting to consider the TDR application, the Executive Director of PZB shall review the sending area application and make a determination regarding the number of units associated with the parcel. As part of review of the application, the Executive Director of PZB shall notify ERM of the application and request that a site check be conducted.

ERM shall complete a site check to ensure that the site has not been altered and the site meets the criteria provided in Art. 5.G.3.F.2, Eligible Sending Areas. ERM shall complete a written recommendation to the Executive Director of PZB regarding the site.

b. Land Designated AGR on the FLUA

Prior to the first scheduled DRO meeting to consider the TDR application, the Executive Director of PZB shall review the sending area application and make a determination regarding the number of units associated with the parcel. As part of review of the application, the Executive Director of PZB shall complete a site check to ensure that the site is suitable for Bona Fide Agriculture or other open space purposes consistent with the AGR provisions in the Plan.

Sending area applications which are not submitted in conjunction with a receiving area application shall be reviewed and acted upon within 25 days.

3. Written Determination

The Property Owner shall receive a written determination from the Executive Director of PZB indicating how many development rights can be transferred from the property. The number of development rights for the site shall be documented and be kept on file in the PZB Department.

The written document shall be valid for a period of 12 months. If any modifications or alterations are made to the property during the 12-month period, the Property Owner shall not be permitted to participate in the TDR Program.

4. Easement Agreement/Restriction

Prior to Site Plan certification, the applicable conservation easement, in a form and content acceptable to the County Attorney shall be recorded in the Public Records of PBC. The easement shall restrict future use of the land consistent with the requirements in Art. 5.G.3.F.6, Restriction on Future Use. Prior to recordation of the easement, a legally enforceable Maintenance Plan providing for perpetual maintenance of the sending area shall be established by the Property Owner and approved by ERM.

5. Resubmittal of Application

The owner of a sending parcel may reapply until all development rights have been severed from the property.

6. Development Rights Certificates

Environmentally sensitive lands and lands designated as CON or RR-20 on the FLUA must be deeded to, and accepted by PBC, subject to the discretion of the BCC, before the Certificate can be issued. Environmentally sensitive lands and lands designated as CON or RR-20 on the FLUA deeded to, and accepted by PBC, shall be managed by PBC or its designee. AGR lands shall be managed by the Property Owner in perpetuity as provided in the Maintenance Plan.

a. Eligibility

Development Rights Certificates shall only be issued to Property Owners of ESL or RR-20 land that deed without compensation environmentally sensitive land to PBC or Property Owners of AGR land that record an agricultural conservation easement, and follow the procedures in this Chapter.

The Development Rights Certificate shall require that restrictions be placed on the sending area prior to the sale of those development rights. A minimum transfer of five acres is required.

b. Issuance of the Certificate

Upon completion of the application process, and recordation of the deed transferring ownership of the property to PBC, or recordation of the agricultural conservation easement and approval by ERM of a legally enforceable Maintenance Plan providing for perpetual maintenance of the sending area, the Property Owner shall be issued a Development Rights Certificate. The Certificate shall indicate the exact number of development rights which can be sold, transferred, or traded, by the holder of such Certificate. The Certificate shall remain in effect until applied to a TDR receiving area in accordance with provisions of this Chapter.

c. Unused Certificates

A Property Owner of AGR land, with an agricultural conservation easement recorded, may reassociate development rights to the original sending parcel provided that no development rights have been sold. A written request to reassociate the development rights shall be submitted to the Executive Director of PZB along with proof of ownership and a legal description of the property. Prior to approval of a request to the reassociate development rights, the Applicant must petition and receive BCC approval to release the easement recorded against the sending area parcel.

7. Limitations

The amount of development rights assigned to a sending area parcel, or indicated on a Certificate, shall be reduced by one for every conforming residential structure situated on the property at the time of application.

K. TDR – Receiving Area Procedure

1. General

Receiving areas shall be approved concurrent with issuance of a Development Order for a PDD, TDD, or a residential subdivision. The following procedures shall be followed in order to become a receiving area to obtain the density bonus. [Ord. 2005-002] [Ord. 2010-005]

2. Pre-Application Conference

Prior to submittal of an application requesting a receiving area density bonus, the Applicant must attend a Pre-Application Conference with the appropriate PZB Staff, pursuant to Art. 2.A.5, Pre-Application Conference (PAC) and Pre-Application Appointment (PAA), to review the proposed development, and the requirements and procedures of the TDR Program.

3. Review Process

The review process for TDR applications is based upon the density and type of residential development proposed as provided below, with the exception of the transfer of density required by a FLUA amendment Ordinance which shall be reviewed by the DRO subject to the provisions of Art. 2.C, Administrative Processes. [Ord. 2023-036]

- a. The transfer of two units per acre or less to a residential subdivision is reviewed by the DRO and shall be subject to the provisions of Art. 2.C, Administrative Processes, except as provided below. Parcels which meet the minimum acreage thresholds for a PDD or TDD shall not utilize this Chapter option;
- b. The transfer of more than two units per acre to a residential subdivision is reviewed as a Class A Conditional Use and shall be subject to the provisions of Art. 2.B, Public Hearing Processes, except as provided below. Parcels which meet the minimum acreage thresholds for a PDD or TDD are allowed to utilize the option contained in this paragraph, provided the parcel meets the PDD or TDD PDRs contained in Art. 3.E, Planned Development Districts (PDDs), or contained in Art. 3.F, Traditional Development Districts (TDDs);
- c. The transfer of any density to a planned development is reviewed as a Conditional Use and shall be subject to the provisions of Art. 3.E, Planned Development Districts (PDDs). A general application by a Property Owner for receiving area status and a density bonus shall be accepted for review and processing. [Ord. 2005-002] [Ord. 2010-005] [Ord. 2017-007]
- d. BCC approval is required for any project that is requesting a combined density increase/transfer through the WHP and TDR Program that exceeds two units per acre. [Ord. 2005-041]

4. Contents of Application

In conjunction with the general application for a Rezoning, Development Order Amendment, or Development Review Officer approval, an Applicant for receiving area status and a density bonus must submit a supplemental TDR application. The application shall: [Ord. 2011-001]

- a. be submitted in a form established by the Zoning Director of PZB; [Ord. 2011-001]
- b. submit a Preliminary Plan; and, [Ord. 2011-001]
- c. submit Preliminary Architectural Elevations for TDR applications that exceed DRO thresholds prior

to certification of the application for public hearing pursuant to Art. 5.C.1.B, Threshold. Elevations shall not be required for Single Family dwellings or Multifamily dwellings less than 16 units as they are exempt from the provisions of Art. 5.C, Design Standards. However, the Applicant shall ensure these units are architecturally compatible with the other units in the development by using consistent colors, materials, layouts, etc. [Ord. 2011-001]

5. Standards

In addition to fulfilling the requirements of Art. 5.G.3.H, TDR Receiving Areas, to qualify as a receiving area and be eligible for an increase in density, all applications requesting receiving area designation shall comply with these standards:

- a. The Transfer of Development Rights is by deed, and the deed shall be recorded before Final Site Plan approval;
- b. The transfer is to a parcel of land which meets all the requirements of this Code and within which the transferred densities have been included and amended;
- c. The proposed development meets all concurrency requirements at the level of impact calculated to include the TDR density;
- d. If the transfer is between two private parties, at the time the transfer is approved, the sending area from which the transfer will occur shall be subject to a conservation easement and shall be identified on the Zoning Map. Pending recording of the conservation easement, no Development Order approvals shall be issued for the sending area or receiving area; [Ord. 2010-022]
- e. If the transfer of rights is from the PBC TDR Bank, all rights have been accounted for and there are enough development rights in the bank to cover the project;
- f. The proposed development and density are compatible with the surrounding area and land use; and,
- g. The proposed development and density do not negatively impact adjacent environmentally sensitive lands.

6. Contract for Sale and Purchase of Development Rights

A Contract for Sale and Purchase of Development Rights is required. A deed of TDR shall also be required as part of the approval of a TDR transfer. The contract shall be executed prior to Final DRO approval of a TDR receiving area. 100 percent of the funds must be received by PBC prior to subdivision approval or issuance of the first Building Permit, whichever occurs first. The deed must be recorded before issuance of the first Building Permit for a project designated as a receiving area. This paragraph shall not apply to Building Permits for Sales Models or temporary Real Estate Sales and Management Offices permitted pursuant to this Code. [Ord. 2009-040] [Ord. 2011-001]

L. Notification to Property Appraiser's Office

Upon recordation of the deed of transfer, the Executive Director of PZB shall notify, within 20 days, the Property Appraiser's Office in writing that development rights have been transferred from the sending area or TDR Bank to the receiving area in perpetuity.

M. County Initiated Land Use Amendment

Following recording of the deed, the Planning Division, upon direction from the BCC, shall initiate a Site Specific Plan amendment to designate the property with a CON designation or place a notation which reflects the use of the property as an Agricultural Reserve Preservation Area (AGR/P). Densities obtained through the TDR Program shall be placed on the FLUA as notations following approval of the TDR receiving area.

N. Overall Accounting System for TDR Density

PZB shall maintain an overall accounting system for monitoring density availability and density transfers in the TDR Program. The accounting system shall include both private development rights and development rights in PBC's TDR Bank.

Density needed for the TDR Program may be derived from different sources including, but not limited to:

1. Density Reduction

Approved Site Specific Plan amendments since 1990 which resulted in a density reduction; and

2. PUD Unused Density

At such a time that the TDR Program, any subsequent density bonus programs, or amendments to the Plan requesting an increase in density, deplete the number of units available from previous amendments, PZB shall begin to monitor the PUD units which have been approved through the Zoning process, but which have remained unused. The later units may at that time be considered as a source for density for the TDR Program.

CHAPTER H MASS TRANSIT STANDARDS

Section 1 General

A. Authority

The Executive Director of Palm Tran shall be responsible for implementing, applying, interpreting, and modifying the standards of this Chapter. [Ord. 2008-003]

B. Purpose and Intent

The purpose and intent of this Chapter is to ensure adequate, and consistent Mass Transit Infrastructure/Facilities are available to accommodate development concurrent with their associated impacts. The specific objectives of this Chapter are as follows: [Ord. 2008-003]

1. Establish Mass Transit Infrastructure/Facilities standards for unincorporated PBC. [Ord. 2008-003]
2. Provide Mass Transit Infrastructure/Facilities in accordance with the objectives of the Transportation Element of the Plan. [Ord. 2008-003]
3. Ensure that necessary Mass Transit Infrastructure/Facilities will be provided concurrently with development. [Ord. 2008-003]

Section 2 Applicability and Standards

The standards of this Chapter shall apply to all residential and non-residential development or redevelopment in unincorporated PBC, as follows: [Ord. 2008-003]

A. Modifications to Previous Approvals

Modifications to previous approvals shall comply with this Chapter for unbuilt projects without an approved DRO plan, or to the greatest extent possible in the affected area without the loss of density, intensity, or parking, for unbuilt projects with a DRO-approved plan, built projects that have constructed less than 80 percent of approved density or intensity, structural renovations in excess of 75 percent or more of the current Improvement Value of the structure, and parking lot alternations or additions. [Ord. 2008-003] [Ord. 2013-001]

B. Thresholds and Standards

For the purposes of this Chapter, non-residential development shall be defined as all commercial, civic/public, recreation, and industrial uses that are open to the public. Unmanned or minimal commuter generating facilities, such as Commercial Communication Towers or Electric Transmission Substations, or as determined by Palm Tran shall be excluded from this definition. Where applicable, the requirements of this Chapter shall be approved by Palm Tran and shown on all Preliminary Development Plans, Preliminary Subdivision Plans, Preliminary Site Plans, Final Master Plans, Final Subdivision Plans, and Final Site Plans, prior to DRO certification or approval. The Palm Tran Transit Design Manual provides an understanding of transit operating criteria and, access requirements (www.palmtran.org/wp-content/uploads/2022/05/TRANSIT-DESIGN-MANUAL.pdf). Section 810 of the ADA and ABA Accessibility Guidelines provides curbside ADA requirements for Transportation Facilities (www.access-board.gov/ada/#ada-810). FDOT Transit Facilities Guidelines provide more detailed requirements for the location of transit infrastructure (https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/transit/documents/transitfacilityguidelines-8-4-2017.pdf?sfvrsn=6d929e38_2). [Ord. 2008-003] [Ord. 2017-007]

Diagram illustrating a cross-section of a street with a 5-foot wide sidewalk. The sidewalk is divided into two sections: a 5-foot wide section labeled "Sidewalk w/o swale" and a 5-foot wide section labeled "Sidewalk with swale". The "Sidewalk with swale" section includes a 5-foot wide swale and a 5-foot wide sidewalk. The total width of the sidewalk is 5 feet. The diagram also shows a "Roadway" and a "Sidewalk behind swale". A person in a wheelchair is shown on the sidewalk, and a "Bike Lane" sign is visible.

All development exceeding this threshold shall provide a minimum ten-foot by 30-foot easement for Bus Stop Boarding and Alighting Area(s) spaced no less than one-tenth mile along all public R-O-W, or at intersections or recognizable landmarks. Easements shall be dedicated by plat in accordance with Art. 5.H.2, Applicability and Standards. [Ord. 2008-003]

A 3D perspective diagram of a transit station platform. The platform is a raised concrete area with a yellow top surface and a grey base. A teal-colored shelter with a gabled roof is positioned on the right side of the platform. Inside the shelter, there are two white seats and a person in a wheelchair. A person is standing on the left side of the platform. A signpost is located near the person standing. Dimensions are indicated: the platform width is 10', the platform depth is 6', the shelter depth is 5', the shelter width is 30', and the platform area is divided into sections of 8' and 5'.

Article 5 – Supplementary Standards
Page 107

a. Standards

The following types of bus stop and alighting areas may be used to meet the requirements of this Section. [Ord. 2008-003]

1) Near Side

Near Side Bus Stops are located immediately before an intersection. Associated Bus Stop Boarding and Alighting Areas are located before the intersection, no closer than five feet from the corner clip. The Bus Stop Zone requires a minimum 100-foot no parking zone. The length of the Bus Stop Zone shall be increased by 50 feet in length for each additional bus expected to stop simultaneously. [Ord. 2008-003]

2) Far Side

Far Side Bus Stops are located immediately after an intersection. Associated Bus Stop Boarding and Alighting Areas are located after the intersection, no closer than 15 feet from the corner clip. The Bus Stop Zone requires a minimum 90-foot no parking zone for a single bus. This is also applicable to Far Side Bus Stops after a turn. The length of the Bus Stop Zone shall be increased by 50 feet in length for each additional bus expected to stop simultaneously. [Ord. 2008-003]

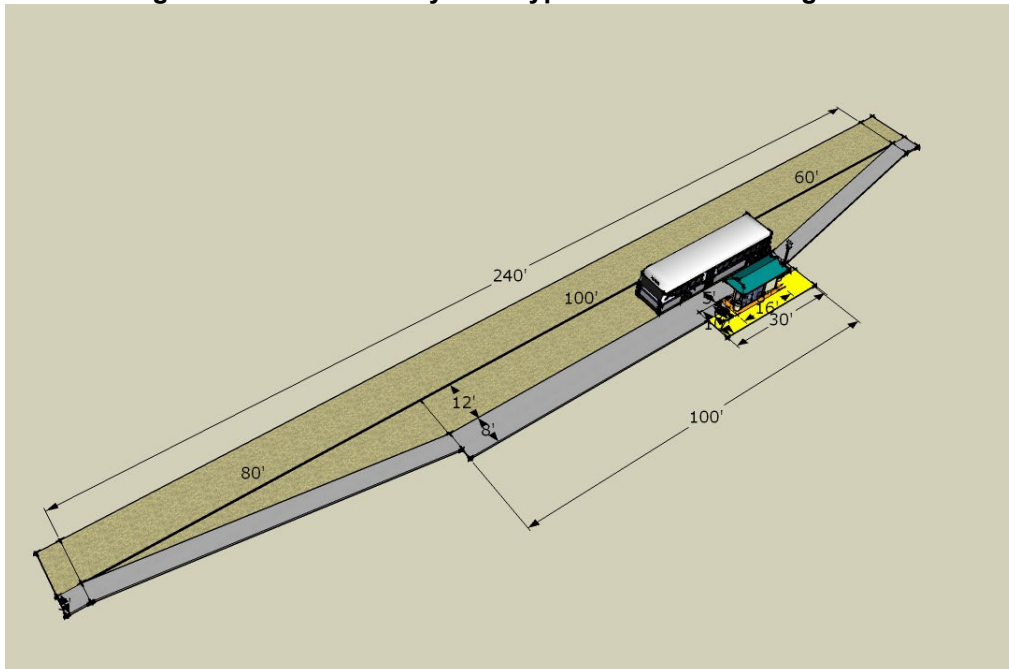
3) Mid-Block/Landmark

Mid-Block/Landmark Bus Stops are located between intersections where distance or other restrictions limit intersection placement. Associated Bus Stop Boarding and Alighting Areas are located at landmarks that take advantage of perpendicular Wheel Chair Accessible Routes into the development. The Bus Stop Zone requires a minimum 150-foot no parking zone. The length of the Bus Stop Zone shall be increased by 50 feet in length for each additional bus expected to stop simultaneously. [Ord. 2008-003]

b. Additional Site-Specific Requirements

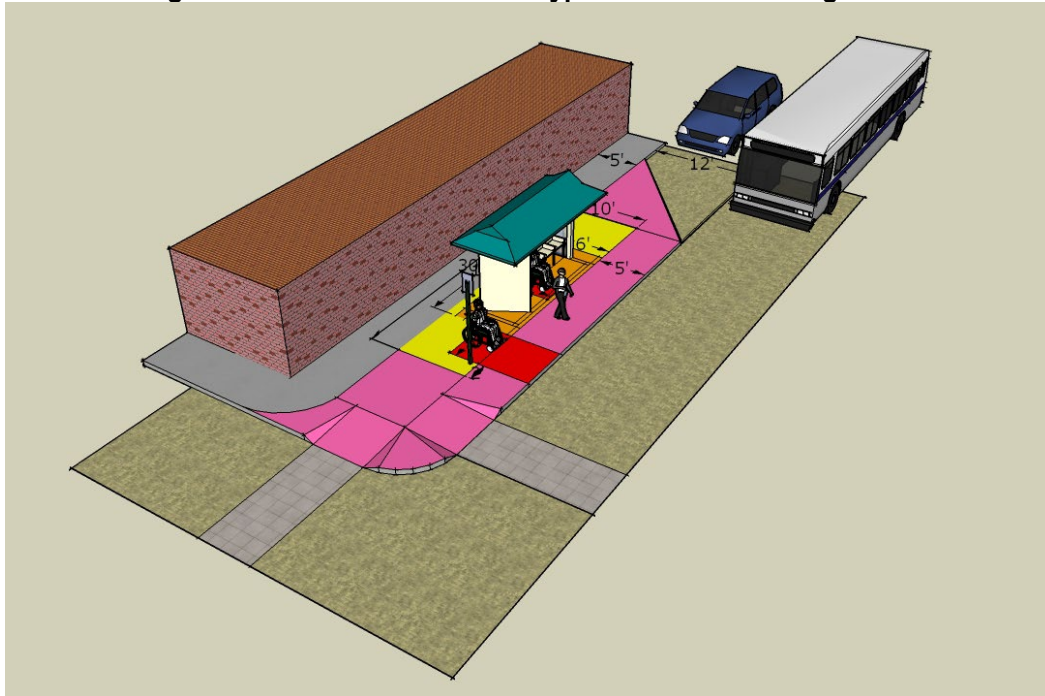
Where applicable additional street side infrastructure (bus bays, bulb outs, exclusive transit treatments) and curbside infrastructure (to meet ADA and other requirements) shall be specified by Palm Tran and shall be required at major intersections and Mass Transit traffic generators. [Ord. 2008-003]

Figure 5.H.2.B – Bus Bay with Typical Bus Shelter Alignment



[Ord. 2008-003]

Figure 5.H.2.B – Bulb Out with Typical Bus Shelter Alignment



[Ord. 2008-003]

2. Non-Residential Developments of 100,000 Square Feet or More

In addition to the above requirements, all non-residential development of 100,000 square feet or more shall provide a Mass Transit Circulation Plan prior to Final DRO approval. Mass Transit Circulation Plans apply to an area inside a development designated for internal Mass Transit circulation, bus stop(s), bus access, bus recovery, and any or all of the above Mass Transit Infrastructure/Facilities on or adjacent to the development. Bus access or bus stops should include, at a minimum, provisions for a covered or sheltered bus boarding and alighting, continuous paved pedestrian and bicycle access from the bus stop to the use(s) it is intended to serve, and bicycle rack. Bus recovery areas should accommodate all bus routes within a six to eight-mile radius including a 25 percent growth ratio factor. [Ord. 2008-003]

3. Development of Regional Impact (DRI)

In addition to the above requirements, an Intermodal Transfer Center requirement to promote public transportation shall be applicable to DRI projects. Prior to Final DRO approval, the Property Owner shall consult with Palm Tran to ensure a suitable Intermodal Transfer Center is provided on the Master Site Plan. In addition, provisions shall be made to fund any necessary improvements to accommodate Palm Tran specifications for the following: [Ord. 2008-003]

- a. When Design Guidelines are provided, the Property Owner shall describe the optimal characteristics of a fixed-route transit (Palm Tran) and community-based (shuttle/trolley) circulator system to include: [Ord. 2008-003]
 - 1) Bus stops with unrestricted pedestrian access within one-quarter mile of all structures. [Ord. 2008-003]
 - 2) Community circulator service for movement within the site and interconnected with the fixed-route service and the Intermodal Transfer Center. [Ord. 2008-003]
 - 3) The location (spacing every one-tenth mile), timing, size, and appearance of bus stops and stations as well as details facilitating integration of bus stops with adjacent development. [Ord. 2008-003]
- b. Construction of an Intermodal Transfer Center (typically two to three acres) shall commence with the first Building Permit and shall include, at a minimum, the following: [Ord. 2008-003]
 - 1) Park-N-Ride (typically 100-car capacity, convenient, and adjacent commuter parking). [Ord. 2008-003]
 - 2) Accommodation for fixed-route transit and community-based circulator service for intermodal connections to include bus bays and access to major roadway(s). [Ord. 2008-003]

- 3) Convenient and adjacent public restrooms (in accordance with Florida Building Code, Plumbing Sections 403.1 and 403.6, and Table 403.1.A-3). [Ord. 2008-003]
- 4) Transit shelters (minimum 50 commuter accommodation). [Ord. 2008-003]
- 5) Kiosks for Mass Transit schedule information. [Ord. 2008-003]
- 6) Trash receptacles. [Ord. 2008-003]
- 7) Lighting. [Ord. 2008-003]
- 8) Bicycle storage. [Ord. 2008-003]
- 9) Other seating and related infrastructure. [Ord. 2008-003]
- 10) Adjacent newspaper and other vending facilities that do not impede commuter movements and connections. [Ord. 2008-003]

Section 3 Site Plan and Plat Dedication Language

A. Site Plan Language

All Site Plans meeting or exceeding the minimum thresholds identified in Section 2.C above shall include the following language: [Ord. 2008-003]

1. Bus Stop Boarding and Alighting Area(s)

"Proposed 10'x30' Palm Tran Bus Stop Boarding & Alighting Area Easement" with arrow to designated area measuring ten feet inside and perpendicular to the property line and 30-foot parallel and along the property line. [Ord. 2008-003]

2. Mass Transit Circulation Plan

"Proposed Mass Transit Circulation Route" with arrow to the designated route identified by a dashed line "Palm Tran may exercise the right of Mass Transit Circulation, Bus Access, and or Bus Stops on or adjacent to major ingress/egress and building entrances" should also appear on the Site Plan. [Ord. 2008-003]

B. Plat Dedication Language

Prior to plat recordation or issuance of the first Building Permit, whichever occurs first, the Property Owner shall convey and/or dedicate to Palm Beach County an easement for Bus Stop Boarding and Alighting Area(s) in a form with terms and conditions approved by Palm Tran. Supporting documentation, shall include but not be limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion, and other related documents as deemed necessary by Palm Tran. All recorded plats meeting or exceeding the minimum thresholds identified in Section 1.C above shall include the following language: The Mass Transit Easement as shown hereon is dedicated in perpetuity, by Owner, to the Board of County Commissioners of Palm Beach County, its successors and assigns (hereafter "County"), for the construction, installation, maintenance and use of a public transit boarding and alighting area, which use includes but is not limited to a public transit bus shelter, transfer station, and advertising. The Owner, its successors and assigns (hereafter "Owner"), shall maintain the easement area until such time as the County constructs improvements in the easement area for its intended use and purposes, at which time the County will assume maintenance of the easement area so long as the improvements are located thereon and County uses the easement area for its intended purposes. The maintenance obligation shall automatically revert to the Owner upon County's temporary or permanent cessation of use of the improvements or removal of the improvements. [Ord. 2008-003]

C. Easement Language (If Dedicating as a Separate Document)

Standard Easement document language has been developed by PBC Attorney's Office. Required supporting documentation includes an original signed and sealed legal description of the Bus Stop Boarding and Alighting Area consistent with the State of Florida Technical Standards for surveys and legal descriptions; an Opinion of Counsel letter from the Grantor's legal counsel certifying title and authority; and an Affidavit of Managing Member of Limited Liability Company. Other supporting documentation may be required. [Ord. 2008-003]

