



WAIVER SUPPLEMENTAL

An applicant may apply for a Waiver from the requirements indicated in the various sections of the Unified Land Development Code (ULDC). Applicants submitting this Waiver Supplemental Application (**Form # 19**) are required to also submit the General Application, Public Hearing & DRO Administrative Processes (**Form # 1**).

Check (X) below for the Type(s) of Waiver request:

TYPE 1 WAIVERS

- GAO – Planned Industrial Park – Industrial PODs** (Art.3.B.4.F)
- NEO – Native Ecosystem Overlay** ¹ (Art.3.B.7.D)
- Northlake Boulevard Overlay (NBOZ)** ¹ (Art.3.B.8.E)
- Infill Redevelopment Overlay (IRO)** ¹ (Art.3.B.15.G)
- Urban Redevelopment Overlay (URAO)** ¹ (Art.3.B.16.G)
- PDR Structural Setbacks – Reduction not to exceed 5% less than the minimum requirement** (Art.3.D.1.A)
- Required Parking for Location Criteria Exception in Type I Restaurant with Drive through** (Art.4.B.2.C.32.f)
- Commercial Greenhouse Loading Zones** (Art.4.B.6.C.17.c)
- Solid Waste Transfer Station Landscape Buffer Planting** (Art.4.B.7.C.10.d)
- Green Architecture** (Art.5.C.1.E.3)
- Parking for Community Vegetable Gardens** (Art.6.A.1.B.4.f)
- Reduction in Number of Required Parking Spaces** (Art.6.C.1.A)
- Reduction in Number of Minimum Required Loading Spaces (uses < 10,000sqft)** (Art.6.E.2.B.3)
- Reduction of Loading Space Width or Length (for uses that require limited loading)** (Art.6.E.4.A.1.d)
- Landscaping**¹ (Art.7.B.4.A)
- Billboard Location - Replacement Criteria** (Art.8.H.2.D.4)
- PUD Informational Signs** (Art.8.G.3.B.5.b)

TYPE 2 WAIVERS

- Urban Redevelopment Overlay (URAO)** ¹ (Art.3.B.16.G)
- WCRAO Expansion of Existing Non-Conforming Parking** ¹(Art.3.B.14.B.1.a)
- WCRAO Density Bonus Program** ¹ (Art.3.B.14.H.2)
- IRO – Residential Setbacks** (Art.3.B.15.F.6.a.4)
- URA – Residential Setbacks** ¹(Art.3.B.16.E.3.a)
- PDD Minimum Frontage** (Art.3.E.1.C.2.a.1)
- PDD Cul-de-sac** (Art.3.E.1.C.2.a.5)
- AGR TDD - Parking Structures** (Art.3.F.2.A.2.d.1.)
- AGR TMD - Blocks Structures** (Art.3.F.4.D.9)
- Commercial Communication Tower Waiver** (Art.4.B.9.H.5)
- Hours of Operations** (Art.5.E.5.E)
- Unique Structures** (Art.5.C.1.E.2)
- Large Scale Commercial Development Location of Front, Side and Rear Parking** (Art.6.A.1.D.2.c)
- Electronic Message Signs** (Art.8.G.3.B)
- Minimum Legal Access for Collocated Landscape Services in AR/RSA and AR/USA**¹ (Art.11.E.2.A-2)

¹ Required to have a Pre-Application Appointment (PAA) prior to submission of an application.

1. WAIVER INFORMATION

Complete the chart below with the information requested for each Waiver. If more than five (5) Waivers are requested, provide the information on a separate sheet of paper and attach to this form. Address the three (3) applicable Standards pursuant to Article 2.C.5.E or Article 2.B.7.D, in the Justification Statement for each Waiver requested.

ULDC SECTION	REQUIRED	PROPOSED	WAIVER

2. WAIVER JUSTIFICATION STANDARDS

The Palm Beach County Unified Land Development Code (ULDC), Article 2.C.5.E, Type 1 Waivers and Article 2.B.7.D, Type 2 Waivers, requires a statement of special reason or basis for the waiver required. When considering whether to approve, approve with conditions, or deny a Waiver request, the Board of County Commissioners (BCC) or the Development Review Officer (DRO) shall consider the following standards. **Applicant must address each Waiver Standard listed below and in the ULDC, separately and completely in the Justification Statement to be attached.** Additional information or documentation may be attached, as necessary.

All Type 1 and Type 2 Waivers must meet the general standards below as indicated in ULDC Article 2.C.5.E and Article 2.B.7.D:

1. The Waiver does not create additional conflicts with the specified Section(s) of the ULDC, and is consistent with the stated purpose and intent and standards;
2. The Waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details of the development; and,
3. The alternate design option recommended as part of the Waiver approval, if granted, will not adversely impact users of the project or adjacent properties.

Some waiver requests may require additional criteria as applicable, refer to ULDC as list below:

A. Commercial Communication Tower Waiver Criteria:

A Type 2 Waiver from required dimensional criteria, such as, separation, setback, and distance between towers, height, and similar dimensional criteria may be requested as provided in Article 4.B.9.H.5. The ULDC, Article 4.B.9.H.5, requires a statement of special reason as the basis for the Waiver request. Article 4.B.9.H.5, states that in order to consider an approval of a Waiver, the Board of County Commissioners **must** find the request consistent with the criteria enumerated in **Article 4.B.9.H.5**. In addition, each request for a Type 2 waiver must be consistent with one or more of the criteria enumerated in **Article 4.B.9.H.5.d.1 through Article 4.B.9.H.5.d.18**.

B. Cul-de-sacs Waiver Criteria:

1. Pursuant to Article 3.E.1.C.2.a.5, Cul-de-sacs, 40 percent of the local streets in a PDD may terminate in a cul-de-sac or a dead-end by right.
2. An additional 25 percent of local streets in a PDD may terminate in a cul-de-sac pursuant to a waiver application approved by the BCC. The BCC shall consider the following additional standards when deciding whether or not to approve the Waiver.
 - a) Cul-de-sacs terminate in an open space that provides amenities accessible to the residents of the development.
 - b) Cul-de-sacs connect to a pedestrian system including but limited to sidewalks, and designated path or trail system.

C. Blocks Waiver Criteria:

1. An AGR TMD shall comply with Article 3.F.2.A.1.b, Block Structure, (except for the provision in Article 3.F.4.d.9.b), unless waived by the BCC upon the BCC determining that the block structure proposed is functionally equivalent for the purpose of Article 3.F.1.A.4, and the purpose of Article 3.F.4.A. The Type 2 Waiver may be granted only upon the applicant's agreement to be bound by the block configuration of the site plan approved by the BCC.

D. Electronic Message Signs:

1. Electronic Message sign waiver shall comply with the criteria in Article 8, Table 8.G.3.B, Type 2 Waivers for Electronic Message Signs.

E. Landscaping Waivers Criteria:

1. Applicants shall be required to schedule a Pre-application Appointment with Zoning Staff to review and discuss any request for Landscape waivers. Refer to Article 7.B.4.A for the list of the appropriate criteria for all Type1 Waivers for Landscaping.

F. Access Waiver for Collocated Landscape Service in the AR Zoning District:

1. The dimensional requirement pursuant to Table 11.E.2.A-2, Chart of Minor Streets shall be allowed if Standards a through c of Art.2.B.7.D, Type 2 Waiver and the following is met:
 - a) The Waiver shall not be injurious to the area involved or otherwise detrimental to the public welfare.