

Land Development Regulation Advisory Board (LDRAB)
Amendments to the Agenda
(Updated 4/25/12)

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Table with 2 columns: #1, Page 9 of 13 (lines 35-46), Exhibit B – Art. 5.G, Density Bonus Programs – Part 2. Reason for amendments: Additional simplification of language suggested by County Attorney.

5. Release of Obligation to Construct WHP For-Sale Units

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 buyer has not been executed. It is intended that all WHP units will be marketed in the same manner as the market-rate units within a development. In the event a WHP unit eligible for contract: (i) has been available for purchase for a period not less than 180 days and no contract to purchase that unit has been executed during the 180 day period; or and, (ii) is located within a development pod/phase in which not less than 80 percent of the for sale market rate units (i.e. non WHP units) have binding purchase contracts; then upon the later of the two aforementioned requirements having been met, that specific WHP unit is eligible to be released from the WHP obligations indicated in inclusive of release from the Covenant. [Ord. 2006-055] [Ord. 2010-005]

U:\Zoning\CODEREV\2012\LDRAB\Meetings\4-25-12\Final Packet\0 Amendments to the Agenda 4-25-12.docx

Notes:
Double underlined indicates new text or previously stricken text to remain.
Double Stricken indicates text to be deleted.
Italicized indicates text to be relocated. Source is noted in bolded brackets [Relocated from: ].
.... A series of four bolded ellipses indicates language omitted to save space.



April 18, 2012

**Department of Planning,  
Zoning & Building**

2300 North Jog Road  
West Palm Beach, FL 33411-2741  
(561) 233-5000

Planning Division 233-5300  
Zoning Division 233-5200  
Building Division 233-5100  
Code Enforcement 233-5500  
Contractors Certification 233-5525  
Administration Office 233-5005  
Executive Office 233-5228  
[www.pbcgov.com/pzb](http://www.pbcgov.com/pzb)



**Palm Beach County  
Board of County  
Commissioners**

- Shelley Vana, Chair
- Steven L. Abrams, Vice Chairman
- Karen T. Marcus
- Paulette Burdick
- Burt Aaronson
- Jess R. Santamaria
- Priscilla A. Taylor

**County Administrator**

Robert Weisman

Mr. Wesley Blackman, AICP, Chairman, and  
Members of the Land Development Regulation Advisory Board (LDRAB)  
241 Columbia Drive  
Lake Worth, FL 33460

**RE: April 25, 2012 LDRAB Meeting**

Dear Mr. Blackman & Board Members:

Attached please find the agenda and supporting materials to assist you in preparing for the LDRAB meeting on Wednesday, April 25, 2012.

The meeting will commence at **2:00 p.m.** in the Vista Center 1<sup>st</sup> Floor Kenneth S. Rogers Hearing Room (VC-1W-47), located at 2300 North Jog Road, West Palm Beach, Florida.

If you should have any questions or require additional information, please contact me at (561) 233-5206 or via email at [WCross@pbcgov.org](mailto:WCross@pbcgov.org), or Monica Cantor, Senior Site Planner at (561) 233-5205 or via email at [MCantor@pbcgov.org](mailto:MCantor@pbcgov.org).

Sincerely,

William Cross, AICP  
Principal Site Planner, Zoning Division

Attachments: April 25, 2012 LDRAB Meeting Agenda and Supporting Materials

- c: Verdenia C. Baker, Deputy County Administrator
- Barbara Alterman, Esq., Executive Director, PZB
- Rebecca Caldwell, Building Official
- Lenny Berger, Assistant County Attorney
- Bob Banks, Assistant County Attorney
- Jon MacGillis, ASLA, Zoning Director
- Maryann Kwok, Chief Planner, Zoning
- Monica Cantor, Senior Site Planner, Zoning
- Bryan Davis, Principal Planner, Planning
- John Rupertus, Senior Planner, Planning

