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**Section 5. Savings Clause**

All development orders, permits, enforcement orders, ongoing enforcement actions, and all other actions of the Board of County Commissioners, the Zoning Commission, the Development Review Officer, Enforcement Boards, all other County decision-making and advisory boards, Special Masters, Hearing Officers, and all other County officials, issued pursuant to the regulations and procedures established prior to the effective date of this Ordinance shall remain in full force and effect.

**Section 6. Inclusion in the Unified Land Development Code**

The provisions of this Ordinance shall be codified in the Unified Land Development Code and may be reorganized, renumbered or re-lettered to effectuate the codification of this Ordinance.

**Section 7. Providing for an Effective Date**

The provisions of this Ordinance shall become effective upon filing with the Department of State.

**APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach County, Florida, on this the 24th day of September, 2020.

SHARON R. BOCK, CLERK & COMPTROLLER


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

By:   
Deputy Clerk



By:   
Dave Kerner, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By:   
Scott A. Stone, County Attorney

**EFFECTIVE DATE:** Filed with the Department of State on the 30th day of September, 2020.

# EXHIBIT A

## ARTICLE 5 – SUPPLEMENTARY STANDARDS WORKFORCE HOUSING PROGRAM EXCHANGE BUILDER OPTION FOR PRIOR APPROVALS

Part 1. ULDC Art. 5.G.1.C.4.b.2), Supplementary Standards, Density Bonus Programs, Workforce Housing Program (WHP), Disposition of WHP Obligation, Methods Available, Off-Site Option 2 – Off-Site Construction/Exchange Builder (page 80 of 106, Supplement 27), is hereby amended as follows:

1 **CHAPTER G DENSITY BONUS PROGRAMS**

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

3 ....  
4

**C. Disposition of WHP Obligation**

5 **1. Declaration of Method to Meet WHP Obligation**

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

10 ....

11 **4. Methods Available**

12 Several alternative methods are available for the disposition of a subject development's WHP  
13 obligation: **[Ord. 2019-033]**

14 ....

15 **b. WHP Off-Site Options**

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

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

36 Prior to issuance of the first residential Building Permit or Final DRO approval for the  
37 subject development, whichever comes first, all contracts or related agreements for  
38 any off-site option evidencing site control and necessary approvals shall be approved  
39 by the County Administrator, or designee. Certificates of Occupancy shall be issued  
40 for a minimum of 50 percent of the required WHP units to be constructed off-site prior  
41 to the issuance of no more than 50 percent of the Building Permits in the subject  
42 development. All off-site WHP units must receive Certificates of Occupancy prior to  
43 issuance of no more than 85 percent of the Building Permits in the subject  
44 development. The site plan, the Master Covenant, or other appropriate document shall  
45 be amended to reflect the number of WHP units, including the number in each  
46 applicable WHP income category, to be located on the receiving site(s). The Planning  
47 Director or designee shall determine the appropriate document and the timeframe for  
48 the modification, which shall be no later than the 85-percent threshold identified in this  
49 paragraph. **[Ord. 2019-033]**

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

51 The Off-Site Construction/Exchange Builder Option shall be evaluated and a report  
52 provided to the Board of County Commissioners no later than three years from the  
53 effective date of this Ordinance. Provision of required WHP units may be arranged by  
54 the developer of the subject development through an Exchange Builder who will  
55 provide them off site, subject to the following: **[Ord. 2019-033]**

56 a) The exchange price shall be set by the County at 80 percent of the in-lieu fee  
57 associated with the subject development. **[Ord. 2019-033]**

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**Notes:**

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to: ]**.

*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 A

## ARTICLE 5 – SUPPLEMENTARY STANDARDS WORKFORCE HOUSING PROGRAM EXCHANGE BUILDER OPTION FOR PRIOR APPROVALS

- 1            b) A subject development which received a Development Order prior to the effective  
2            date of Ordinance No. 2019-033 may select the Exchange Builder Option as the  
3            subject development's disposition option, provided that:  
4            (1) No residential Building Permits have been issued for the subject development;  
5            (2) The Development Order for the subject development shall be revised through  
6            the Zoning Agency Review process to reflect the change in disposition, and  
7            shall include any necessary notes, condition changes, and amendments to  
8            previously-approved plans;  
9            (3) The exchange price shall be 80 percent of the applicable in-lieu fee in effect at  
10           the time of the Development Order for subject development; and,  
11           (4) All other provisions of Art. 5.G.1.C.4.b, WHP Off-Site Options and Art.  
12           5.G.1.C.4.b.2), Off-Site Option 2 – Off-Site Construction/Exchange Builder  
13           shall apply.  
14           ~~bc)~~ All exchange projects that propose to utilize other programs in addition to WHP  
15           exchange payments that will result in income restrictions on WHP units will require  
16           the approval of the Board of County Commissioners. This approval is required prior  
17           to the earlier of Final DRO or first Building Permit. **[Ord. 2019-033]**  
18           ~~ed)~~ Prior to issuance of the first residential Building Permit for the subject development,  
19           the developer of the subject development shall select one of the following two  
20           options: **[Ord. 2019-033]**  
21           (1) Demonstrate engagement of an Exchange Builder, who shall provide: **[Ord.**  
22           **2019-033]**  
23           (a) Evidence of receipt of payment of the required exchange price; **[Ord.**  
24           **2019-033]**  
25           (b) A detailed description of the proposed exchange project, including site  
26           location; the site's land use designation, zoning, and density bonus  
27           determination if applicable; the total number of proposed units by type,  
28           size, and income category; proposed exchange project layout including  
29           the number and type of buildings; proposed exchange project schedule;  
30           status of any development approvals; pro forma financial statements  
31           demonstrating the exchange project's financial viability; and,  
32           documentation evidencing availability of all sources of funding required for  
33           the exchange project development budget, including documentation from  
34           the financing source(s) providing a firm or a conditional commitment to  
35           financing and identifying all financing terms and conditions. **[Ord. 2019-**  
36           **033]**  
37           (c) Evidence of control of the proposed exchange project site, through a  
38           recorded deed or title, or an executed purchase agreement or purchase  
39           option, approved by the County Attorney for legal sufficiency and by the  
40           County Administrator or designee; **[Ord. 2019-033]**  
41           (d) A recorded Restrictive Covenant for the exchange project site; and, **[Ord.**  
42           **2019-033]**  
43           (e) Guarantee acceptable to Palm Beach County and approved by the County  
44           Attorney's Office for an amount equal to 80 percent of the full in-lieu fee.  
45           The guarantee shall be for a term not to exceed 39 months, and of a type  
46           described in Art. 11.B.2.A.6, Guarantees. **[Ord. 2019-033]**  
47           ....

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FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

September 30, 2020

Honorable Sharon R. Bock  
Clerk and Comptroller  
Palm Beach County  
301 North Olive Avenue  
West Palm Beach, Florida 33401

Attention: Mr. Timothy Montiglio

Dear Ms. Bock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Palm Beach County Ordinance No. 2020-021, which was filed in this office on September 30, 2020.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb