

BOARD OF COUNTY COMMISSIONERS
OF PALM BEACH COUNTY

ZONING RESOLUTION NO. R-72-483

ADDING PLANNED COMMERCIAL DEVELOPMENT SECTION (PCD)

ADOPTED September 21, 1972

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, in regular session assembled this the 21st day of September 1972, adopted as an Amendment to Zoning Resolution No. 3-57, pursuant to the authority vested in said Commission by Chapter 57-1691, Special Laws of Florida 1957, Chapter 59-1686, Special Laws of Florida 1959, and Chapter 70-863, Special Laws of Florida 1970:

Add a new Section: Section 14-27 PLANNED COMMERCIAL DEVELOPMENT: See Attached:

The foregoing resolution was offered by Commissioner Lytal, who moved its adoption. The motion was seconded by Commissioner Warren, and upon being put to a vote, the vote was as follows:

Chairman Culpepper	Aye
Commissioner Lytal	Aye
Commissioner Johnson	Aye
Commissioner Warren	Aye
Commissioner Weaver	Aye

The Chairman thereupon declared the resolution duly passed and adopted this 21st day of September, 1972.

BOARD OF COUNTY COMMISSIONERS
OF PALM BEACH COUNTY, FLORIDA

JOHN B. DUNKLE, CLERK

By: James B. Shuler
Deputy Clerk

27. PLANNED COMMERCIAL DEVELOPMENT

INTENT

The intent and purpose of this section is to provide for an area of land, controlled by a land owner, to be developed as a single, predominately commercial entity, according to a master development plan for the entire development parcel.

DEFINITIONS

All definitions appearing in this Zoning Resolution shall be applicable to this section, except to the extent of inconsistency with any definition appearing herein.

DEVELOPER: The person or persons, firm or firms, or business entities filing a request for the Planned Commercial Development zoning; provided that all persons, firms or business entities jointly acting as a developer for the purposes of Section 14-27 agree to abide by and be bound by all terms and conditions thereof.

LAND OWNER: Holder of legal or beneficial title to all of the land proposed to be included in a Planned Commercial Development, the holder of an option thereon, a lessee having a remaining term of not less than forty (40) years, or any other person having an enforceable proprietary interest in such land, shall be deemed to be land owner for the purpose of this Section.

OPEN SPACE: Land which is not covered with impermeable surfaces and which is devoted to such uses as parks, playgrounds, natural green spaces, woods, lakes, ponds, rivers, or streams, and any other open lands devoted to public or community use.

PLANNED COMMERCIAL DEVELOPMENT: An area of land, controlled by a land owner, to be developed as a single entity predominately commercial, according to a master development plan for the entire development parcel.

A. CONDITIONS AND REQUIREMENTS

A Planned Commercial Development shall be permitted as a conditional use in the A-1 Agricultural District in accordance with the following criteria:

1. The minimum parcel size shall be twenty-five (25) acres.
2. All structures shall conform with the fire protective requirements for commercial buildings as provided in the Palm Beach County Building Code and the Southern Standard Building Code.
3. Authorized uses shall be one or all of the following:

Professional and medical offices
Personal services establishments
Banks and other financial institutions
Food stores, including grocery and delicatessen
Wearing apparel and accessories, including alterations shops
Drug stores
Full service department stores
Gasoline service stations, excluding major repairs
Jeweler
Restaurants, including drive-in
Variety store (five and dime)
Hardware, paint and garden supply stores.
Indoor theater

SECTION 14 - GENERAL PROVISIONS AND EXCEPTIONS (Continued)

27. PLANNED COMMERCIAL DEVELOPMENT (Continued)

A. CONDITIONS AND REQUIREMENTS (Continued)

4. Setbacks shall be as follows:

- (a). Front setback shall not be less than one hundred (100) feet measured from the street, road, or highway ultimate right-of-way line to the front of the main building or structure.
- (b). Side setback shall not be less than one hundred (100) feet. Two side yards shall be provided on every development parcel.
- (c). Rear setback shall not be less than one hundred (100) feet.

5. Parking shall be provided as follows:

- (a). All uses authorized in the Planned Commercial Development shall provide not less than six (6) parking spaces per one thousand (1,000) square feet of gross floor area.
- (b). Parking Lot Design:
 - (1). Parking spaces may be located so that no spaces are a greater distance than eight hundred (800) feet from the building or use to which they are assigned.
 - (2). There shall be a five (5) foot wide landscape strip adjacent to all property lines, further, there shall exist interior to the lot at least twenty-five (25) square feet of landscaping for each ten (10) parking spaces.