*"An Equal Opportunity  
Affirmative Action Employer"*

# PALM BEACH COUNTY

## LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

APRIL 25, 2012

### BOARD MEMBERS

**Wesley Blackman, AICP, Chair** (PBC Planning Congress)

**David Carpenter, RLA, Vice Chair** (District 2)

**Raymond Puzzitiello** (Gold Coast Build. Assoc.)

**Joanne Davis** (District 1)

**Joni Brinkman** (League of Cities)

**Barbara Katz** (District 3)

**Terrence N. Bailey** (Florida Engineering Society)

**Jim Knight** (District 4)

**Jerome Baumoehl** (American Institute of Architects)

**Lori Vinikoor** (District 5)

**Rosa Durando** (Environmental Organization)

**Mike Zimmerman** (District 6)

**Frank Gulisano** (PBC Board of Realtors)

**Martin Klein, Esq.** (District 7)

**Gary Rayman** (Fl. Surveying and Mapping Society)

**Leo Plevy** (Member at Large/Alternate)

**Maurice Jacobson** (Condominium Association)

**Vacant** (Member at Large/Alternate)

**Vacant** (Association Gen. Cont. of America)

### Board of County Commissioners

**Shelley Vana**  
Chair, District 3

**Steven L. Abrams**  
Vice Chair, District 4

**Karen T. Marcus**  
Commissioner, District 1

**Paulette Burdick**  
Commissioner, District 2

**Burt Aaronson**  
Commissioner, District 5

**Jess R. Santamaria**  
Commissioner, District 6

**Priscilla A. Taylor**  
Commissioner, District 7

**Robert Weisman**  
County Administrator



"An Equal Opportunity – Affirmative Action Employer"  
2300 North Jog Road, West Palm Beach, Florida 33411 (561) 233-5200



## **LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)**

**WEDNESDAY, APRIL 25, 2012 AGENDA**  
**2300 NORTH JOG ROAD**  
**KENNETH S. ROGERS HEARING ROOM - 1<sup>ST</sup> FLOOR (VC-1W-47)**  
**2:00 P.M. – 4:00 P.M.**

### **A. CALL TO ORDER/CONVENE AS LDRAB**

1. Roll Call
2. Additions, Substitutions and Deletions
3. Motion to Adopt Agenda
4. Adoption of February 22, 2012 Minutes (Exhibit A)

### **B. ULDC AMENDMENTS**

1. Exhibit B Art. 5.G, Density Bonus Programs
2. Exhibit C Art. 14, Environmental Standards
3. Exhibit D Art. 4.B.1.A.96, Commercial Parking Lot

### **C. LDRAB SUBCOMMITTEE UPDATES**

1. Agriculture Marketplace
2. Use Regulations Project

### **D. PUBLIC COMMENTS**

### **E. STAFF COMMENTS**

1. Meeting Minutes
2. May 23, 2012 LDRAB

### **F. ADJOURN**

**EXHIBIT A**

**PALM BEACH COUNTY  
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)**

**Minutes of February 22, 2012 Meeting**

On Wednesday, February 22, 2012 the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the First Floor Conference Room (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida.

**A. Call to Order/Convene as LDRAB**

**1. Roll Call**

Chair Wes Blackman called the meeting to order at 2:03 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

**Members Present: 16**

Wesley Blackman (PBC Planning Congress)  
David Carpenter (District 2)  
Joanne Davis (District 1)  
Barbara Katz (District 3)\*\*\*  
Jim Knight (District 4)  
Lori Vinikoor (District 5)  
Michael Zimmerman (District 6)  
Martin Klein (District 7)  
Frank Gulisano (PBC Board of Realtors)  
Maurice Jacobson (Condominium Assoc)  
Gary Rayman (Fl. Surveying & Mapping Society)  
Raymond Puzitiello (Gold Coast Builders Assoc.)  
Joni Brinkman (League of Cities)  
Rosa Durando (Environmental Organization)\*  
Jerome Baumoehl (AIA)\*\*  
Terrence Bailey (Florida Eng. Society)\*\*

**Members Absent: 1**

Leo Plevy (Member at Large, Alt.)

**Vacancies: 2**

Vacant (Assoc. General Contractors of America)  
Vacant (Member At Large, Alt.)

**County Staff Present:**

Leonard Berger, Assistant County Attorney  
Jon MacGillis, Zoning Director  
William Cross, Principal Site Planner, Zoning  
Monica Cantor, Senior Site Planner, Zoning  
John Rupertus, Senior Planner, Planning  
Bryan Davis, Principal Planner, Planning  
Zona Case, Zoning Technician, Zoning

**2. Additions, Substitutions, and Deletions**

No amendments were presented.

**3. Introduction of New Members**

Newly appointed members, Joni Brinkman, representing the League of Cities and Frank Gulisano, representing Palm Beach County Board of Realtors, introduced themselves. The Chairman welcomed them on behalf of the Board and noted that Ms. Brinkman had previously served on the Board and he was delighted to have her serve again.

**4. Elections of Chair and Vice Chair**

Mr. Klein moved that Chairman, Wes Blackman and Vice-Chairman, David Carpenter, be re-elected to their present respective positions and he read into the records commendation and nomination remarks, as follows:

*"The purpose of the Chairman is to lead the group to a consensus from disparate points of view. No one does it better than Wes Blackman, our current Chairman and David Carpenter, our current Vice-Chairman. The Bible indicates that God urged Moses to delegate authority to capable leaders. While both Wes and David are a bit younger than Moses, Moses would have been proud and we are blessed to have them at the helm of our Board. It gives me great pleasure to nominate Wes Blackman and David Carpenter as our Chairman and Vice-chairman respectively for this coming year."*

Mr. Jacobson endorsed and seconded the motion which passed unanimously (13 – 0).

**5. Motion to Adopt Agenda**

Motion to adopt by Mr. Klein, seconded by Mr. Jacobson. The motion passed (13 – 0).

\* Rosa Durando arrives at 2:07 p.m.

**6. Adoption of January 25, 2012 Minutes (Exhibit A)**

Mr. Cross requested that the Minutes be adopted with the change on the staff comments to clarify that Leonard Berger's remarks for Board members to have AGR Tier site visit relate to Sunshine Law issues instead of the Ethics Regulations as was incorrectly stated in the minutes.

Mr. Klein moved for adoption, seconded by Ms. Vinikoor. The motion passed (14 – 0\*).

## EXHIBIT A

### PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

#### Minutes of February 22, 2012 Meeting

#### B. UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS

##### 1. Exhibit B – Article 3, Overlays and Zoning Districts

Mr. Cross said that Exhibit B will amend development area frontage requirements in the AGR-PUD for consistency with the Future Land Use Element of the Comprehensive Plan.

Motion to adopt by Mr. Klein, seconded by Mr. Jacobson. The motion passed (14 – 0\*).

##### 2. Exhibit C – Traditional Development Districts (TDD)

Mr. Cross explained that the amendment implements the Comprehensive Plan and clarifies standards for residential and commercial units in a TND neighborhood center. The center is intended to accommodate neighborhood oriented non-residential uses and encourage multi-family or live/work residential uses when located above non-residential uses.

Motion to adopt by Mr. Jacobson, seconded by Mr. Klein. The motion passed (14 – 0\*).

\*\* Jerome Baumoehl, newly appointed Board Member representing Associated Institute of Architects, arrives at 2:10 p.m. and introduces himself to the Board. Terrence N. Bailey arrives at 2:11 p.m.

##### 3. Exhibit D – Palm Beach International Airport Overlay (PBIAO)

Mr. Cross stated that the amendment implements PBIAO policies of the Future Land Use Element (FLUE) of the Plan, requiring developers of vacant land within the PBIAO to notify new residential property owners within the Overlay of the possibility of airport noise. The proposed amendment also deletes references to the PBIAO Committee which was removed from the Plan.

Motion to adopt by Mr. Klein, seconded by Mr. Jacobson. The motion passed (16 – 0\* \*\*).

##### 4. Exhibit E – Article 6, Parking

Ms. Cantor explained the amendment is intended to reduce confusion related to minimum parking dimensions by correcting Figure 6.A.1.D. to correspond with Table 6.A.1.D and to correct scrivener's errors for 60 degree angled parking. Ms. Davis questioned the minimum width requirement for the drive isle implying that it was excessive, and asked if it was necessary and had staff researched or considered reducing. Ms. Cantor replied that the minimum 24 foot width was a standard dimension for a majority of jurisdictions nationwide. Mr. Cross confirmed that staff had looked at smaller drive isle dimensions and that until such time as a larger majority of automobiles on the road were compact, the 24 foot dimension was necessary to accommodate larger vehicles safely.

Motion to adopt by Mr. Klein, seconded by Mr. Jacobson. The motion passed (16 – 0\* \*\*).

#### C. PUBLIC INITIATION OF ULDC AMENDMENTS

##### 1. February 6, 2012 Memo to BCC (Exhibit F – Initiating Amendments to the Unified Land Development Code (ULDC) from Industry)

Mr. Cross explained that the Interoffice Memorandum to the BCC in Exhibit F outlines Zoning efforts to establish procedures to accommodate public and private sector initiation of amendments to the ULDC. This new process enables an applicant to present a request to initiate an amendment to the LDRAB and BCC that staff typically does not support or where staff may support but in a later round of amendments that does not work for the applicant. The methodology consists of a brief verbal presentations from both staff and the applicant, with a summary of the request and discussion seeking for LDRAB recommendation to the BCC to whether or not the request should be initiated as an amendment. Mr. Cross clarified that as this was a new process, there would be a need to muddle through the first few applications and refine as needed. He added that this will include the development of an application fee to be based on an assessment of staff time and resources required to process applications.

Mr. MacGillis clarified that regardless of staff or LDRAB recommendations, the applicant would be able to present the request at the BCC Zoning Hearing under the Zoning Director's Comments portion of the agenda. He further clarified that it was not uncommon for persons to solicit Commissioners individually or attend a Regular BCC Public Hearing and speak under the public comments portion of the agenda. This process ensures that staff has the opportunity to confirm that there are no other solutions to otherwise accommodate the applicant's request, was generally consistent with prior requests

## EXHIBIT A

### PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

#### Minutes of February 22, 2012 Meeting

discussed under Zoning Director comments, and allows for appropriate staff to be present to answer any questions from the BCC.

