

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
APRIL 24, 2019 MEETING

AMENDMENTS TO THE AGENDA
(Updated 04/23/2018)

Amend PIA 2018-02043, -Exhibit C page 68, line 35-45, to correct formatting to show the language as proposed not existing.

- 31 d. **Perimeter Buffers and Interior Tree Requirements**
32 1) For facilities within the Rural, Exurban and Glades Tiers greater than 250 acres in size, the
33 following shall apply:
34 a) R-O-W Buffer
35 Shall be exempt from the requirements of Art. 7.C.2.A, R-O-W Buffer provided a six foot high
36 Landscape Barrier is installed. If a hedge is proposed, credit to satisfy the hedge material
37 may be granted for on-site preservation of existing vegetation pursuant to Art. 7. E.3, Credit
38 and Replacement. An Alternative hedge height may be allowed subject to the following: An
39 additional six-foot high hedge shall be incorporated into the required Compatibility Buffer or
40 R-O-W Buffer. Palms may be substituted for 50 percent of the required Canopy Trees.
41 (1) Minimum two feet at time of installation and maintained at a maximum height of six feet;
42 (2) The solar panels, including support structures, shall be no greater than eight feet in
43 height and setback a minimum of 80 feet from the adjacent R-O-W or Base Building
44 line, whichever is more restrictive; and,
45 (3) The area between the R-O-W buffer and the minimum setback shall be limited to
46 landscaping, drainage, easements, and a drive aisle that is used for the repair,
47 maintenance, and or installation of the solar panels, when the hedge is less than 6 feet
48 in height.

Amend PIA 2018-02043, -Exhibit C page 69, line 49-51, to revise Staff's alternative language in order to clarify landscaping requirements applicability for the Tiers and minimum acreage.

33 Section 2 Types of Landscape Buffer

34 A. R-O-W Buffer

35

42 2. Exemptions

43 R-O-W Buffers are not required for the following: [Ord. 2018-002]

- 44 a. Where the R-O-W is an alley; [Ord. 2018-002]
45 b. A lot with a Single Family, ZLL or townhouse unit; ~~and~~ [Ord. 2018-002]
46 c. Private streets internal to a PDD, TDD, a subdivision or a lot. If trees are installed within the street
47 R-O-W, installation of the trees shall be subject to the approval by the Engineering Department, and,
48 [Ord. 2018-002]
49 d. Renewable Energy Solar Facility, within the Rural, Exurban and Glades Tiers greater than 250 acres
50 in size shall comply with the requirements of Article 4.B.7.C.8.d Perimeter Buffers and Interior Tree
51 Requirements, provided a six foot high Landscape Barrier is installed. If a hedge is proposed, credit
52 to satisfy the hedge material may be granted for on-site preservation of existing vegetation pursuant
53 to Art. 7. E.3, Credit and Replacement.
54

....

Amend Exhibit K, Landscape Service, page 87 lines 35-48 to include restriction on Hours of Operation, and delete reference to Outdoor Storage.

35 f. Hours of Operation

36 Landscape Service shall be prohibited to operate on Sundays within the Agricultural Residential (AR)
37 Zoning District.

38 ~~g~~f. Landscape Buffer

39 ~~An Incompatibility-Compatibility~~ Buffer shall not be required if the use is adjacent to a property with
40 an existing farm worker quarters or mobile home accessory to a Bona Fide Agriculture use. [Ord.
41 2018-2018]

42 1) AGR and AP Zoning District

43 R-O-W and Incompatibility Buffers shall be required in accordance with the requirements for the
44 Wholesale or Retail Nursery.

45 ~~g~~d. Storage

46 ~~Outdoor storage of debris shall be prohibited shall comply with Article 5.B.1.A.3, Outdoor Storage.~~

47 ~~e~~. Accessory Use

48 ~~May be allowed as an accessory use to a retail or wholesale nursery on a minimum of three acres.~~

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.



PALM BEACH COUNTY

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

APRIL 24, 2019

BOARD MEMBERS

**Wesley Blackman, AICP, Chair (PBC Planning Congress)
Dr. Lori Vinikoor, Vice-Chair (District 5)**

Joanne Davis (District 1)	Jaime Plana (American Institute of Architects)
Drew Martin, (District 2)	Vacant (Environmental Organization)
Philip L. Barlage (District 3)	Frank Gulisano (Realtor's Assoc. of the Palm Beaches)
James Knight (District 4)	Derek Zeman (Fl. Surveying and Mapping Society)
Myles Basore (District 6)	Charles Drawdy (Association Gen. Cont. of America)
Robert J. Harvey (District 7)	Abraham Wein (Member at Large/Alternate)
Daniel J. Walesky (Gold Coast Builders Assoc.)	Vacant (Member at Large/Alternate)
Anna Yeskey (Palm Beach League of Cities)	
Terrence N. Bailey (Florida Engineering Society)	

Board of County Commissioners

**Mack Bernard
Mayor, District 7**

**David Kerner
Vice Mayor, District 3**

**Hal R. Valeche
Commissioner, District 1**

**Gregg K. Weiss
Commissioner, District 2**

**Robert S. Weinroth
Commissioner, District 4**

**Melissa McKinlay
Commissioner, District 5**

**Mary Lou Berger
Commissioner, District 6**

County Administrator

Verdenia C. Baker



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**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATIONS COMMISSION (LDRC)**

**WEDNESDAY, APRIL 24, 2019 AGENDA
2300 NORTH JOG ROAD
ROOM VC-1E 47, VISTA CENTER
2:00 P.M.**

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call
2. Additions, Substitutions and Deletions
 - a. Staff
 - b. Board Member
3. Motion to Adopt Agenda
4. Adoption of February 27, 2019 Minutes (Exhibit A)
5. Public Comments – Any persons wanting to speak on an item shall complete and submit a comment card to the Secretary prior to the item being discussed.

B. ULDC AMENDMENTS-NEW

1. Exhibits B and B-2 Workforce Housing

PAGES

1 - 51

C. ULDC AMENDMENTS-REVISIONS

D. PRIVATELY INITIATED AMENDMENTS

1. Exhibit C PIA-2018-2043 Renewable Energy Solar Facilities

52 - 70

E. CONVENE AS LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

1. Proof of Publication
2. Consistency Determination for Exhibits B through J
 - a. Exhibit D Article 4 – Home Occupation Nuisance 71 - 71
 - b. Exhibit E Article 5 – Fuel, Gas and Chemical Storage Tanks 72 - 72
 - c. Exhibit F Article 2 – Reasonable Accommodation 73 - 73
 - d. Exhibit G Article 4 – Agritourism 74 - 74
 - e. Exhibit H Article 4 and 14 – Environmental Resource Management (ERM) 75 - 75
 - f. Exhibit I Article 4 – Adult Entertainment 76 - 79
 - g. Exhibit J Article 1 and 11 – Legal Lot and Potentially Buildable Lot 80 - 80

F. ADJOURN AS LDRC AND RECONVENE AS LDRAB

1. Workshop- Exhibit K Landscape Services 81 - 85

G. STAFF COMMENTS

1. Office of Resilience follow up to inquiry from February 27, 2019 meeting
2. LDRAB date correction: August 28, 2019

H. BOARD MEMBER COMMENTS

I. ADJOURN

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EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

(Updated 04/17/19)

Minutes of February 27, 2019 LDRAB/LDRC Meeting

On Wednesday, February 27 2019, the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Ken Rogers Hearing Room, (VC-1E-60), at 2300 North Jog Road, West Palm Beach, Florida.

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call

Chair, Mr. Wesley Blackman, called the meeting to order at 2:03 p.m. Mr. Alexander Biray, Code Revision Zoning Technician, called the roll.

Members Present: 11

Drew Martin (District 2)**

Philip L. Barlage (District 3)

Lori Vinikoor (District 5)

Myles Basore (District 6)

Daniel J. Walesky Gold Coast Builders Association)*

Anna Yeskey (League of Cities)

Terrence N. Bailey (Florida Engineering Society)

Frank J. Gulisano (Realtors Association of the Palm Beaches)

Derek Zeman (Florida Surveying and Mapping Society)

Charles D. Drawdy (Assoc. General Contractors of America)

Wesley Blackman (PBC Planning Congress)

Members Absent: 3

Joanne Davis (District 1)

James Knight (District 4)

Abraham Wien (Member at Large, Alternative #1)

County Staff Present:

Jon MacGillis, Zoning Director

Wendy N. Hernández, Principal Site Planner

Jan Rodriguez, Senior Site Planner

Alexander Biray, Zoning Technician

Leonard W. Berger, County Attorney

Bryan M. Davis, Principal Planner

Robert M. Kraus, Senior Site Planner, ERM

John J. Reiser, Environmental Program Supervisor, ERM

Michael Stahl, Deputy Director, ERM

Deborah Drum, ERM Director

Vacancies: 4

District 7

American Institute of Architects

Environmental Organization

Member at Large, Alternative #2

* Mr. Walesky arrived at 2:09 p.m.