(c). Drainage and Maintenance:

The proposed grading and drainage for the off-street parking facilities shall be approved by the Department of Planning, Zoning & Building. All parking areas shall be paved with a minimum of six (6) inch shellrock or limestone base, and a one (1) inch hotplant mix asphaltic concrete or other acceptable base and/or durable waterproof surface pavement. The parking lot shall be maintained in a manner as to not create a hazard or nuisance:

- (d). The minimum stall width shall be 9.5 feet and shall be marked with double lines unless a stall width of ten (10) feet or wider is provided. All parking shall be delineated by painted lines, curbs or other means to indicate individual spaces. Traffic control signs and other pavement markings shall be used as necessary to insure safe and efficient traffic operation of the lots. Such signing and marking shall be subject to the approval of the Department of Planning, Zoning & Building.

(e). Parking access and driveways:

- (1). Each parking stall shall have appropriate access to a street or alley and maneuvering and access aisle areas shall be sufficient to permit vehicle to enter and leave the parking area in a forward motion. Driveways shall be paved and meet the requirements outlined below unless very high volumes or other special circumstances warrant variation by the Office of the County Engineer.
- (2). Access from the arterial or collector highway to the access road shall be by access points prescribed by the County Engineer and in no case shall access points be less than six hundred sixty (660) feet apart, unless otherwise

SECTION 14-- GENERAL PROVISIONS AND EXCEPTIONS (Continued)

27. PLANNED COMMERCIAL DEVELOPMENT (Continued)

A. CONDITIONS AND REQUIREMENTS (Continued)

5. Parking (Continued)

(e). Parking access and driveways: (Continued)

(2). (Continued)
provided for in Resolution No. R-72-209.

(3). Access Dimension Guidelines:

Dimension at Street

Width (in feet) *	
Minimum (one-way)	15
Minimum (two-way)	25
Maximum	35
Right turn radius (in feet) **	
Minimum	15
Maximum	30

* Measured along right-of-way line at inner limit of curbed radius sweep or between radius and near edge of curbed island at least 50 sq. ft. in area. The minimum width applies principally to one-way driveways.

** On side of driveway exposed to entry or exit by right-turning vehicles.

(f). Site plan requirements:

- (1). Channelization and division of parking areas within the interior of the parking lot for pedestrian and vehicular traffic shall be accomplished by use of landscaped areas with trees, walls, fences, other natural growth or artificial features or raised curbs. Marked directional lanes and controls, change of grade or other devices to mark points of turn, to separate parking areas shall control traffic movement. Traffic channelization and other traffic controls including signing and pavement marking will be approved by the Department of Planning, Zoning and Building. The County Engineer will approve with regard to ingress and egress to public roads and to safe movement of traffic on the parking lot.
- (2). Each parking site or lot shall be designed individually with reference to the size, street pattern, adjacent properties, buildings, and other improvements in the general neighborhood, number of cars to be accommodated, hours, and kinds of use.
- (3). When the parking facilities are housed in an underground garage or a multi-storied structure or on the roofs of buildings, a site plan shall be submitted hereunder for approval of interior traffic circulation, slope of ramp, ease of access and utilization of ramps, for parking stall and aisle dimensions, proper traffic control signing and pavement marking for safe and efficient vehicular and pedestrian operation, for location of entrances and exits on public roads, for approval of sight distances

SECTION 14 - GENERAL PROVISIONS AND EXCEPTIONS (Continued)

27. PLANNED COMMERCIAL DEVELOPMENT (Continued)

A. CONDITIONS AND REQUIREMENTS (Continued)

5. Parking (Continued)

(f). Site plan requirements: (Continued)

(3). (Continued)

at such entrances and exits and at corners of intersecting public roads, and for approval of the effective screening of the cars located in or on the parking structures from adjoining properties and from public roads.

(4). The site plan submitted shall show the location and design of entrances and exits to public roads; the location and dimensions of parking spaces and aisles, directional markings, traffic control devices and signs; walls, fences, landscaped areas, banks, berms, change of grades and planting materials, including the type and names of the materials proposed to be planted; and shall contain such other information in the form required by the Department. The site plan shall be prepared with careful regard to the location of the parking facilities with relation to adjoining and neighborhood commercial, industrial, multifamily, and other residential improvements, and shall be devised to have the least adverse effect on such adjoining or neighboring properties.