Mr. Klein opined that LDRAB is an advisory Board and while he understands staff's concerns, the request to review the amendments places LDRAB in an awkward position. Mr. Blackman clarified that LDRAB may recommend that the amendment request be presented to the BCC, however, if initiated and when the actual amendments are presented to the LDRAB for review, they may not recommend approval of the proposed amendments.

No motion was needed to implement the process.

#### 2. February Applications

Mr. Cross introduced Mr. Bob Bentz and Mr. Joe Lelonek on behalf of Land Design South to request code changes included in Exhibit G, and Mr. Andrew Jacobson from McCraney Property Company to present amendments included in Exhibit H.

##### a. Exhibit G – Request of Land Design South to establish exemptions from location criteria for gas and fuel facilities within ½ mile of I-95 interchanges.

Mr. Blackman, Mr. Carpenter, Mr. Puzzitiello, Mr. Knight, Mr. Jacobson, and Mr. Zimmerman declared that they spoke on the phone with Mr. Bentz of Land Design South. Ms. Katz stated that she had received an e-mail from Mr. Bentz. Ms. Brinkman clarified she was not going to participate on the discussion of this item as the firm she works with is representing a client that is currently in the process that may be impacted by the changes.

Mr. Cross presented two requests from Land Design South and provided two maps to help illustrate the current requirements. The first request sought to amend text in Article 4.B.1.A.37, Convenience Store with Gas Sales, specifically sub-heading c 1, Location Criteria to exempt a Convenience Store with Gas Sales from intersection and separation criteria if located within ½ mile of an I-95 interchange. He indicated that there was some merit to accommodate further analysis of the request due to Florida Statutes requiring generators for some gas stations within certain distances of hurricane evacuation routes. However, he clarified that Zoning staff is neutral and recommended the topic be included in Round 2012-01.

The second request was to exempt stations located on parcels with a Commercial Low (CL) future land use (FLU) designation from Major Intersection Criteria if also located within ½ mile of I-95. Mr. Cross read text from the Comprehensive Plan stating: *"The CL category includes a limited range of neighborhood-oriented commercial activities designed primarily to provide services to adjacent residential areas. The land development regulations developed pursuant to the CL category shall contain additional site design requirements in order to ensure compatibility with adjacent uses."* Mr. Cross clarified that the current standard applicable to Commercial Low implemented said text of the Plan, and that staff cannot support this request.

Mr. Bentz did a related power point presentation highlighting the location of a proposed gas station on the corner of Hypoluxo and High Ridge Road and the location for an existing approval for a gas station at Hypoluxo and I-95. He presented the first request and explained that under current code the proposed station would not be allowed as there would be two gas stations within 1,000 ft. He is requesting changes to the criteria as he is of the view that locations in close proximity to I-95 are desirable because of the number of trips close to the Interstate. He expressed that his second proposal to allow convenience store with gas sales in CL FLU when located within ½ mile of I-95 is not critical. Mr. MacGillis clarified the change would not affect the Turnpike due to gasoline stations at Turnpike service plazas and would only apply to approximately six intersections only along I-95 as the others are located within municipal jurisdictions.

Mr. Alan Ciklin, spoke under comments from the public, representing an approved Gas Station located at the intersection of I-95 and Hypoluxo Road. He indicated that the building was destroyed by a past hurricane and has not been reconstructed but the owner is in the process of getting the necessary approval to reconstruct the site. He stated that he was not at the meeting to oppose and clarified that in the 1990's the

## EXHIBIT A

### PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

#### Minutes of February 22, 2012 Meeting

location criteria was introduced in response to the BCC direction to protect surrounding residents.

Motion by Mr. Klein to move the process forward without recommendation of the merits of the request, seconded by Ms. Katz. The motion passed (14 – 2\*.\*\*) Ms. Davis and Mr. Baumoehl voted in opposition.

\*\*\* Barbara Katz leaves at 3:29 p.m.

#### **b. Exhibit H – Request of McCraney Property Company, to allow additional non-industrial uses in Planned Industrial Park Developments (PIPDs) or similar.**

Mr. Cross stated this is a request for changes to Fitness Center, Catering Service and Vocational School, to be permitted in industrial light use zone of Planned Industrial Park Development (PIPD). He further explained that PIPDs allow for industrial, commercial, recreational and residential uses, among others. As such, there was a not need to allow commercial uses to be permitted in the industrial areas of the development. He also clarified that industrial uses require less parking as opposed to the uses proposed.

Mr. Cross explained that staff cannot support the requests at this time and that they would be addressed during the upcoming 2012-13 Use Matrix Task. Mr. MacGillis stated that these are commercial uses and the rationale for not supporting is that too much industrial space is being used for commercial purposes leaving very little available industrial space in the county.

Mr. Andrew Jacobson said that the three requested uses are permitted by right in the Light Industrial (IL) standard Zoning district and that the proposed changes for PIPD are needed to improve business. He further indicated that there is an inconsistency in the Code where Vocational Schools are permitted in industrial pods of Multiple Use Planned Developments (MUPDs), and clarified that parking issues would be addressed through analysis of existing parking or through provisions for shareparking. He went on to say that the type of Fitness Center proposed is limited to small gyms and karate schools, and that these are permitted in Industrial properties in Martin County. Mr. Bailey said the market should determine the need for Industrial use and he would like to see more flexibility.

Mr. Klein restated his concern for the burden on staff, for placing the Board in a quandary and he asked for Mr. MacGillis' recommendation. Mr. MacGillis said the issue is timing as the applicant is asking for the request to be addressed in this round of amendments. Mr. MacGillis clarified if the amendments get processed at this time, the changes would not be effective until August of this year.

Mr. Andrew Jacobson said the company has had to turn away business. It was followed by Mr. Maurice Jacobson's inquiry about the amount of unrealized jobs because of the inability to rent for those uses. Mr. Andrew Jacobson said 40 tenants had been refused in the last 2 years.

Ms. Davis recommended that staff review the current Industrial zoning status before moving ahead and possibly adding other uses that may harm industrial space. Mr. Carpenter said that businesses are renting Industrial space because it is cheaper but cheaper is not always better. Ms. Brinkman added that it should be taken into account that some buildings were built at higher costs at commercial sites compared with industrial. Mr. Klein stated that he recommended that staff review the uses in a comprehensive basis as part of the larger pending project, and the piece-meal approach will unduly burden staff.

Motion by Mr. Klein to not being pass the request along to the BCC, seconded by Mr. Carpenter. Motion passes (14 – 1\*\*\*). Mr. Bailey voted in opposition.

#### **D. PUBLIC COMMENTS**

There were no public comments.

#### **E. STAFF COMMENTS**

Mr. Cross stated that a Zoning web page to allow input on specific uses for the Use Matrix will be active in a short while. He also confirmed cancellation of the March 28 LDRAB meeting.



**EXHIBIT A**

**PALM BEACH COUNTY  
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)**

**Minutes of February 22, 2012 Meeting**

Mr. Blackman commented that this meeting was unique, new members were appointed and he was being given the pleasure to recognize the service of two dedicated members of the Board. He presented plaques to LDRAB members Mr. Carpenter and Mr. Jacobson for their dedicated service, recognizing 30 years and 35 years of service respectively.

**F. ADJOURN**

The Land Development Regulation Advisory Board meeting adjourned at 3: 56 p.m.

Recorded tapes of all LDRAB meeting are kept on file in the Palm Beach County Zoning/Code Revision office and can be requested by contacting the Code Revision Section at (561) 233-5213.

Minutes drafted by: Zona Case \_\_\_\_\_ 03-7-2012  
**Name (signature)** **Date**

EXHIBIT B

ARTICLE 5.G, DENSITY BONUS PROGRAM  
SUMMARY OF AMENDMENTS  
(Updated 04-15-12)

1  
2 **Part 1. ULDC Art. 5.G.1.I.1, Sales and Rental Prices of WHP Units (page 69 of 91), is hereby**  
3 **amended as follows:**  
4

**Reason for amendments:** [Planning] Revision proposed to establish a WHP for-sale price floor for each WHP price range at the time of development approval in order to provide consistency in unit pricing to ease the concerns of the developer's lenders.

5 **CHAPTER G DENSITY BONUS PROGRAMS**

6 **Section 1 Workforce Housing Program (WHP)**

7 **I. Affordability Requirements**

8 **1. Sales and Rental Prices of WHP Units**

9 All required WHP units shall be offered for sale or rent at an attainable housing cost for each  
10 of the targeted income ranges. The sale and rent prices shall be updated annually by the  
11 Planning Director, or designee, with the sale prices based on the Area Median Income (AMI),  
12 and the household income limits for PBC (West Palm Beach/Boca Raton metropolitan  
13 statistical area) for a family of four, which pricing shall not be adjusted based on the number  
14 of occupants, as published annually by HUD (sale price: household income figure multiplied  
15 by three and priced at the middle of each of the four WHP income categories), and rental  
16 prices based on the annual Florida Housing Finance Corporation Multi-Family Rental Figures  
17 as adjusted for number of bedrooms in WHP rental units. The minimum WHP price initially  
18 established at the time of approval for each for sale unit within each WHP category range will  
19 be the sales floor. This sales floor shall serve as the minimum sales price point required  
20 throughout the applicable deed restriction time frame. The minimum WHP price initially  
21 established at the time of approval for each rental unit within each WHP income category  
22 range will be the rental floor. This rental floor shall serve as the minimum rental price point  
23 required throughout the thirty (30) year term of this Covenant. Any utility allowances applied  
24 against gross maximum WHP unit rents shall also be adjusted based on a number of  
25 bedrooms in WHP rental units. A chart with the sales and rent prices will be maintained and  
26 updated annually by the County. **[Ord. 2006-055] [Ord. 2010-005] [Ord. 2012-003]**  
27  
28

29 **Part 2. ULDC Art. 5.G.1.I.5, Release of Obligation to Construct WHP For Sale Units (page 70 of**  
30 **91), is hereby amended as follows:**  
31

**Reason for amendments:** [Planning] Revision is proposed to clarify the timing requirements of the 2-  
step process for a WHP for-sale unit to be eligible for release of WHP obligation.