** Mr. Martin arrived at 2:11 p.m.

A moment of silence was observed for the late Ms. Barbara Katz.

2. Additions, Substitutions, and Deletions

Mrs. Hernández indicated modifications to G.2, Attachment 2 2018 LDRAB Attendance, and addition of G.7, Voting of the Chair and the Vice Chair.

3. Motion to Adopt Agenda

Motion to adopt the agenda as amended by Mr. Gulisano, seconded by Dr. Vinikoor. Motion passed (9-0).

4. Adoption of November 14, 2018 Minutes (Exhibit A)

Motion to adopt the Minutes by Mr. Gulisano, seconded by Mr. Zeman. Motion passed (9-0).

5. Public Comments

There were no public comments.

B. ULDC AMENDMENTS – NEW

1. Exhibit B – Article 4, Home Occupation Nuisance

Mrs. Hernández explained the amendment was requested by Code Enforcement as “an objectionable nature” is subjective language, and Article 5 lists noise levels for the different types of uses in zoning.

Motion to approve by Dr. Vinikoor, seconded by Mr. Barlage.

Discussion: Dr. Vinikoor requested consideration to reference Table 5.E.4.B, Maximum Sound Levels.

*Mr. Walesky arrived at 2:09 p.m.

The Motion passed (10-0).

2. Exhibit C – Article 5, Fuel, Gas and Chemical Storage Tanks

Mrs. Hernández explained the language for any tanks above three feet in height to comply with setbacks of the specific zoning district and be screened from view, based on discussion with Building and Fire representatives over conflict with Florida Building and Fire Prevention codes.

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC) (Updated 04/17/19)

Minutes of February 27, 2019 LDRAB/LDRC Meeting

**Mr. Martin arrived at 2:11 p.m.

Motion to approve by Dr. Vinikoor, seconded by Mr. Drawdy. Motion passed (11-0).

3. Exhibit D – Article 2, Reasonable Accommodation

Mrs. Hernández explained the language is to clarify that somebody who has received a reasonable accommodation approval cannot transfer that approval to a new owner, and would have to reapply.

Discussion: Dr. Vinikoor requested that “county” be capitalized on line 44.

Motion to approve by Mr. Drawdy, seconded by Dr. Vinikoor. Motion passed (11-0).

4. Exhibit E – Article 4, Agritourism

Mrs. Hernández explained the language to allow agritourism as a secondary use by Florida Statutes, as long as the principal use is bona fide agriculture. Mr. Berger clarified how a secondary use is established. Mr. MacGillis noted the Florida Department of Agriculture publishes a pamphlet listing complementary uses they would recommend.

Discussion: Dr. Vinikoor asked for clarification on F.S. §570.85 and F.S. §570.86, and whether to reference both. Mr. Berger responded it could just be F.S. §570.85. A discussion ensued between the Board and Mr. MacGillis and Mrs. Hernández regarding the interpretation on what constitutes agritourism according to Florida Statutes, and how it would relate to the bona fide agricultural principal use.

Motion to approve by Mr. Martin, seconded by Mr. Gulisano. Motion passed (11-0).

5. Exhibit F – Article 14, Environmental Resource Management (ERM)

Mrs. Hernández explained the multiple parts of the amendment. Mr. Krauss noted the first two parts of the exhibit address the excavation code in Article 4. Mr. Krauss also elaborated on the language added for lifting restrictive covenant agreements on dug lakes, clarity on establishing a preserve, and criteria on relocating preserves with higher standards.

Discussion: Mr. Bailey expressed concern over the language stating “any” water management tract, which Mr. Krauss responded would be nullified if a dug lake is in the same drainage basin. Mr. Krauss also noted restrictive covenants could be transferred to other pods with an amendment. Dr. Vinikoor suggested the provision about gopher tortoises be changed to apply to species generally in case any more are applicable for a relocation permit in the future. Mr. Martin dissented that the added language might make it easier for developers to get out of conservation.

Motion to approve by Dr. Vinikoor, seconded by Mr. Gulisano. Motion passed (10-1). Mr. Martin voted nay.

5. Exhibit G – Article 4, Adult Entertainment

Mrs. Hernández explained the purpose of the amendment is to reflect a study by consultants to analyze sites available for Adult Entertainment to ensure that the County is still in compliance.

Discussion: Mr. Blackman wanted to know if the report was available online. Mr. MacGillis said it is not, but available from the Zoning division. Mr. Bailey concurred about making the report public, and recommended it be distributed to local municipalities in case a nearby area somebody might believe is within a municipality is in question.

Motion to approve by Mr. Bailey, seconded by Dr. Vinikoor. Motion passed (11-0).

5. Exhibit H – Article 1 and 11, Legal Lot and Potentially Buildable Lot

Mrs. Hernández explained the language being deleted and relocated from Article 1 to Article 11 with some revisions, because Zoning was receiving double work receiving applications which are delivered to Land Development and Planning. She stressed it is only reorganization and not changing regulations. However, language was removed addressing nonconforming legal lots platted in the early twentieth century which cannot realistically use RS district property development regulations, which Mrs. Hernández clarified would use percentage instead.

Discussion: Mr. Bailey disclosed to Mr. Berger that his wife works in the Land Development division.

Motion to approve by Dr. Vinikoor, seconded by Mr. Gulisano. Motion passed (11-0).

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

(Updated 04/17/19)

Minutes of February 27, 2019 LDRAB/LDRC Meeting

D. ADJOURN AS LAND DEVELOPMENT REVIEW ADVISORY BOARD (LDRAB) AND CONVENE AS LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

1. Proof of Publication

The Chair acknowledged Proof of Publication and Mr. MacGillis and Ms. Hernández also confirmed the publication.

Motion to accept Proof of Publication by Dr. Vinikoor, seconded by Mr. Zeman. Motion passed (11-0).

2. Exhibit D, PIA-2018-2043 Renewable Energy Solar Facilities

Motion to continue public hearing next month by Dr. Vinikoor, seconded by Mr. Gulisano. Motion passed (11-0).

E. ADJOURN AS LDRC AND RECONVENE AS LDRAB

The Land Development Regulation Commission adjourned and reconvened as the Land Development Review Advisory Board at 2:38 p.m.

G. Annual Organization Discussion

1-5. Attachments 1-9

Mrs. Hernández reviewed the Attachments and presented a PowerPoint presentation for upcoming Code Amendments. For Attachment 1, the Mr. Blackman noted confusion with the colors used, specifically red and black. Mrs. Hernández noted the pending confirmations for Robert J. Harvey and new American Institute of Architects representative to be appointed in March. For Attachment 3.b, Ms. Hernández addressed the one amendment different from LDRAB approval, where “as amended” was stricken out for FP&L’s “Right Tree, Right Place,” because the County wants to review any changes. Mr. Gulisano noted a typo in Attachment 7, where the BCC Hearing – 1st Reading for Round 2019-01 was July 25, 2019 instead of July 24, 2019 for Wednesday. Dr. Vinikoor suggested “agro-tourism” be referred to as “agritourism” for consistency. Mr. Bailey asked if the Board can be informed if any changes are made by the BCC.

6. Attachment 10, Sunshine Law Overview

Mr. Berger advised the Board on the Sunshine Law about prohibited communication between members. Mr. Martin asked whether his reply to an email regarding Ms. Katz’s passing was technically a violation. Mr. Bailey noted his statement was foreseeable. Mr. Walesky asked how the Sunshine Law would apply to Workshops if more than one Board member attends. Mr. Berger advised as long as Code language is not discussed.

7. Voting of the Chair and the Vice Chair

Motion to nominate Mr. Blackman as Chair by Dr. Vinkoor, seconded by Mr. Gulisano. Motion passed (11-0).

Motion to nominate Dr. Vinikoor as Vice Chair by Mr Gulisano, seconded by Mr. Zeman. Motion passed (11-0).

Discussion: Mr. Bailey suggested rotating Chairs. Mr. Blackman assured that he does not have a lock on the position base on the longevity of his tenure, and would relinquish the Chairmanship if somebody else wanted to take it over.

H. STAFF COMMENTS

Mr. MacGillis explained the Sober House Subcommittee being shut down based on Staff disagreements over Reasonable Accommodation, and that the County would hire the same consultant hired by the City of Delray Beach and City of Boynton Beach for analysis and reconvene in the next round with medical use.

I. BOARD MEMBERS COMMENTS

Mr. Martin wanted to know what discussions Mr. MacGillis had with the Resiliency Coordinator, if there is any opportunity to report back to the Board, and if there are any amendments, adoptions, or recommendations based on the discussion. Mr. MacGillis said their discussions are informal, and County Administration is trying to get her involved with more operations of departments, including Zoning Review, and will update on when the meeting occurred and what results were coordinated. Mr. Martin wondered if there should be an LDRAB subcommittee.

J. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 3:03 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.

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EXHIBIT B

ARTICLE 5 – WORK FORCE HOUSING

CR-2018-062
(Updated 04/16/2019)

1 Part 1. ULDC Art. 2.B.5 Application Processes and Procedures (page 33 of 101, Supplement
2 25), is hereby amended as follows:

Reason for amendments: [Zoning]

1. Modify the standards for Conditional Uses to exclude Conditional Uses for the Workforce Housing and refer to new standards established within Article 5.G.1, Workforce Housing.

4 CHAPTER B PUBLIC HEARING PROCESSES

5

6 Section 7 Types of Applications

7

8 B Conditional Uses and Official Zoning Map Amendment (Rezoning) to a PDD or TDD

9 1. Purpose

10 Conditional Uses and Rezoning to a PDD or TDD, require individual review of the subject
11 property's location, proposed design, site configuration, intensity or density to ensure the
12 appropriateness and compatibility of the use with its surrounding land uses. [Ord. 2007-001]
13 [Ord. 2011-016] [Ord. 2017-007] [Ord. 2018-002]

14 2. Standards

15 When considering a DO application for *a Rezoning to a PDD or a TDD, or a Conditional Use,*
16 *excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce*
17 *Housing Program (WHF), or a Rezoning to a PDD or a TDD,* the BCC or ZC shall utilize the
18 standards a through h indicated below. An application which fails to meet any of these
19 Standards shall be deemed adverse to the public interest and shall not be approved. [Ord.
20 2007-001] [Ord. 2011-016] [Ord. 2012-003] [Ord. 2017-007] [Ord. 2018-002]

21 a. Consistency with the Plan

22 The proposed use or amendment is consistent with the purposes, goals, objectives and
23 policies of the Plan, including standards for building and structural intensities and densities,
24 and intensities of use. [Ord. 2007-001]

25 b. Consistency with the Code

26 The proposed use or amendment is not in conflict with any portion of this Code, and is
27 consistent with the stated purpose and intent of this Code. [Ord. 2007-001] [Ord. 2018-
28 002]

29 c. Compatibility with Surrounding Uses

30 The proposed use or amendment is compatible and generally consistent with the uses and
31 character of the land surrounding and in the vicinity of the land proposed for development.
32 [Ord. 2007-001]

33 d. Design Minimizes Adverse Impact

34 The design of the proposed use minimizes adverse effects, including visual impact and
35 intensity of the proposed use on adjacent lands.

36 e. Design Minimizes Environmental Impact

37 The proposed use and design minimizes environmental impacts, including, but not limited
38 to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural
39 functioning of the environment. [Ord. 2007-001]

40 f. Development Patterns

41 The proposed use or amendment will result in a logical, orderly and timely development
42 pattern. [Ord. 2007-001]

43 g. Adequate Public Facilities

44 The extent to which the proposed use complies with [Art. 2.F, Concurrency](#). [Ord. 2007-
45 001]

46 h. Changed Conditions or Circumstances

47 There are demonstrated changed site conditions or circumstances, provided by the
48 Applicant's Justification Statement that necessitate a modification. [Ord. 2007-001] [Ord.
49 2018-002]

50 3. Standards

51 When considering a DO application for a Conditional Use requests for Density Bonus pursuant
52 to Article 5.G.1, Workforce Housing, the BCC shall utilize the standards indicated in Article
53 5.G.1.B.2.e.2).b).

54 43. Effect of an issuance of a DO or a Map Amendment

55 a. General

56 Issuance of a DO for a Conditional Use or a rezoning to a PDD or TDD shall be deemed
57 to authorize only the particular site configuration, layout, and level of impacts which were
58 approved pursuant to this Code, unless the approval is abandoned. [Ord. 2018-002]

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04-15-2019 (with fixed cross references).docx

Notes:

Underlined indicates **new** text.

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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 – WORK FORCE HOUSING

CR-2018-062
(Updated 04/16/2019)

- 1) Permitted uses may occur in conjunction with or in place of a Conditional Use; and [Ord. 2018-002]
- 2) Approval of a rezoning shall be deemed to authorize only the particular zoning district for which it is approved. [Ord. 2018-002]

b. Time Limitations

The DO shall be reviewed pursuant to [Art. 2.E, Monitoring](#). [Ord. 2018-002]

c. Zoning Plan Compliance and Initiation of Use

Development, benefit, or use of a Conditional Use shall not be permitted until the Applicant has secured and complied with all other DOs and site improvements required by this Code. [Ord. 2017-007] [Ord. 2018-002]

The approval of a DO shall not ensure that subsequent approvals for other Development Permits will be granted unless the relevant and applicable portions of this Code are met. [Ord. 2018-002]

54. Authorized Class A Conditional Uses

Only those uses that are authorized as Class A Conditional Use in the Use Matrices in Art. 4, Use Regulations, may be approved as Class A Conditional Use, unless stated otherwise herein. The designation of a use as a Class A Conditional Use in a district does not constitute an authorization of such use or an assurance that such use will be approved under this Code. [Ord. 2017-007] [Ord. 2018-002]

....

Part 2. ULDC Art. 2.G.4 Application Processes and Procedures (page xx of xx, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]
1. To modify Staff Official that reviews and interprets the requirements of Article 5.G Density Bonus Programs.

CHAPTER G DECISION MAKING BODIES

....

Section 4 STAFF OFFICIALS

M. Planning Director

1. Creation and Appointment

The Planning Director of PZB shall be the division head of the Planning Division of PZB, and shall be appointed and serve at the pleasure of the Executive Director of PZB.

2. Jurisdiction, Authority and Duties

In addition to the jurisdiction, authority and duties which may be conferred upon the Planning Director of PZB by other provisions of PBC Code, the Planning Director of PZB shall have the following jurisdictions, authority and duties under this Code:

- a. to undertake the current and long range comprehensive planning responsibilities of PBC under [F.S. § 163.3161](#) et seq., as amended;
- b. to review the Plan every seven years;
- c. to recommend annually any necessary amendments to the Plan;
- d. to accept, review and prepare staff reports recommending approval, approval with conditions, approval with modifications, or denial of applications for Site Specific (FLUA) amendments to the Plan; and [Ord. 2018-002]
- e. to administer the process of Development of Regional Impact (DRI) review for projects within municipalities in PBC.
- f. ~~to review and render interpretations of Article 5.G, Density Bonus Programs;~~
- g. to interpret and decide on application for Entitlement Density and Intensity and Density for Workforce Housing Program (WHP) and Affordable Housing Program (AHP); and, [Ord. 2011-016]
- hg. to interpret the Agricultural Enclave Overlay (AGEO) Conceptual Plan.

Part 3. ULDC Art. 5.G.1 Workforce Housing Program (WHP) (page 67-76 of 100, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Delete Workforce Housing Program in order to reorganize, edit, add and delete language.

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EXHIBIT B

ARTICLE 5 – WORK FORCE HOUSING

CR-2018-062
(Updated 04/16/2019)

CHAPTER G DENSITY BONUS PROGRAMS

~~The WHP, AHP or the TDR Program are the required methods for increasing density above the maximum density permitted by a property's FLUA designation within unincorporated PBC, unless an applicant can both justify and demonstrate a need for a Site Specific FLUA Amendment and demonstrate that the current FLUA designation is inappropriate, as outlined in Art. 2.H, FLU Plan Amendments. [Ord. 2008-003] [Ord. 2010-005]~~

Section 1 Workforce Housing Program (WHP)

A.—Purpose and Intent

~~The WHP implements HE Policies 1.1-o and 1.5-g of the Plan, among others, by establishing an Inclusionary WHP. The program mandates or encourages the development and equitable geographic distribution of workforce housing units for low, moderate 1 and Moderate 2, and middle-income households, 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. [Ord. 2006-055]~~

B.—Applicability

~~In cases of conflict between this Chapter and other Articles of this Code, the provisions of this Chapter shall apply. The WHP shall apply to all new developments with a residential component of 10 or more dwelling units. For existing projects proposing 10 or more dwelling units, the program shall apply to those units being added. Requirements and limitations are further defined in Table 5.G.1.B, Workforce Housing Program. [Ord. 2006-055] [Ord. 2010-005]~~