6. Off-street loading

(a). No building or structure shall be erected or altered for the uses listed below unless loading space for the accommodation of trucks is provided on the premises in accordance with the following regulations:

<u>USE CATEGORY</u>	<u>FLOOR AREA IN SQUARE FEET</u>	<u>LOADING SPACES REQUIRED</u>
Retail stores (including department stores, restaurants, general service)	2,000-10,000 sq. ft.	one (1) berth
	10,000-20,000 sq. ft.	two (2) berths
	Each additional 20,000 sq. ft. in excess of 60,000 sq. ft.	one (1) additional berth
Office building, hotel, place of public assembly	5,000-20,000 sq. ft.	one (1) berth
	20,000-100,000 sq. ft.	two (2) berths
	Each additional 100,000 sq. ft. or major fraction thereof.	one(1) additional berth

(b). Minimum Dimensions of Loading Bay:

<u>Width</u>	<u>Length</u>	<u>Maneuvering Apron</u>
12'	30'	30'

B. PLANNED COMMERCIAL DEVELOPMENT SITE IMPROVEMENTS

The following site improvements shall be provided by the developer:

SECTION 14 - GENERAL PROVISIONS AND EXCEPTIONS (Continued)

27. PLANNED COMMERCIAL DEVELOPMENT (Continued)

B. PLANNED COMMERCIAL DEVELOPMENT SITE IMPROVEMENTS (Continued)

- Streets
- Water Service System
- Sewerage System
- Drainage
- Solid Waste Disposal
- Sidewalks and/or access paths.

1. Streets

Streets shall be classified according to the Trafficways Plan of Palm Beach County upon its adoption by the Area Planning Board. Until such time a classification must be certified by the Technical Coordinating Committee of the Palm Beach County Urban Transportation Study. The Street Standards shall be those established by the County Engineering Department with respect to cross sections, materials and installation standards. Minimum right-of-way widths shall be as required by the Trafficways Plans.

2. Water Service System

Water systems must be installed in accordance with County and State Standards.

3. Sewerage System

Sewerage systems must be installed in accordance with County and State standards. The physical plant and pipe system shall be so designed as to be acceptable to, and compatible with, a larger system; or convertible to a portion of an overall system for sewage collection and treatment for the entire urbanizing portion of the County.

4. Drainage

Provision for proper drainage must conform to County Engineering Department standards and specifications and the standards of the Drainage District in which the Unit Development Plan is located.

5. Solid Waste Disposal

Plans for solid waste disposal shall conform to, and be approved by the County Health Department.

6. Sidewalks and/or Access Paths

Paved sidewalks when required shall be installed to the specifications of the County Engineering Department.

C. GENERAL PROCEDURES FOR ESTABLISHING A PLANNED COMMERCIAL DEVELOPMENT

Step 1

Application for Certification of Eligibility and Submission of the Preliminary Land Use Plan

- (a) The application shall contain a Preliminary Land Use Plan prepared under the supervision of a qualified land use planner, architect, landscape architect, surveyor or engineer, all of whom are registered or licensed in State of Florida, which shall include the following information:

SECTION 14 - GENERAL PROVISIONS AND EXCEPTIONS (Continued)

27. PLANNED COMMERCIAL DEVELOPMENT (Continued)

C. GENERAL PROCEDURES FOR ESTABLISHING A PLANNED COMMERCIAL DEVELOPMENT (Continued)

Step 1 (Continued)

(a) (Continued)

1. The location and size of the property and the nature of the developer's interest in the property to be developed, including the name and address of the owner or owners; or if a corporation, the names of the officers; or if the developer is not the owner, a copy of the purchase agreement.
2. Statement by the developer of the major planning assumptions and objectives of the proposed development, including development concepts, projected population, proposed timing and stages of development, and geographical relationship of the proposed development to abutting properties which may be shown on an accompanying map or aerial photograph.
3. Location of existing and proposed arterial and collector roads for access to and circulation within said development.
4. A statement describing existing or proposed facilities and systems for drainage, water supply, sewerage waste disposal, and other utilities.
5. The Preliminary Land Use Plan shall be submitted at a scale of 1" = 200'.
6. The Department shall approve or deny the Preliminary Land Use Plan as submitted, amended or revised, and the eligibility of the application within thirty (30) days of the receipt of the application.
7. The Department may request the developer to amend or revise his plan and/or to submit an Application for Approval of the proposed Master Land Use Plan.

(b) The following shall also be included with the developer's application for certification of eligibility and submission of the Preliminary Land Use Plan.

1. The developer shall submit a summary report of his economic analysis or other evidence illustrating the need for a large scale regional shopping center in a proposed area.
2. The developer shall submit a summary report of population data for the proposed service area as of the present point in time as well as projected population statistics for the proposed service area for five year increments in the future.
3. The developer shall submit statements as to his knowledge of the location of existing comparable projects, location of known proposed comparable projects, a summary of existing land use within five hundred feet of the project boundary and a summary of the existing zoning classifications within five hundred feet of the project boundary and a projections as to the total square footage of floor area that will be devoted to commercial purposes.

27. PLANNED COMMERCIAL DEVELOPMENT (Continued)

C. GENERAL PROCEDURES FOR ESTABLISHING A PLANNED COMMERCIAL DEVELOPMENT (Continued)

Step 1 (Continued)

Application for Certification of Eligibility and Submission of the Preliminary Land Use Plan (Continued)

(b) (Continued)

4. The site plan shall be submitted in adequate detail to determine compliance with the provisions of this Section and shall show the arrangements of building, types of shops and stores, design and circulation pattern of the off-street parking area, landscaped open areas, landscaped parking areas, ornamental screening, service courts and areas, and utility and drainage easements and facilities.

Step 2

Application for the Approval of the Proposed Master Land Use Plan

The Application for Approval of the Proposed Master Land Use Plan shall be made to the Zoning Commission which shall render an advisory recommendation to the Board of County Commission and shall be accompanied by the payment of fees as hereinafter set forth; and shall include the Proposed Master Land Use Plan. If the Conditional Use is granted, the applicant will be notified by the Director of Zoning of the time and place to meet with the Review Committee consisting of one representative from each of the following: Office of County Engineering Department, Palm Beach County Health Department, Office of the County Attorney, and two representatives of the Palm Beach County Planning, Zoning and Building Department.

(a) The proposed Master Plan shall show, in addition to the information contained in the Preliminary Land Use Plan, the following:

1. A schedule of the proposed maximum heights of all buildings and structures and their proposed use by type.
2. The provisions for parking of vehicles, service to buildings and the location and rights-of-way of proposed streets and public ways.
3. The provisions and location of utility services.
4. The substance of property owners agreements, lease agreements, grants, and easements or other restrictions proposed to be imposed upon the use of the land, buildings, and structures, including proposed easements or grants for public utilities.
5. In the case of plans which call for development over a period of years, a schedule showing the proposed timing and staging of development phases.
6. The proposed Master Land Use Plan as submitted shall be prepared according to the preliminary plat requirements as determined by the County Engineer.
7. A scale of not less than 1" - 200'.

27. PLANNED COMMERCIAL DEVELOPMENT (Continued)

C. GENERAL PROCEDURES FOR ESTABLISHING A PLANNED COMMERCIAL DEVELOPMENT (Continued)

Step 2 (Continued)

Application for the Approval of the Proposed Master Land Use Plan (Continued)

(a) (Continued)

8. Prepared under supervision of a surveyor, registered in the State of Florida, or an engineer registered in the State of Florida or landscape architect or architect, registered in the State of Florida.
9. Road map showing subdivision and relation to surrounding areas which include the location of proposed streets and roads within five hundred (500) feet of the tract.
10. A boundary survey and acreage of tract to nearest acre as computed by licensed surveyor.
11. Soil Conservation Service Soil classification.
12. Flood Plain Zones.
13. Utility easements.
14. Location of existing wooded areas, and those applicants proposed to retain, if any.
15. Location of existing and proposed streams and direction of flow.
16. Location of existing and proposed bridges.

Step 3

Proposed Master Land Use Plan Review

The Review Committee shall make an examination of the proposed Master Land Use Plan to determine compliance with the requirements of this ordinance and the regulations of the departments and agencies concerned. Within a reasonable time, not to exceed sixty (60) days following the meeting with the Review Committee on the proposed Master Land Use Plan, the Zoning Director shall notify the applicant in writing that the Committee has approved the Proposed Master Land Use Plan and accepted it as the Final Master Land Use Plan and is ready to receive the Final Plat, or will advise the applicant of any further changes in the Proposed Master Land Use Plan which are desired or should have consideration before approval and acceptance will be given.

Step 4

Final Plat Submission

The Final Plat of the development shall be filed within one (1) year of approval by the Board of County Commissioners or the Conditional Use shall become null and void. The Final Plat shall contain the following area allocations, conform to the following, and adhere to the principles and standards of design as required by the Palm Beach County Engineering Department, Health Department and the State Plat Law.