32 **CHAPTER G DENSITY BONUS PROGRAMS**

33 **Section 1 Workforce Housing Program (WHP)**

34 **I. Affordability Requirements**

35 **5. Release of Obligation to Construct WHP For-Sale Units**

36 It is not the intent of the WHP provisions to require a developer to commence construction on  
37 any WHP for sale unit for which a valid and binding contract for purchase between developer  
38 and buyer has not been executed. It is intended that all WHP units will be marketed in the  
39 same manner as the market-rate units within a development. In the event a WHP unit eligible  
40 for contract has been available for purchase for a period not less than 180 days and no  
41 contract has been executed during the 180 day period; ~~or and~~, is located within a  
42 development pod/phase in which not less than 80 percent of the for sale market rate units  
43 (i.e. non WHP units) have binding purchase contracts; then upon ~~the later of~~ the two  
44 aforementioned requirements having been met, that specific WHP unit is eligible to be  
45 released from the WHP obligations inclusive of release from the Covenant. **[Ord. 2006-055]**  
46 **[Ord. 2010-005]**  
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51 This space intentionally left blank.  
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**Notes:**

Underlined indicates **new** text. If being relocated destination is noted in bolded brackets **[Relocated to: ]**.

~~Stricken~~ indicates text to be **deleted**.

*Italicized* indicates text to be relocated. Source is noted in bolded brackets **[Relocated from: ]**.

.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT B

ARTICLE 5.G, DENSITY BONUS PROGRAM  
SUMMARY OF AMENDMENTS  
(Updated 04-15-12)

1  
2 Part 3. ULDC Art. 5.G.1.I.5.a, For Sale Units [Related to Release of Obligation to Construct  
3 WHP For Sale Units] (page 70 of 91), is hereby amended as follows:  
4

**Reason for amendments:** [Planning] Revision is proposed to assure that all WHP units that meet the 180 days/80% requirements are eligible for the release of WHP obligation.

5 CHAPTER G DENSITY BONUS PROGRAMS

6 Section 1 Workforce Housing Program (WHP)

7 I. Affordability Requirements

8 5. Release of Obligation to Construct WHP For-Sale Units

9 a. For Sale Units

10 ....

11 Upon payment of the required In-Lieu cash payment, the WHP unit/lot shall thereafter be  
12 released from any and all obligations of the WHP requirements of the ULDC and the County  
13 shall provide written confirmation that the unit/lot has been released, inclusive of release from  
14 the Covenant. ~~Units which are not required to be constructed pursuant to Art. 5.G.1.B.3,  
15 Income Ranges are not eligible for this reduced in-lieu payment. These units must provide  
16 in-lieu payment consistent with Art. 5.G.1.G.4, Option 4 — In-Lieu Cash Payment.~~ The County  
17 shall utilize cash payments for the express purpose of providing down payment assistance to  
18 eligible households seeking to purchase WHP units. To the greatest extent possible, the  
19 down payment assistance provided by the County shall be utilized for the purchase of WHP  
20 units from the project from which the cash payment was provided. The payment shall be  
21 deposited in a WHP Trust Fund maintained by the PBC Department of HCD, and designated  
22 for the above referenced purpose. [Ord. 2010-005]

23  
24  
25 Part 4. ULDC Art. 5.G.3.G.4.b, For Sale Units [Related to Release of Obligation to Construct  
26 WHP For Sale Units] (page 70 of 91), is hereby amended as follows:  
27

**Reason for amendments:** [Planning] Revision is proposed to identify the Realtors Association of the Palm Beaches as the new source for the median sales price data.

28 CHAPTER G DENSITY BONUS PROGRAMS

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

30 G. Transfer of Development Rights (TDRs) Bank

31 4. The Application, Sale, and Value of Development Rights

32 b. The value and price of a development right shall be set annually by the BCC. No TDR  
33 price or price reduction other than those included in this Section shall be permitted. The  
34 County shall utilize the median sales price data established by the ~~Florida Realtors  
35 Association (FRA) for Palm Beach County~~ Realtors Association of the Palm Beaches,  
36 using data for the month of March to set the price each year: [Ord. 2011-001]

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**Notes:**

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EXHIBIT C

ARTICLE 14 – ENVIRONMENTAL STANDARDS  
SUMMARY OF AMENDMENTS  
(Updated 04/15/12)

1 Part 1. ULDC Art. 14.C.7.A, Approval of Initial Construction of Single Family Residential  
2 Parcels (page 33 of 52), is hereby amended as follows:  
3

**Reason for amendments: [ERM]** This amendment is intended to simplify the native vegetation removal process for single family dwellings to be indicated on the Residential 1 & 2 Family Checklist of the Building Division at time of building permit.