Table 5.G.1.B – Workforce Housing Program

Applicability		
Location:	Threshold	Required > or = to 10 residential dwelling units
	Tier or Overlay	U/S
	FLU (†)	LR-1, LR-2, LR-3, MR-5, HR-8, HR-12, HR-18, UC and UI
Density Bonus Incentive		
LR-1 thru LR-3		up to 30%
MR-5 thru HR-18 (2)		up to 100% (Pre-App required for > 30%)
UC or UI		N/A
Required % of WHP Units (3)		
Standard Density		5%
Maximum Density		16%
WHP Density Bonus		34%
UC or UI		15%
Required WHP Ranges (4)(6)		
Low (60-80%)		25%
Moderate 1 (> 80-100%)		25%
Moderate 2 (> 100-120%)		25%
Middle (> 120 or ≤ 140%)		25%
Provision of Units		
Option 1	Construct units off site. (Art. 5.G.1.G.1)	
Option 2	Purchase existing market rate units and deed to the County or sell to eligible households and deed restrict. (Art. 5.G.1.G.2)	
Option 3	Donate build-able land acceptable to the County in an amount = or > than the buyout cost. (Art. 5.G.1.G.3)	
Option 4	In-lieu Payment. (Art. 5.G.1.G.4)	
[Ord. 2006-055] [Ord. 2007-013] [Ord. 2010-005] [Ord. 2010-022]		
Notes:		
1. Shall also apply to mixed use projects with applicable underlying FLU designations for Commercial and Industrial Mixed Use Development. [Ord. 2006-055]		
2. A density bonus of > 30% shall be permitted subject to meeting the additional standards of Art. 5.G.1.H, Additional Requirements for > 30% Density Bonus. [Ord. 2006-055]		
3. Percentages shall be rounded up to the nearest whole number. [Ord. 2006-055]		
4. Based on County Median Income. Where assigning units to a category, priority may be given to middle income first, proceeding downward to low income (i.e. where 3 units are required, the first shall be middle [> 120 or ≤ 140%]; the 2nd Moderate 2 [> 100-120%]; and, the 3rd Moderate 1 [> 80-100%]). This does not prohibit allowing higher numbers of lower income units. [Ord. 2006-055] [Ord. 2007-013] [Ord. 2010-005]		
5. All units not located on site shall comply with requirements of onsite units. [Ord. 2006-055] [Ord. 2010-005]		
6. UC or UI applications: Consideration may be given to additional affordable housing household incomes in developments requesting all or a portion of the 15% unit requirement within their proposal be based on the programmatic requirements imposed by a governmental agency providing affordable housing funding or by an entity with programmatic requirements (e.g., Habitat for Humanity or a Community Land Trust). The final determination is to be made by the Planning Director or designee. [Ord. 2010-022]		

1.—Exemptions

~~a.—Projects utilizing the AHP shall not be subject to the requirements of the WHP. [Ord. 2010-005]~~

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1 ~~b. All congregate living facilities (CLFs); and, nursing or convalescent facilities. [Ord. 2006-~~
2 ~~055]~~

2. ~~Limitations~~

4 ~~WHP units shall not be subject to restrictions beyond income qualifications. [Ord. 2010-005]~~

3. ~~Income Ranges~~

6 ~~There are four targeted income range categories in the WHP pursuant to Table 5.G.1.B,~~
7 ~~Workforce Housing Program. Applicants shall not be required to provide units in a category~~
8 ~~when the category price is greater than the median sales price for the County. These units~~
9 ~~would be eligible for the In-Lieu payment pursuant to Art. 5.G.1.G.4, Option 4 – In Lieu~~
10 ~~Payment, or distributed equally among the remaining targeted income ranges. [Ord. 2010-005]~~

4. ~~When WHP and AHP Units are Proposed~~

12 ~~The Planning Director shall make a determination as to which program shall be followed when~~
13 ~~projects include units targeting both income groups. [Ord. 2010-005]~~

~~C. Development Options~~

1. ~~No Incentives~~

16 ~~A proposal requesting no additional WHP density bonus; TDR units; WHP – TPS special~~
17 ~~methodology mitigation; WHP expedited review; WHP site plan regulation options; or any~~
18 ~~additional WHP incentive shall comply with the following: [Ord. 2010-005]~~

19 ~~a. All dwelling units proposed shall be required to target households with incomes from 60~~
20 ~~percent to 140 percent of AMI. [Ord. 2010-005]~~

21 ~~b. To be eligible no more than 90 percent of the total project units can be built within any one~~
22 ~~of the four targeted income categories; all other units must be built in any one, or any~~
23 ~~combination thereof, of the remaining three income categories. [Ord. 2010-005]~~

24 ~~c. All for sale units which includes attached and detached housing types shall be required to~~
25 ~~be income restricted for a period of 7 years (non-recurring) [Ord. 2010-005]~~

26 ~~d. All units within a rental development utilizing this development option will be required to be~~
27 ~~income restricted for a period of 30 years (non-recurring). [Ord. 2010-005]~~

28 ~~e. Projects developed under this option shall not be permitted to utilize the payment in lieu of~~
29 ~~construction provisions as outlined in Art. 5.G.1.B.3, Income Ranges or Art. 5.G.1.I.5,~~
30 ~~Release of Obligation to Construct WHP For Sale Units. [Ord. 2010-005]~~

2. ~~Limited Incentive~~

32 ~~An applicant may receive no more than 50 percent of the potential density bonus as provided~~
33 ~~in this Chapter. [Ord. 2011-001]~~

34 ~~a. The required percentage of WHP units will also be limited to: 2.5 percent of Standard~~
35 ~~Density; 8 percent of PUD Density and 17 percent of the WHP density bonus. [Ord. 2010-~~
36 ~~005]~~

37 ~~b. 50% of the required WHP units shall be set aside for low income households (households~~
38 ~~that earn between 60 percent and 80 percent of the County's median income) and 50~~
39 ~~percent of the required WHP units shall be set aside for moderate 1 income households~~
40 ~~(households that earn between 80 percent and 100 percent of the County's median~~
41 ~~income). [Ord. 2010-005]~~

42 ~~c. The WHP – TPS special methodology mitigation, the WHP expedited review, the WHP site~~
43 ~~plan regulation options and any additional WHP incentives will be available if requested.~~
44 ~~[Ord. 2010-005]~~

45 ~~d. All for sale units shall be income restricted for a period of 15 years (recurring). Each WHP~~
46 ~~unit shall be sold, resold, or rented only to Low or Moderate 1 income qualified households~~
47 ~~and the WHP restrictions remain in effect for 15 years from the date each unit is first~~
48 ~~purchased or rented. In the event a unit is resold before the 15 year period concludes, a~~
49 ~~new 15 year period shall take effect on the date of resale. [Ord. 2010-005]~~

50 ~~e. All units within a rental development utilizing this development option will be required to be~~
51 ~~income restricted for a period of 30 years (non-recurring). [Ord. 2010-005]~~

3. ~~Full Incentive~~

53 ~~A proposal requesting consideration for all available WHP incentives, as indicated in the~~
54 ~~following Table 5.G.1.B, Workforce Housing Program, and following text. [Ord. 2010-005]~~

~~D. Design Requirements~~

1. ~~Design~~

57 ~~WHP units shall be designed to be compatible with the overall project, as follows: [Ord. 2006-~~
58 ~~055]~~

59 ~~a. All WHP units shall be constructed on site, unless approved otherwise in accordance with~~
60 ~~Art. 5.G.1.G, WHP Off Site Options; [Ord. 2006-055] [Ord. 2010-055]~~

61 ~~b. All affordable units shall be designed to a compatible exterior standard as other units within~~
62 ~~the development or pod/phase and shall be comparable with the surrounding land uses;~~
63 ~~and [Ord. 2006-055] [Ord. 2010-005]~~

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~~c. Required WHP units may be clustered or dispersed throughout the project. [Ord. 2006-055]~~

~~E. WHP Incentives~~

~~All projects with 10 or more residential units shall be eligible for WHP Incentives. [Ord. 2006-055]~~

~~1. Density Bonus~~

~~Table 5.G.1.B, Workforce Housing Program, delineates the ranges of density bonus allowed for the WHP. 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 WHP density bonus. To ensure compliance with the compatibility requirement of HE Objective 1.5 of the Plan, projects requesting a density bonus greater than 30 percent shall be subject to the requirements of Table 5.G.1.E, Review Process, and Art. 5.G.1.H, Additional Requirements for > 30% Density Bonus. [Ord. 2006-055]~~

Table 5.G.1.E – 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. 2006-055] [Ord. 2017-007]		

~~2. Traffic Performance Standards Mitigation~~

~~a. WHP Special Methodologies~~

~~TPS mitigation shall be permitted for WHP projects in accordance with County Comprehensive Plan Transportation Element Policy 1.2-d (4). [Ord. 2006-055] [Ord. 2011-016]~~

~~b. WHP Traffic Concurrence Hall Pass~~

~~TPS mitigation shall also include the option of applying for a WHP Traffic Concurrence Hall Pass separate from a development order application. The WHP Traffic Concurrence Hall Pass serves as a provisional traffic concurrence approval for a period of not more than 90 days, during which it must be merged into an application submitted for a Concurrence Reservation approval. The WHP Traffic Concurrence Hall Pass is described further in Art. 2.F, Concurrence (Adequate Public Facility Standards). [Ord. 2006-055]~~

~~3. Expedited Review~~

~~The following expedited review processes may apply to a proposed WHP development: [Ord. 2006-055]~~

~~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. 2006-055]~~

~~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. 2006-055]~~
- ~~2) If a subdivision plat is required, permits will be concurrently reviewed, but only issued at recording of the plat. [Ord. 2006-055]~~
- ~~3) Pursuant to Art. 3.E.1.G.1.a, Permits, Building permits may be issued for sales offices, sales models, gate houses, entry features, and utilities may be issued prior to the recording of a final plat. [Ord. 2006-055]~~

~~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 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 project, and shall not be granted on a lot-by-lot basis. [Ord. 2006-055]~~

~~b. Applicability~~

~~Projects with ten or more units that utilize a density bonus incentive and are subject to the requirements of the WHP may utilize the Development Options listed herein. [Ord. 2006-055]~~

~~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. 2006-055]~~

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- ~~1) The regulations that are proposed to be modified. [Ord. 2006-055]~~
- ~~2) The amounts and specifics of the requested deviation(s). [Ord. 2006-055]~~
- ~~3) The areas within the development that the deviation(s) will be applied to. [Ord. 2006-055]~~
- ~~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. 2006-055]~~

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. 2006-055]

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. 2006-055]

f. Option 1 – RT District

The zoning for parcels electing to use this option must be in compliance with Table 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts. [Ord. 2008-037]

1) RT PDR Deviations

Deviations from the minimum PDRs for the RT district with a LR-2 or LR-3 FLU designation may be in accordance with Table 5.G.1.E, RT Deviations for WHP, 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. 2006-055] [Ord. 2019-005]

Table 5.G.1.E – 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 sf	85'	35%	100'	ND	ND
RT	TDR, WHP	LR-3	9,000 sf	65'	40%	80'	1st Floor – 10'	1st floor – 15'
[Ord. 2006-055] [Ord. 2019-005]								
ND	No deviation.							

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. 2006-055]

- ~~1) U/S Tier Only; [Ord. 2006-055]~~
- ~~2) Project does not qualify to be a TND or use Option 1 or 3; [Ord. 2006-055]~~
- ~~3) If the subject site has a 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. 2006-055]~~

h. Option 3 – Flexible Regulations

Projects with MR-5, HR-8, HR-12, 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. 2006-055]

- ~~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. 2006-055]~~
- ~~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 PDR's: building coverage; and front and side street setbacks. [Ord. 2006-055]~~
- ~~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. 2006-055]~~

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

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30 percent open space, provided the project incorporates common usable open space areas as defined in Art. 1.I.2.U.18, Usable Open Space for WHP. ~~[Ord. 2006-055]~~

~~j. **Option 5 – Internal Incompatibility Buffers**~~

~~Required incompatibility buffers between SFD and MF units within a WHP development shall not be required. [Ord. 2006-055]~~

~~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. 2006-055]~~

~~1) In the case of a civic site cash out, the deletion of the civic pod and increase in residential pod area; or, [Ord. 2006-055] [Ord. 2010-005]~~

~~2) The relocation of residential units to a civic pod, or the relocation of residential units where the civic pod is deleted. [Ord. 2006-055]~~

~~**F. WHP On-site Construction**~~

~~WHP units may be located on-site in accordance with the provisions of Art. 5.G.1.C, Workforce Development Alternatives; however, under no circumstances shall any site be permitted to develop at a density greater than that permitted by the Plan. Prior to final DRO approval, the applicant shall identify on the plan the total number of WHP units proposed for development within each pod or phase, as applicable. The plan shall also indicate the number of units in each applicable WHP income category. All of the WHP units shall not be constructed in the last phase of a multi-phased development except for a Development Order Amendment to a Development Order approved prior to WHP requirements. [Ord. 2010-005] [Ord. 2012-003]~~

~~**G. WHP Off-site Options**~~

~~WHP units may be located off-site using the options listed below and in accordance with the provisions of Table 5.G.1.B, Workforce Housing Program; however, under no circumstances shall any site be permitted to develop at a density greater than that permitted by the Plan. Prior to issuance of a building permit, or final DRO approval if applicable, 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. Prior to final DRO approval, the applicant shall identify the total number of WHP units proposed for development off-site including the number in each applicable WHP income category. Off-site options may be accommodated in municipalities located within Palm Beach County. [Ord. 2006-055] [Ord. 2010-005]~~

~~**1. Option 1 – Off-site Construction**~~

~~Building permits shall be issued for a minimum of 25 percent of the required WHP units to be constructed off-site prior to the issuance of no more than 25 percent of the building permits in the subject development. All off-site WHP units must receive CO prior to issuance of no more than 85 percent of the CO's in the subject development. [Ord. 2006-0455] [Ord. 2010-005]~~

~~a. **WGRAO** – Off-site construction of the required WHP units within the low income range shall be limited to ten percent. [Ord. 2008-037]~~

~~**2. Option 2 – Purchase Market Rate Units**~~

~~Purchase of an equivalent number of existing market rate units to be deeded to the County or sold to eligible households and deed restricted. The developer may retain the title to off-site units subject to recordation of a deed restriction that meets the intent of this provision. 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 25 percent of the 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 CO's in the subject development. [Ord. 2006-055] [Ord. 2010-005]~~

~~**3. Option 3 – Donate Buildable Land**~~

~~Donation of developable land acceptable to the County in an amount equal to the buyout costs of the affected units. Donated land must be deeded to the County prior to issuance of the first building permit in the subject development. [Ord. 2006-055]~~

~~**4. Option 4 – In-lieu Payment (Prior to Issuance of First Residential Unit Building Permit)**~~

~~The in-lieu payment for all WHP units shall be \$81,500 per for sale unit and \$50,000 per rental unit. The payment shall be deposited in the WHP Trust Fund maintained by the PBC Department of HCD at the time of issuance of the first residential unit building permit for the subject development. [Ord. 2006-055] [Ord. 2010-005]~~

~~**H. Additional Requirements for >30% Density Bonus**~~

~~Projects requesting a density bonus greater than 30 percent shall comply with the following: [Ord. 2006-055]~~

~~**1. Sector Analysis**~~

~~WHP projects, including relocated WHP units, shall be equitably distributed so that there is no undue concentration of very low and low income households. Table 5.G.1.H, WHP Density~~

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Bonus Guide indicates the maximum density bonus permitted and the concentration of very-low and low income housing within a sector will be one factor taken into consideration when determining the maximum density bonus permitted. 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 1/4 mile radius of a public park (neighborhood or regional park, not a golf course); civic uses (schools/libraries); a mass transit facility/route; child care facilities; medical facilities; a super market; a community commercial facility; employment opportunities; and within 1/2 mile radius of social services; a regional commercial facility; an industrial facility; additional civic uses and employment opportunities. Prior to submittal of a WHP 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 density bonus permitted or a bonus in excess of the maximum shall be recommended by the Planning Director or designee. [Ord. 2010-005]

Table 5.G.1.H – WHP Density Bonus Guide

Table with 5 columns: % of Very Low & Low Income Households in Sector, > 50%, 40-50%, 20-40%, 0-20%. Row 1: Maximum Density Bonus (1) up to 40%, up to 60%, up to 80%, up to 100%. Notes: 1. The Planning Director may recommend a density bonus in excess of the Maximum Density Bonus where the project serves to mitigate existing very low and low income concentrations by including a mix of higher income market rate units or Medium 1, Medium 2 and Middle Income WHP units. [Ord. 2006-055]

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- 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. 2006-055]
b. Household income characteristics for the sector shall be derived from the most current available census data. The income level of a "family of four" shall be used for the determination of households within the low, moderate and middle income household categories. The analysis of housing and demographic data within the sector shall be in a manner and form approved by the Planning Director. [Ord. 2006-055]

2. Pre-Application

An application for density bonus greater than 30 percent 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. 2006-055]

a. Contents

The pre-application shall be in a form established by the Planning Director, and made available to the public. [Ord. 2006-055]

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. 2006-055]

c. Compliance

The density bonus shall not be granted until the project is found in compliance with HE 1.5.h. in the Plan. [Ord. 2006-055]

d. Density Determination

The Planning Director shall provide a written density determination letter within ten 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. 2006-055]

I. Affordability Requirements

Where applicable, the required percentage, affordability ranges and provision of units, shall be in accordance with Table 5.G.1.B, Workforce Housing Program. [Ord. 2006-055]