- (a) The filing fee as determined by the Board of County Commissioners is \$100.00 plus \$1.00 per acre.
- (b) The following basic information shall be shown:

SECTION 14 - GENERAL PROVISIONS AND EXCEPTIONS (Continued)

27. PLANNED COMMERCIAL DEVELOPMENT (Continued)

C. GENERAL PROCEDURES FOR ESTABLISHING A PLANNED COMMERCIAL DEVELOPMENT(Continued)

Step 4 (Continued)

(b) (Continued)

1. Name of the development and the name of the larger development or tract of which it forms a part, if part of a larger development, and source of title.
2. Names of the developer and the engineer or surveyor.
3. The boundaries of the tract with accurate distances and bearings (which should be determined by an accurate survey in the field, which must be balanced and closed).
4. Street lines of all existing or recorded streets, intersecting, crossing or contiguous to the development (which should be accurately tied to the lines of the development by distances and bearings).
5. The accurate location and description of all monuments.
6. The length and bearing of the lines of all lots, streets, alleys, and easements as laid out, length of arc, points of curvature, radii, and tangent bearings in the case of curved lines (the system of lengths and bearings should be balanced so as to be consistent throughout and consistent with the distance and bearings of the boundary lines).
7. The accurate outline of all property that is offered for dedication for public use, with purpose indicated thereon, and of all property that may be reserved by covenant for the common use of the property owners.
8. Private restrictions, maintenance covenants as follows:
 - a. Private Restrictions.
 - b. Maintenance Covenants
 1. In order that all required improvements shall be maintained properly, the developer or subdivider shall establish an Association, Corporation or Trusteeship or organization of like nature, which shall perform the necessary functions to accomplish this purpose. A copy of the Agreement establishing such organization must accompany the proposed plan and Preliminary Plat.
 2. The association agreement, corporation charter or by-laws of the trust agreement shall contain the following elements:
 - (a) Purpose.
 - (b) Parties to the agreement which shall include the owner, lessee and/or purchaser of all lots and/or parcels in the tract area.
 - (c) Method of electing officers and directors.
 - (d) Administrators duties and responsibilities.
 - (e) Method of paying into the association maintenance fund.

SECTION 14 - GENERAL PROVISIONS AND EXCEPTIONS (Continued)

27. PLANNED COMMERCIAL DEVELOPMENT (Continued)

C. GENERAL PROCEDURES FOR ESTABLISHING A PLANNED COMMERCIAL DEVELOPMENT(Continued)

Step 4 (Continued)

(b) Continued)

2. The association agreement, corporation charter or by-laws of the trust agreement shall contain the following elements (Continued)
 - (f) Disbursement procedures for administrative purposes.
 - (g) Continuance of the Association.
 - (h) Dissolution of association and disposition of any surplus funds.
 - (i) Penalty for failure to abide by the rules and by-laws of the Association.
 - (j) Any other provisions desired by the developer or subdivider.
9. North-point, scale, and date (whether the north point is magnetic or true north shall be indicated).
10. A certificate of a licensed engineer or surveyor to the effect that the plat represents a survey made by him, that all of the monuments shown thereon actually exist, and that their positions are as shown.

(c) When the Final Plat is submitted to the Zoning Commission, it shall be accompanied by one of the following:

1. A certificate by a qualified professional engineer registered in the State of Florida that all improvements and installations for the development required for its approval have been made or installed in accordance with specifications; or
2. A bond to guarantee the site improvements to be provided by the developer which shall:
 - (a) Run to the County Commission.
 - (b) Be in amount to complete the improvements and installations in compliance with this ordinance for that portion of the development included in the Final Plat as determined by the Office of the County Engineer.
 - (c) Be with surety satisfactory to the County Commission, and
 - (d) Specify the time for the completion of the improvements and installations.

Step 5

Final Plat Approval

- (a) Within a reasonable time after application for approval of the Final Plat ~~the~~ Board of County Commissioners shall approve or disapprove it. If the Board of County Commissioners approves, it shall affix its seal upon the Plat, together with the certifying signatures of its Chairman and Vice-Chairman. If it disapproves, it shall set forth the reasons for such disapproval in its own records and provide the applicant with a copy.

SECTION 14 - GENERAL PROVISIONS AND EXCEPTIONS (Continued)

27. PLANNED COMMERCIAL DEVELOPMENT (Continued)

C. GENERAL PROCEDURES FOR ESTABLISHING A PLANNED COMMERCIAL DEVELOPMENT(Continued)

Step 5 (Continued)

- (b) The bond referred to in Item 2 of Paragraph C above, will be released only upon the submission of an Engineer's Certificate as described in Item 1 of Paragraph C.

PROCEDURE FOR MODIFICATION OR CHANGES IN APPROVED MASTER LAND USE PLAN

No changes or modification of an approved Master Land Use Plan is permitted, except by following the procedures for approval of a new Master Plan.

Step 6

COMMENCEMENT OF CONSTRUCTION

Building permits must be obtained for the construction of one (1) or more commercial buildings and at least one (1) inspection must be made within six (6) months following the approval of the final plat.