D. Property Owned by Palm Beach County

All Mass Transit Infrastructure/Facilities shall be located, referenced, and established in a form and manner that is mutually agreeable to Palm Tran and the applicable Palm Beach County Department(s). [Ord. 2008-037]

CHAPTER I MURALS

Section 1 Purpose and Intent

The purpose of this Chapter is to establish standards, and review and approval procedures for murals. Murals are intended to contribute to and advance: streetscape aesthetics; architectural features or character of a building; a unique identity; sense of place; civic pride; community interaction; or, the preservation of local history or culture. [Ord. 2013-021]

Section 2 Restrictions on Placement

A. Non-Residential Buildings and Structures

Murals shall be limited to non-residential buildings or structures supporting commercial, industrial, civic, recreation, cultural, or utility uses, as identified in the Use Matrices in Art. 4.B, Use Classification. [Ord. 2013-021]

B. Adjacent to Interstate Highways

Murals in the vicinity of any interstate highways shall comply with the Federal Highway Beautification Act as implemented through Chapter 14-10, F.A.C., as amended. [Ord. 2013-021]

C. Adjacent to Residential

Murals shall not be located on a mural surface within 200 feet of any property line adjacent to a parcel with a residential use, district, or FLU designation, unless: [Ord. 2013-021]

1. oriented so it cannot be seen from an adjacent residential parcel; [Ord. 2013-021]
2. the adjacent parcel supports non-residential uses; [Ord. 2013-021]
3. separated by a Collector or Arterial Street; or, [Ord. 2013-021]
4. separated from view by a building, structure, or Incompatibility Buffer. [Ord. 2013-021]

Section 3 Application Procedures

A. General

No murals may be placed on any buildings or structures unless in compliance with this Chapter, and approved by the County Administrator. [Ord. 2013-021]

B. Application Requirements

An application form and requirements shall be specified by the County Administrator, and shall include, but not be limited to, the following: [Ord. 2013-021]

1. Scale drawing depicting the proposed mural, including color and materials. [Ord. 2013-021]
2. A scale drawing of the site depicting which building or structure elevation(s) will act as the mural surface(s). [Ord. 2013-021]
3. A detailed written and graphic description of the method which will be used to securely affix the mural to the mural surface, including any drawings or specifications deemed necessary by the Building Official, or designee. [Ord. 2013-021]
4. A notarized letter from the Property Owner: [Ord. 2013-021]
 - a. authorizing the placement of the mural on the building or structure; and [Ord. 2013-021]
 - b. stating that the owner of the property will maintain, repair, or remove the mural if deemed necessary, in the event the artist fails to complete the installation of the mural, or due to deterioration or damage to the mural. [Ord. 2013-021]
5. A proposed timeline for completion of the mural, upon approval of a mural application (not to exceed six months). [Ord. 2013-021]

C. Review

Mural applications shall be reviewed in accordance with procedures established in the Public Art Committee Resolution No. R-2010-2092, as amended, and the following: [Ord. 2013-021]

1. Unless determined to be insufficient, within ten days of accepting a mural application, the Building Division shall forward to FDO for review by the Public Art Committee. [Ord. 2013-021]
2. FDO shall schedule a meeting of the Public Art Committee. [Ord. 2013-021]

3. The Public Art Committee shall conduct a public meeting and make a recommendation to the County Administrator, to approve, approve with conditions, continue pending submittal of additional materials or clarification, or deny, in accordance with the following: [Ord. 2013-021]
 - a. Not less than ten or more than 60 days after submittal of a complete application, the Public Art Committee shall meet and review the application. Once the public meeting is scheduled, the following public notice requirements shall be satisfied: [Ord. 2013-021]
 - 1) **Public Notice Boards**

The Applicant shall provide public notice of the meeting by the posting of the property with signs in the following fashion: [Ord. 2013-021]

 - a) The subject property shall have notices posted by the Applicant with information provided by FDO regarding the public hearing on one or more signs at least 15 days in advance of any public meeting. One sign shall be posted for each 250 feet of frontage along a street up to a maximum of ten signs. All signs shall be: [Ord. 2013-021]
 - (1) Evenly spaced along the street when more than one sign per property is required; [Ord. 2013-021]
 - (2) Set back no more than 25 feet from the property line; and, [Ord. 2013-021]
 - (3) Erected in full view of the public. [Ord. 2013-021]

Where the property does not have sufficient frontage on a street, signs shall be in a location acceptable to FDO. The Applicant shall submit 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 requirement 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 meeting. [Ord. 2013-021]
 - b) **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. 2013-021]
 - b. The Public Art Committee recommendation to the County Administrator shall be based upon the following findings: [Ord. 2013-021]
 - 1) The mural will accomplish the stated purpose and intent of this Chapter; [Ord. 2013-021]
 - 2) The artist is capable of completing the work in accordance with the plans and specifications; [Ord. 2013-021]
 - 3) The durability and expected maintenance requirements are appropriate; and, [Ord. 2013-021]
 - 4) The materials to be used and the manner of application will not require excessive maintenance by its owner. [Ord. 2013-021]
 - c. In making its determination, the Public Art Committee may consider evidence and the opinions of the owners and occupants of affected properties. Absent favorable findings as required hereby, the Public Art Committee shall recommend that a mural permit not be issued by the County Administrator. [Ord. 2013-021]
4. Within 30 days of the Public Art Committee rendering a final recommendation, FDO shall forward the Committee's recommendation and application to the County Administrator for final action. The County Administrator shall approve, approve with conditions, or deny the application based upon the completeness and accuracy of the application materials and the reasonableness of the Public Art Committee's findings. The Administrator shall have 30 days from receipt of Committee action to render a decision. The decision of the County Administrator shall be final. [Ord. 2013-021]
5. When a mural application is initiated by FDO, FDO Staff shall forward the Public Art Committee's recommendation and application to the BCC on the Zoning Hearing agenda for final action. [Ord. 2013-021]