1. Sales and Rental Prices of WHP Units

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1 All required WHP units shall be offered for sale or rent at an attainable housing cost for each
2 of the targeted income ranges. The sale and rent prices shall be updated annually by the
3 Planning Director, or designee, with the sale prices based on the Area Median Income (AMI),
4 and the household income limits for PBC (West Palm Beach/Boca Raton metropolitan
5 statistical area) for a family of four, which pricing shall not be adjusted based on the number of
6 occupants, as published annually by HUD (sale price: household income figure multiplied by
7 three and priced at the middle of each of the four WHP income categories), and rental prices
8 based on the annual Florida Housing Finance Corporation Multi-Family Rental Figures as
9 adjusted for number of bedrooms in WHP rental units. The minimum WHP price initially
10 established at the time of approval for each for sale unit within each WHP category range will
11 be the sales floor. This sales floor shall serve as the minimum sales price point required
12 throughout the applicable deed restriction time frame. The minimum WHP price initially
13 established at the time of approval for each rental unit within each WHP income category range
14 will be the rental floor. This rental floor shall serve as the minimum rental price point required
15 throughout the thirty (30) year term of this Covenant. Any utility allowances applied against
16 gross maximum WHP unit rents shall also be adjusted based on a number of bedrooms in
17 WHP rental units. A chart with the sales and rent prices will be maintained and updated
18 annually by the County. ~~[Ord. 2006-055] [Ord. 2010-005] [Ord. 2012-003] [Ord. 2012-027]~~

19 a. Utility Allowance

20 Utilities shall include, but not be limited to, water, sewer, gas and electric. When one or
21 more utility cost(s) are included within the WHP unit rent price, and reasonable, reliable
22 and verifiable documentation is provided that indicates the total utility cost included within
23 the WHP unit rent price meets or exceeds the stated utility allowance cost, then the utility
24 allowance requirement would be waived. If the information provided constitutes an amount
25 less than the prescribed utility allowance, the value may be applied against the utility
26 allowance and the remaining balance shall be credited to the WHP resident's rent cost.
27 ~~[Ord. 2012-003]~~

28 2. Master Covenant

29 Prior to issuance of the first building permit, the applicant shall record in the public records of
30 Palm Beach County a Covenant binding the entire project, in a form provided for by the County,
31 which identifies each required WHP unit. ~~[Ord. 2006-055] [Ord. 2010-005]~~

32 a. For Sale Units

33 The Covenant shall include but not be limited to restrictions requiring: that all identified
34 WHP units shall be sold, resold or rented only to low, moderate 1, moderate 2, or middle-
35 income qualified households at an attainable housing cost for each of the targeted income
36 ranges; that these restrictions remain in effect for 15 years recurring from the date of the
37 certificate of occupancy for each unit; and that in the event a unit is resold before the 15
38 year period concludes, a new 15 year period shall take effect on the date of resale. The
39 Covenant shall further provide monitoring and compliance requirements including but not
40 limited those set forth below to ensure compliance with the WHP. Every deed for sale of a
41 WHP housing unit shall incorporate by reference the controlling Covenant. ~~[Ord. 2006-
42 055] [Ord. 2010-005]~~

43 b. Rental Units

44 The Covenant shall include but not be limited to restrictions requiring: that all identified
45 WHP units shall be rented only to low, moderate 1, moderate 2, or middle-income qualified
46 households at an attainable housing cost for each of the targeted income ranges; that these
47 restrictions remain in effect for a period of 30 years (non-recurring) from the date of
48 occupancy of the first WHP unit; and that in the event a rental complex is resold before the
49 30 year period concludes, the new owner assumes the requirement for the number of
50 remaining years; and the number of years remaining shall be determined by the Planning
51 Director or his designee; and shall take effect on the date of resale. The Covenant shall
52 further provide monitoring and compliance requirements including but not limited to those
53 set forth below to ensure compliance with the WHP. Every deed for a rental development
54 with WHP housing units and every rental agreement for each WHP unit shall incorporate
55 by reference the controlling Covenant. ~~[Ord. 2010-005]~~

56 3. Monitoring and Compliance

57 Prior to the sale, resale, or at the time of the rental of any WHP unit established pursuant to
58 this program, the seller of a for-sale unit or the owner of a rental development shall provide the
59 Planning Director, or designee, documentation sufficient to demonstrate compliance with the
60 WHP. Such documentation shall include but not be limited to information regarding the identity
61 and income of all occupants of the WHP unit. The owner of the WHP unit shall submit to the
62 Planning Director, or designee, on a form provided by the County, an annual report containing
63 information and documentation to demonstrate continued compliance with the WHP and a copy
64 of any monitoring information provided to and received from the appropriate funding

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1 agency/source. The County may conduct site visits at reasonable times, or perform other
2 independent investigation to verify continued compliance with the WHP. ~~[Ord. 2006-055] [Ord.~~
3 ~~2010-005]~~

4. ~~Enforcement~~

5 The County may enforce the requirements of the WHP through any cause of action available
6 at law or equity, including but not limited to seeking specific performance, injunctive relief,
7 rescission of any unauthorized sale or lease, reclassification of a lesser unit to another income
8 category, and tolling of the 15-year recurring term of for sale units or the 30-year non-recurring
9 term for rental units of the WHP. ~~[Ord. 2006-055] [Ord. 2010-005]~~

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

10 It is not the intent of the WHP provisions to require a developer to commence construction on
11 any WHP for sale unit for which a valid and binding contract for purchase between developer
12 and buyer has not been executed. It is intended that all WHP units will be marketed in the same
13 manner as the market-rate units within a development. In the event a WHP unit eligible for
14 contract: (i) has been available for purchase for a period not less than 180 days and no contract
15 to purchase that unit has been executed during the 180-day period; and, (ii) is located within a
16 development pod/phase in which not less than 80 percent of the for sale market rate units (i.e.
17 non-WHP units) have binding purchase contracts; then that specific WHP unit is eligible to be
18 released from the WHP obligations indicated in the Covenant. ~~[Ord. 2006-055] [Ord. 2010-~~
19 ~~005] [Ord. 2012-027]~~

a. ~~For Sale Units~~

22 When a WHP unit is not purchased in accordance with the provisions above, an In-Lieu
23 cash payment shall be permitted as follows: ~~[Ord. 2010-005]~~

24 Upon payment of the required In-Lieu cash payment, the WHP unit/lot shall thereafter be
25 released from any and all obligations of the WHP requirements of the ULDC and the County
26 shall provide written confirmation that the unit/lot has been released, inclusive of release
27 from the Covenant. The County shall utilize cash payments for the express purpose of
28 providing down-payment assistance to eligible households seeking to purchase WHP units.
29 To the greatest extent possible, the down-payment assistance provided by the County shall
30 be utilized for the purchase of WHP units from the project from which the cash payment
31 was provided. The payment shall be deposited in a WHP Trust Fund maintained by the
32 PBC Department of HCD, and designated for the above-referenced purpose. ~~[Ord. 2010-~~
33 ~~005] [Ord. 2012-027]~~

34 1) if the price differential between the required WHP unit and the contract price for the
35 market rate unit is less than or equal to \$20,000, then the In-Lieu cash payment shall
36 be \$10,000; ~~[Ord. 2010-005]~~

37 2) if the price differential between the required WHP unit and the contract price for the
38 market rate unit is greater than \$20,000 and less than \$81,250, then the In-Lieu cash
39 payment shall be one-half (50 percent) of the difference; and, ~~[Ord. 2010-005]~~

40 3) if the price differential between the required WHP unit and the contract price for the
41 market rate unit is greater than or equal to \$81,250, then the In-Lieu cash payment
42 shall be \$40,750. ~~[Ord. 2010-005]~~

43 The contract price of any for sale market rate unit shall be the base price of the unit and shall
44 not include any lot premium and/or buyer purchased upgrades that are in addition to the base
45 price of the unit. The Developer shall provide written notice to the Department of Planning,
46 Zoning and Building requesting confirmation of the In-Lieu cash payment amount, which
47 request shall include: a copy of the executed purchase contract between seller and purchaser
48 denoting the purchase price of the unit, but shall not be required to submit any information
49 relative to any lot premium and upgrades that are in addition to the base price of the unit; the
50 project name, zoning control number, PCN, and address of the lot; and, the calculation as to
51 the amount of the In-Lieu cash payment amount being requested. ~~[Ord. 2010-005]~~

52 The County shall provide written confirmation to the Developer, within ten (10) business days of
53 receipt, as to the County's agreement/disagreement with the In-Lieu cash payment amount
54 requested by the Developer. ~~[Ord. 2010-005]~~