4 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

5 Section 7 Application, Process, and General Standards

6 A. ~~Approval of Initial Construction of Single Family Dwellings Residential Parcels~~  
7 All newly constructed single family ~~dwellings residential parcels in a residential subdivision which~~  
8 ~~are less than two and one-half acres in gross size~~ will automatically receive a ~~VRN Building~~  
9 ~~Division Residential 1 & 2 Family Checklist~~ with standard ~~vegetation removal~~ conditions ~~are~~ as  
10 part of the building permit process. For the purposes of this Chapter, a single family residential  
11 parcel also includes single two unit (duplex) residences and associated accessory structures, and  
12 shall comply with the following standards: **[Ord. 2008-040]**  
13  
14

15 Part 2. ULDC Art. 14.C.7.B.2.f, [Related to Standards for Approval of Development for  
16 Commercial Projects, Government Projects, Schools, New Construction of Utilities,  
17 Road Right-of-Way Projects, Projects Requiring DRO Review and Agriculture of 10  
18 Acres in Size or Greater] (page 35 of 52), is hereby amended as follows:  
19

**Reason for amendments: [ERM]** This amendment is intended to reduce the scope of offsite planting options and the amount of staff time required to monitor them.

20 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

21 Section 7 Application, Process, and General Standards

22 B. Approval of Development for Commercial Projects, Government Projects, Schools, New  
23 Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review and  
24 Agriculture of 10 Acres in Size or Greater  
25 2. Standards of Approval

26 ....  
27 f. ERM shall also consider: **[Ord. 2005-002] [Ord. 2008-003]**  
28 ....  
29 ~~6) Off-site replacement shall be allowed only if on-site planting is not feasible due to~~  
30 ~~unsuitable parcel conditions. Off-site planting shall be in or adjacent to a public park~~  
31 ~~parcel or native upland area; **[Ord. 2006-036] [Ord. 2008-040]**~~  
32 ~~7) In lieu of replacement planting, when on-site and off-site mitigation has been~~  
33 exhausted or is unavailable, a donation may be made to PBC for the Natural Areas  
34 Fund, ~~unless an alternative plan that meets the purpose and intent of this Chapter~~  
35 ~~has been approved by the Director of ERM.~~ The donation amount shall be based on  
36 the average cost of the purchase, installation and maintenance for one year of an  
37 equivalent number of replacement trees; and, **[Ord. 2006-036] [Ord. 2008-037]**  
38 **[Renumber accordingly.]**  
39  
40

41 Part 3. ULDC Art. 14.C.7.B.5, Mitigation and Restoration [Related to Approval of Development  
42 for Commercial Projects, Government Projects, Schools, New Construction of Utilities,  
43 Road Right-of-Way Projects, Projects Requiring DRO Review and Agriculture of 10  
44 Acres in Size or Greater] (page 38 of 52), is hereby amended as follows:  
45

**Reason for amendments: [ERM]** This amendment is intended to add clarification to the types of conditions and methods under which mitigation or restoration of removed native vegetation is required and can be accomplished.

46 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

47 Section 7 Application, Process, and General Standards

48 B. Approval of Development for Commercial Projects, Government Projects, Schools, New  
49 Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review and  
50 Agriculture of 10 Acres in Size or Greater  
51 5. Mitigation and Restoration  
52 a. When native trees are removed or damaged ~~without prior contrary to written approval by~~  
53 ERM ~~approval~~ or when trees that were to be preserved in place or relocated are

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EXHIBIT C

ARTICLE 14 – ENVIRONMENTAL STANDARDS  
SUMMARY OF AMENDMENTS  
(Updated 04/15/12)

1 damaged or destroyed during activities conducted with ERM approval, they shall be  
2 replaced at double the rate shown in the Table 7.D.2.D Tree Credit and Replacement.  
3 For replacement vegetation which dies other than by damage or destruction, the  
4 replacement value shall be that in Table 7.D.2.D, Tree Credit and Replacement. Should  
5 replacement values not be found in the Table, the vegetation shall be replaced like size  
6 for like size. ERM may approve the planting of native vegetation equivalents other than  
7 the replacement values specified in Table 7.D.2.D, Tree Credit and Replacement. [Ord.  
8 2008-040] [Ord. 2009-040]