Section 4 Design Criteria

A. Placement

1. Murals may be located on any mural surface (except as limited in the following Subsections) of a building or structure; and [Ord. 2013-021]
2. Murals may wrap around from one side of a building to the next. [Ord. 2013-021]

B. Size

Murals may cover the entire plane of the side of a building or structure, but shall not extend beyond the edge of the façade surface or roofline. [Ord. 2013-021]

C. Obstructions

No mural may obstruct: [Ord. 2013-021]

1. The proper function of any exterior mechanical or electrical equipment; or [Ord. 2013-021]
2. Any emergency exits. [Ord. 2013-021]

D. Restrictions

Except as stipulated in provisions for Signs within Murals below, no mural shall contain the following: [Ord. 2013-021]

1. Any commercial content such as logos, icons, trademarks, or brand name. [Ord. 2013-021]
2. Any moving, mechanical, or electrical parts, or any material creating the illusion of movement or flashing. [Ord. 2013-021]
3. Any material projecting more than six inches from the vertical face of the mural surface. [Ord. 2013-021]
4. Any content that may be construed as a commercial message for the owner of the building or business, or the artist. The artist may sign the mural with their full name or initials, within an area limited to five percent of the area of the mural, excluding any imbedded signage, or up to four square feet in size, whichever is less. [Ord. 2013-021]
5. Anything that alters the intended purpose or function of an improvement (or element thereof) expressly required by the ULDC or the Florida Building Code. [Ord. 2013-021]

E. Signs within Murals

Murals may contain or encompass a sign. Signage shall be permitted separately in accordance with Art. 8, Signage. Signage shall be clearly delineated on all applicable mural drawings as being separate and distinct from the mural. [Ord. 2013-021]

F. Illumination

Murals shall only be illuminated in accordance with Art. 8.F.5, Illumination. [Ord. 2013-021]

G. Applicability of Article 8, Signage

Unless otherwise specified, murals approved in accordance with this Chapter, shall be exempt from all other standards of Art. 8, Signage. [Ord. 2013-021]

Section 5 Installation and Time for Completion of Mural

A. Installation

Murals shall be installed in compliance with the drawings and specifications reviewed by the Public Art Committee and approved by the County Administrator. [Ord. 2013-021]

B. Time for Completion

An Applicant shall adhere to the timeline approved by the County Administrator. Time for the completion and successful inspection of the mural shall not exceed six months from the issuance of the mural permit. After six months, the mural site improvement permit will expire, and the work may not continue, unless the Applicant requests, and is granted a mural permit renewal by the Building Division. In no case shall a mural permit be renewed more than one time without reconsideration of the renewal by the County Administrator. In the event the time for completion has exceeded the approved timeline, and a request for a renewal has not been requested and granted, the County Administrator may declare the approval of the mural void, and the project to be abandoned. If declared abandoned the surface(s) of the building shall be restored to a condition consistent with the PBC Property Maintenance Code. [Ord. 2013-021]

Section 6 Inspection

Upon completion of the mural, the Applicant shall contact FDO Staff to arrange for an inspection for compliance with the drawings contained in the approved mural application. [Ord. 2013-021]

Section 7 Enforcement

In the event the County Administrator declares the project abandoned, or the mural as installed or maintained fails to materially comply with the drawings and specifications approved by the County Administrator, or with the permit or permit conditions, the owner of the property on which the mural is located shall be subject to enforcement proceedings before the PBC Code Enforcement Special Masters pursuant to Art. 10, Enforcement. Should the owner be found non-compliant, the Special Master may order the mural removed, or impose fines and penalties under Art. 10.B.3, Administrative Fines; Costs; Liens. The remedies contained in this Section shall be in addition to any other remedy available at law. [Ord. 2013-021]

CHAPTER J BEST MANAGEMENT PRACTICES FOR LIVESTOCK WASTE RECEIVED FROM OFF-SITE SOURCES

Section 1 Purpose and Intent

The purpose and intent of these regulations is to mitigate potential adverse environmental impacts, pathogens, and other nuisances associated with the inappropriate use or disposal of livestock waste received from off-site sources. Adverse impacts include but are not limited to: ground and surface water pollution due to excessive nutrient discharge, specifically nitrogen or phosphorus; odors or other nuisance from improperly stored, composted, or spread livestock waste. [Ord. 2013-021]

Section 2 Applicability

The standards shall apply to the storage or receiving of livestock waste that is received from off-site sources. [Ord. 2013-021]