55 Upon payment of the required In-Lieu cash payment, the WHP unit/lot shall thereafter be
56 released from any and all obligations of the WHP requirements of the ULDC and the County
57 shall provide written confirmation that the unit/lot has been released, inclusive of release from
58 the Covenant. Units which are not required to be constructed pursuant to Art. 5.G.1.B.3, Income
59 Ranges are not eligible for this reduced in-lieu payment. These units must provide in-lieu
60 payment consistent with Art. 5.G.1.G.4, Option 4 – In-Lieu Cash Payment. The County shall
61 utilize cash payments for the express purpose of providing down-payment assistance to eligible
62 households seeking to purchase WHP units. To the greatest extent possible, the down-payment
63 assistance provided by the County shall be utilized for the purchase of WHP units from the
64 project from which the cash payment was provided. The payment shall be deposited in a WHP

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~~Trust Fund maintained by the PBC Department of HCD, and designated for the above referenced purpose. [Ord. 2010-005]~~

~~b. “Available for purchase” shall be defined as:~~

- ~~1) written notice is provided to the Planning Director and the Department of Housing and Community Development and to a list of interested parties provided to the developer by the County that developer has a project approved which requires the construction of WHP units and the developer is ready to commence sales of the required WHP unit within the development. The written notice shall include the location of the subject property, the location of the sales office, the hours of the sales office, the floor plan and construction specifications for the WHP unit available for contract; and the pricing of the WHP unit available for contract; [Ord. 2010-005]~~
- ~~2) developer shall include in the sales office displays and WHP unit promotional brochures produced as of and during the entire duration of the effective period as defined in Art. 5.G.1.I.5 Release of Obligation to Construct WHP For Sale Units, (i) and (ii) above, that certain units within the project are subject to the WHP provisions of Palm Beach County and are available for purchase for qualified households; [Ord. 2010-005]~~
- ~~3) the inclusion of informational packets in the sales center for those interested in purchasing a WHP unit which provides the qualification standards, terms of the Covenant, where to go to get qualified, and other relevant information regarding the WHP units (note this packet to be provided by or approved by Palm Beach County prior to placement on the sales floor); [Ord. 2010-005]~~
- ~~4) at the time WHP units become available for purchase the developer shall provide to the Palm Beach County Department of Planning, Zoning and Building proof of outreach to local housing advocacy groups and others on the interested parties list. [Ord. 2010-005]~~
- ~~5) the developer acts in good faith to market and sell the unit during the effective period as defined in Art. 5.G.1.I.5 Release of Obligation to Construct WHP For Sale Units, above. [Ord. 2010-005]~~

~~6. Event of Default of for sale WHP unit following execution of binding contract:~~

~~In the event of default by the purchaser of a for sale WHP unit after execution of a binding contract and prior to closing, the developer shall be permitted to provide the In-Lieu cash payment (in the amount as determined using for formula outlined in Section 5.G.1.I.6. above) and shall be permitted to be released from the WHP obligations for the defaulted unit, inclusive of the release from the Covenant, upon the later of either of the two events having occurred: [Ord. 2010-005]~~

- ~~a. the first inspection of the WHP unit subject to the default occurred not less than one hundred and eighty (180) days prior to the request to provide the In-Lieu cash payment; or [Ord. 2010-005]~~
- ~~b. the WHP unit subject to the default is located within a development pod/phase in which not less than 80% of the for sale market rate units (i.e. non-WHP units) have binding purchase contracts. The Developer shall provide written notice upon the event of default on a required WHP unit to the Palm Beach County Department of Planning, Zoning and Building, the Department of Housing and Community Development and to the list of interested parties indicating that: [Ord. 2010-005]~~
 - ~~1) a default occurred on a required WHP unit; [Ord. 2010-005]~~
 - ~~2) the specifics of the defaulted lot (WHP income category, location of the project, PCN for the WHP unit, WHP price of the unit, square footage of the unit, and floor plan of the unit); and, [Ord. 2010-005]~~
 - ~~3) that the unit remains available for purchase to an eligible WHP household until such time as an In-Lieu cash payment is made pursuant to the later of the two timing mechanism having been met. [Ord. 2010-005]~~

~~7. Compatibility~~

~~The resulting development shall be compatible with surrounding residential land uses, as described herein. [Ord. 2005-002]~~

~~J. Annual Report~~

~~The Executive Director of PZB shall submit an annual report to the BCC indicating the status of the WHP. [Ord. 2006-055]~~

Part 4. ULDC Art. 5.G.1 Workforce Housing Program (WHP) (page 67-76 of 100, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]
1. General edits relating to the introduction of the Density Bonus program

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Table with 1 row: Reason for amendments: [Zoning]
2. General edits relating to the Purpose and Intent of WHP, editing the policy references and clarifies the Divisions and Department that implement the WHP.

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.

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 10 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 Sustainability.

Part 5. ULDC Art. 5.G.1 Workforce Housing Program (WHP) (page 67-76 of 100, Supplement 25), is hereby amended as follows:

Table with 1 row: Reason for amendments: [Zoning]
1. General editing and restructuring to group together applicability-related provisions
2. Clarify BCC conditions in conflict section

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 conflicts between this Chapter and conditions of approval imposed by the Board of County Commissioners, the more restrictive shall apply.

b. Thresholds

The WHP shall apply to all new developments with a residential component of 10 or more dwelling units.

c. Prior Approvals

For existing developments proposing 10 or more additional dwelling units, the program shall apply to those units being added.

Part 6. ULDC Art. 5.G.1 Workforce Housing Program (WHP) (page 67-76 of 100, Supplement 25), is hereby amended as follows:

Table with 1 row: Reason for amendments: [Zoning]
1. Identifies applicable locations currently embedded on Table 5.G.1.B, and clarifies regarding other Tiers
2. Incorporates URA and WCRA provisions from Table 5.G.1.B in the Location section
3. Deletes Table, which is generalized, not adequately representative of options and requirements

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:

a) URA Priority Redevelopment Areas

The WHP obligation for developments with UC or UI FLU shall be met through the provision of a minimum of 15% of all new units, pursuant to Policy 1.2.2-b of the Comprehensive Plan Future Land Use Element. 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.

b) WCRA

Developments in the WCRA shall be subject to the WHP for standard and maximum densities, and subject to the affordable and workforce provisions of the WCRAO for density obtained from the WCRAO Density Pool. All restricted units

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resulting from the WHP and WCRA shall be identified in the Restrictive Covenant, including timeframes and income categories.

2) Other Tiers

The WHP may be required by the Board of County Commissioners in developments in other Tiers through conditions of approval.

Part 7. ULDC Art. 5.G.1 Workforce Housing Program (WHP) (page 67-76 of 100, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Relocates and groups together existing provisions regarding developments with both WHP and AHP, including footnote #6 from Table 5.G.1.B (for UI and UC)
2. Deletes nursing homes from list of residential exemptions, as nursing homes are now classified as institutional uses rather than residential uses

e. Exemptions

- 1) Developments utilizing the AHP
- 2) All congregate living facilities (CLFs)

f. Developments with Both WHP and AHP

If a development includes both WHP and AHP units, the Planning Director or designee shall make a determination as to which program shall be followed, considering the affordable housing programmatic requirements of the governmental or other agency providing affordable housing funding.

Part 8. ULDC Art. 5.G.1 Workforce Housing Program (WHP) (page 67-76 of 100, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Adds a definitions section
2. Incorporates income ranges currently embedded in Table 5.G.1.B, and eliminates requirement for Middle Income for-sale units
3. Cites source of base income number, and includes intent to distribute units equally
4. Relocates and clarifies language currently in Affordability Requirements Section
5. Clarifies rounding method
6. Relocates and clarifies existing text and clarifies regarding unencumbered units
7. Breaks down rental pricing further, into income brackets of 10 percent of AMI

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.

2) Developer

The developer of the subject development.

3) Exchange Builder

The builder of the development where the WHP units will be delivered through the Off-site Construction/Exchange Builder option.

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 Area Median Income (AMI), published annually for Palm Beach County by the U.S. Department of Housing and Urban Development, as follows:

- 1) Low Income (60 to 80% MFI);
- 2) Moderate 1 Income (>80 to 100% of MFI);
- 3) Moderate 2 Income (>100 to 120% of MFI);
- 4) Middle Income (>120 to 140% of MFI).

c. Pricing

The Planning Director or designee shall annually set and publish WHP sale and rent prices for all income categories.

- 1) For-sale WHP 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

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adjusted to the midpoint of each of the income categories: low (70%), moderate 1 (90%), and moderate 2 (110%).

2) Rental WHP units shall target all 4 WHP income categories. Rent ranges shall be based on the monthly rent ranges published annually for the Florida Housing Finance Corporation Multi-Family Rental Programs, by number of bedrooms, for the following income ranges: 60 to 70%; 70 to 80%; 80 to 90%; 90 to 100%; 100 to 110%; 110 to 120%; 120 to 130%; and 130 to 140% of MFI.