9  
10 g. Any clearing activity after 1986 which cannot provide evidence of approval will be  
11 required to restore nine trees per 1500 square feet of cleared ~~area~~ native vegetation.  
12 The restoration may be accomplished through on-site planting of native trees or  
13 equivalent native vegetation approved by ERM, a contribution to the Palm Beach County  
14 Natural Areas Fund that is equivalent to nine trees per 1500 square feet of removed  
15 native vegetation, or the dedication of equivalent upland quality land area. [Ord. 2008-  
16 040] [Ord. 2009-040]

17  
18  
19 **Part 4. ULDC Art. 14.C.8, Exemptions [Related to Vegetation Preservation and Protection]**  
20 **(page 38 of 52), is hereby amended as follows:**  
21

**Reason for amendments:** [ERM] This amendment is intended to provide exemptions for agricultural parcels less than 10 acres in size as previously provided by Ord. 2008-040, but not expressly stated. In addition, the amendment will provide exemptions for minor vegetation removal and relocation of up to ten native trees in order to offset application fee requirements that may be more costly than the value of the native vegetation to be impacted on the proposed project area.

22 **CHAPTER C VEGETATION PRESERVATION AND PROTECTION**

23 **Section 8 Exemptions**

24 **A. Botanical Gardens, Botanical Research Centers, Licensed Commercial Nurseries, or**  
25 **Bonafide Agricultural Operations**

26 Vegetation alteration associated with subsequent harvesting activities, except within preserve  
27 areas or vegetated buffers, that are part of the on going activities of the existing operation, the  
28 harvesting or alteration of vegetation previously planted and cultivated for production as part of an  
29 ongoing botanical garden, botanical research center, nursery or bona fide agricultural operation is  
30 an exempt activity. Initial clearing of a parcel is ~~not~~ an exempt activity on parcels less than 10  
31 acres, providing that the level of clearing does not exceed the area for crop production.

32  
33 **N. Minor Vegetation Removal**

34 Removal of native vegetation with a replacement value of four trees or less, as defined in Table  
35 7.D.2.D-4 Tree Credit and Replacement.

36 **O. Minor Vegetation Relocation**

37 Relocation of up to ten native palm trees, providing that the trees are relocated using best  
38 industry standards and provided with mulch, irrigation and required maintenance to ensure  
39 survival. The planting location must be depicted on a site plan, survey or other document format  
40 acceptable to ERM.

41  
42  
43 **Part 5. ULDC Art. 14.C.12.D, Restorations [Related to Violations of Vegetation Preservation**  
44 **and Protection (page 41 of 52), is hereby amended as follows:**  
45

**Reason for amendments:** [ERM] This amendment is intended to add clarification of the type of native restoration required in order to satisfy a violation of removed native vegetation without an approval.

46 **CHAPTER C VEGETATION PRESERVATION AND PROTECTION**

47 **Section 12 Violations**

48 **D. Restoration**

49 Properties cleared after 1986 without ~~evidence of or in contradiction to an~~ approval will be  
50 required to restore 9 trees per violation. The restoration may be accomplished through on-site  
51 planting of native trees or equivalent native vegetation approved by ERM, a contribution to the  
52 Palm Beach County Natural Areas Fund that is equivalent to nine trees per violation, or the  
53 dedication of equivalent upland quality land cleared. [Ord. 2008-040]  
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EXHIBIT D

COMMERCIAL PARKING LOT  
SUMMARY OF AMENDMENTS  
(Updated 4-15-12)

1  
2 Part 1. ULDC Art. 4.B.1.A.96, Parking Lot Commercial (pages 72-73 of 170), are hereby  
3 amended as follows:  
4

**Reason for amendments:** [Zoning] Delete redundant references to 1) Art. 6, Parking, as there are specific provisions outlined under Art. 6.A.1.D.17, Commercial Parking Lot; and, Art. 7, Landscape, as there are specific provisions outlined under Art. 6.G, Off-Street Parking Requirements.

5  
6 CHAPTER B SUPPLEMENTARY USE STANDARDS

7 Section 1 Uses

8 A. Definitions and Supplementary Standards for Specific Uses

9 96. Parking Lot, Commercial

10 A lot used for temporary parking or storage for motor vehicles as a principal use for a fee and  
11 subject to:

12 ~~a. Parking~~

13 ~~Design standards of Art. 6.A, PARKING; and~~

14 ~~b. Landscaping~~

15 ~~Article 7.G, Landscape — Off-Street Parking Requirements.~~

16 ae. Principal Use

17 Parking spaces may be rented for daily parking. No other business of any kind shall be  
18 conducted on the lot, including repair, service, display, or storage of other goods, except  
19 mobile working and detailing.

20 bd. Proximity to Residential

21 A commercial parking lot shall not be located on a parcel adjacent to a residential district.

22 ce. Storage

23 Long trailers storage of vehicles shall be permitted in the IL district if screened from view  
24 in accordance with the outdoor storage standards.  
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