A. Exemptions

1. Where preempted by State law, including but not limited to, the Right to Farm Act. Where applicable, documentation of implemented Best Management Practices or other method of preemption shall be required; [Ord. 2013-021]
2. A SWA Designated Disposal Facility; [Ord. 2013-021]
3. The commercial application of fertilizer on non-agricultural property when in compliance with the Palm Beach County Fertilizer Ordinance (Ordinance No. 2012-039); [Ord. 2013-021]
4. Composted manure applied by a homeowner or tenant to residential lawns or gardens; and, [Ord. 2013-021]
5. Ten cubic yards per acre up to a maximum of 20 cubic yards in any 12-month period, with all requirements being met, as listed under Art. 5.J.3, Storage or Spreading of Livestock Waste below. [Ord. 2013-021]

Section 3 Storage or Spreading of Livestock Waste

The storage or spreading of livestock waste that is received from off-site sources is prohibited, unless in compliance with the following: [Ord. 2013-021]

A. Storage

Storage areas shall be covered or contained to prevent runoff or seepage of liquids or materials from the storage area. Storage of livestock waste shall comply with the following: [Ord. 2013-021]

1. Shall not be located within five feet of any structure, unless placed within a structure intended for the storage or composting of such waste; [Ord. 2013-021]
2. Shall not be located within 25 feet of any property line, with exception to internal lot lines of parcels owned by the same entity; and, [Ord. 2013-021]
3. Shall not be within 100 feet of a potable water supply well, a storm drainage system, wetland, pond, canal, or other water body. [Ord. 2013-021]

B. Spreading

Livestock waste received from off-site sources shall be spread within 72 hours of delivery, except for less than ten cubic yards that is actively being composted, or as otherwise approved in a Nutrient Management Plan. Storage shall comply with any applicable livestock waste Storage and Separation requirements. Spreading of livestock waste shall comply with the following: [Ord. 2013-021]

1. Nutrient Management Plan

Prior to receiving livestock waste, an application shall be submitted to the Cooperative Extension Service (CES) for review. Upon completion of the review, the CES shall develop a Nutrient Management Plan which indicates whether application of any livestock waste is appropriate for the soil condition, and if so, in what amount. [Ord. 2013-021]

a. Application Form and Requirements

The application form and requirements shall be in a manner established by the CES. [Ord. 2013-021]

b. Validity of Nutrient Management Plan

The Nutrient Management Plan shall remain current for three years after its issuance by the CES. A current Nutrient Management Plan must be in place prior to receiving of livestock waste at any time. It shall be a violation of the ULDC, if livestock waste is stored or spread in a manner inconsistent with the current Nutrient Management Plan. [Ord. 2013-021]

2. Separation

The spreading of livestock waste shall not occur: [Ord. 2013-021]

- a. Within 25 feet of any property line, with exception to internal lot lines of parcels owned by the same entity; and [Ord. 2013-021]
- b. Within 100 feet of a potable water supply well, a storm drainage system, wetland, pond, canal, or other water body. [Ord. 2013-021]

Amendment History:

[Ord. 2003-067; January 1, 2004] [Ord. 2005-002; February 2, 2005] [Ord. 2005-041; September 1, 2005] [Ord. 2006-004; March 1, 2006] [Ord. 2006-036; August 29, 2006] [Ord. 2006-055; December 1, 2006] [Ord. 2007-001; January 31, 2007] [Ord. 2007-013; September 4, 2007] [Ord. 2008-003; January 30, 2008] [Ord. 2008-037; September 4, 2008] [Ord. 2009-040; October 28, 2009] [Ord. 2009-047; December 18, 2009] [Ord. 2010-005; February 2, 2010] [Ord. 2010-022; September 1, 2010] [Ord. 2011-001; February 4, 2011] [Ord. 2011-016; September 6, 2011] [Ord. 2012-003; February 1, 2012] [Ord. 2012-027; August 31, 2012] [Ord. 2013-001; January 31, 2013] [Ord. 2013-018; July 2, 2013] [Ord. 2013-021; August 30, 2013] [Ord. 2014-001; February 3, 2014] [Ord. 2014-025; September 3, 2014] [Ord. 2015-006; February 3, 2015] [Ord. 2014-031; July 7, 2015] [Ord. 2016-016; February 2, 2016] [Ord. 2016-042; September 27, 2016] [Ord. 2017-007; March 2, 2017] [Ord. 2017-025; August 28, 2017] [Ord. 2018-002; February 1, 2018] [Ord. 2018-018; August 29, 2018] [Ord. 2019-005; January 29, 2019] [Ord. 2019-023; July 2, 2019] [Ord. 2019-034; August 27, 2019] [Ord. 2019-033; September 29, 2019] [Ord. 2019-039; December 5, 2019] [Ord. 2020-001; January 28, 2020] [Ord. 2020-020; September 3, 2020] [Ord. 2020-021; September 30, 2020] [Ord. 2021-006; March 2, 2021] [Ord. 2021-022; September 3, 2021] [Ord. 2021-023; September 3, 2021] [Ord. 2022-029; November 2, 2022] [Ord. 2023-009; February 28, 2023] [Ord. 2023-021; May 30, 2023] [Ord. 2023-026; July 26, 2023] [Ord. 2023-036; October 26, 2023] [Ord. 2024-004; July 1, 2024] [Ord. 2024-020; October 7, 2024] [Ord. 2025-007; March 28, 2025]