3) The minimum WHP price initially established at the time of approval for each for sale unit within each WHP category range will be the sales floor. This sales floor shall serve as the minimum sales price point required throughout the applicable deed restriction time frame. The minimum WHP price initially established at the time of approval for each rental unit within each WHP income category range will be the rental floor. This rental floor shall serve as the minimum rental price point required throughout the thirty (30) year term of this Covenant.

d. Assignment of the Required WHP Units

WHP required units are intended to be distributed equally among all required income categories pursuant to Section 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 from providing higher numbers of lower income units.

e. Calculations

Calculations of the WHP density bonus and WHP obligation shall be performed using two decimal places, and standard rounding applied at the end.

f. Unencumbered Units

Units used to meet a WHP obligation shall not be units which are income-restricted as a result of funding or other requirements of any other program. WHP units shall not be subject to restrictions beyond WHP income qualifications.

Part 9. ULDC Art. 5.G.1 Workforce Housing Program (WHP) (page 67-76 of 100, Supplement 25), is hereby amended as follows:

Table with 3 rows: Reason for amendments: [Zoning], 1. Brings forward the affordability requirements currently in the Limited Incentive and the Master Covenant Sections, 2. Ensures WHP unit exteriors are compatible, models are available, and minimum appliances are provided., 3. Adds BCC-directed bedroom requirements

g. Affordability Periods

1) For-sale units

All for sale WHP units shall be income restricted for a period of 15 years (recurring). 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.

2) Rental units

All rental WHP units shall be income restricted for a period of 30 years (non-recurring).

h. Design Standards

1) Compatible Design and Unit Features

a) The exteriors of WHP units shall be designed compatible with market rate units in the development

b) The developer of the WHP units shall make available one or more of the following:

(1) a representative WHP model at the WHP site;

(2) a representative WHP model at a different location in Palm Beach County; or

(3) a market rate model with information delineating the differences between the market rate model and the WHP units.

c) At minimum, all for-sale WHP units shall include a refrigerator, range, built-in microwave, dishwasher, washer and dryer.

2) Number of Bedrooms

a) For Sale WHP Units

(1) All for-sale WHP units shall have a minimum of two bedrooms, and 25% of the for-sale WHP units shall have a minimum of three bedrooms

(2) All for sale WHP units shall have a minimum bedroom size of 100 square feet.

b) Rental WHP Units

(1) No minimum number or size of bedrooms applies to rental WHP units.

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1 Part 10. ULDC Art. 5.G.1 Workforce Housing Program (WHP) (page 67-76 of 100, Supplement
2 25), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Deletes No Incentive Option per BCC-direction
2. Revises Limited Incentive Option to provide density bonus as the only incentive
3. Establishes max density bonus of 50% under Limited Incentive Option, and streamlines the path by making it automatically available, and eliminating current process requiring a pre-application in order to then receive half the bonus

3 **B. Program Options**

4 The WHP offers the choice of either a “limited” or a “full” program option, which determines the
5 amount of required workforce housing and the availability of other incentives.

6 **1. Limited Incentive Option**

7 **a. Intent**

8 The Limited Incentive Option minimizes the WHP obligation, and allows only a limited
9 density bonus as an incentive.

10 **b. Incentives Available**

11 The only incentive available through the Limited Incentive Option shall be a density bonus;
12 the density bonus shall not exceed 50% of the permitted density.

13 **c. Amount of WHP Required**

14 The required percentage of WHP units shall be 2.5% of Standard Density; 8% of Maximum
15 Density; and 17% of any WHP Density Bonus. The WHP obligation may be further
16 modified by the disposition option selected, per section 5.G.1.C.4. The number of WHP
17 units required shall be identified by the Planning Director or designee in a WHP Letter of
18 Determination.

19 **d. Pricing of Workforce Housing Units**

20 Fifty percent of the required WHP units shall be provided in the low income category and
21 50% of the required WHP units shall be provided in the moderate 1 income category.

22 **e. WHP Letter of Determination for Limited Incentive Developments**

23 Developments opting for the Limited Incentive Option are eligible for a maximum density
24 bonus of 50% of the permitted density. No additional incentives are available for the
25 developments using the Limited Incentive Option. For the purposes of this Subsection,
26 permitted density shall be the number of units allowed by the standard and maximum
27 density pursuant to the Comprehensive Plan; TDR units or any other density bonus shall
28 not be included as part of the permitted density for purposes of calculating the WHP density
29 bonus.

30
31 Upon request, the Planning Director or designee shall provide a WHP Determination Letter
32 identifying the density bonus requested, and the total number of WHP units required. This
33 WHP Determination Letter is to be submitted by the developer with the zoning or building
34 permit application.

35
36
37 Part 11. ULDC Art. 5.G.1 Workforce Housing Program (WHP) (page 67-76 of 100, Supplement
38 25), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Provides additional details for Full incentive program, currently found in Table 5.G.1.B

39 **2. Full Incentive Option**

40 **a. Intent**

41 The Full Incentive Option offers several incentives, including a density bonus, and requires
42 an increased amount of workforce housing.

43 **b. Incentives Available**

44 A development selecting the Full Incentive Option shall have available all applicable WHP
45 incentives provided in this Section below, including a density bonus of up to 100% of
46 permitted density, pursuant to the Density Bonus process in section 5.G.1.B.2.e.

47 **c. Amount of WHP required**

48 The required percentage of WHP units shall be 5% of Standard Density; 16% of Maximum
49 Density and 34% of any WHP density bonus used. The WHP obligation may be further
50 modified by the disposition option selected, per section 5.G.1.C.4. The number of WHP
51 units required shall be identified by the Planning Director or designee in a WHP Letter of
52 Determination, pursuant to the Density Bonus process in section 5.G.1.B.2.e below.

53 **d. Pricing of Workforce Housing Units**

54 Units shall be priced in all applicable income categories, pursuant to Section 5.G.1.A.3.c.
55

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EXHIBIT B

ARTICLE 5 – WORK FORCE HOUSING

CR-2018-062
(Updated 04/16/2019)

1
2 Part 12. ULDC Art. 5.G.1 Workforce Housing Program (WHP) (page 67-76 of 100, Supplement
3 25), is hereby amended as follows:

Reason for amendments: [Zoning]

- | |
|--|
| 1. Increases max potential density bonus to 100% under Full Incentive Option |
| 2. Increases threshold for automatic density bonus to 50%, from current 30% |

4 **e. Density Bonus Determination for Full Incentive Developments**

5 Developments opting for the Full Incentive Option are eligible for a density bonus of up to
6 100% of permitted density. For the purposes of this Subsection, permitted density shall be
7 the number of units allowed by the standard and maximum density pursuant to the
8 Comprehensive Plan; TDR units or any other density bonus shall not be included as part
9 of the permitted density for purposes of calculating the WHP density bonus.

10 **1) Full Incentive Developments Requesting a WHP Density Bonus up to and**
11 **including 50%**

12 For Full Incentive developments requesting a WHP density bonus of up to and
13 including 50%, upon request the Planning Director or designee shall provide a WHP
14 Determination Letter identifying the density bonus requested, and the total number of
15 WHP units required. This WHP Determination Letter is to be submitted by the
16 developer with the zoning or building permit application.

17
18
19 Part 13. ULDC Art. 5.G.1 Workforce Housing Program (WHP) (page 67-76 of 100, Supplement
20 25), is hereby amended as follows:

Reason for amendments: [Zoning]

- | |
|---|
| 1. Deletes current review process in its entirety for density bonuses greater than 30% |
| 2. Replaces it with new process per BCC direction, incorporating assessment of site-specific compatibility for density bonuses and for WHP site |

21 **2) Full Incentive Developments Requesting a WHP Density Bonus Greater than 50%**

22 For developments requesting a WHP density bonus of greater than 50%, the Planning
23 Director or designee shall review the request pursuant to the following process:

24 **a) Density Bonus Pre-Application Appointment**

25 Requests received for density bonuses greater than 50% shall be scheduled for
26 the next available Pre-Application Appointment, which shall be conducted regularly
27 by the Planning Division, according to a schedule published by the PZB
28 Department. Pre-Application Appointments shall include other appropriate County
29 Departments and agencies, as determined by the PZB Department. The
30 developer shall be required to participate in the Pre-Application Appointment for
31 the proposed development, to discuss the proposed development and unit types,
32 characteristics of the site and surrounding area, and other relevant factors.

33 **b) Factors for Consideration**

34 Staff shall consider the following factors in developing a maximum density and
35 density bonus recommendation.

36 **(1) The extent to which the proposed WHP units further County objectives:**

- 37 **(a) The intent to provide the workforce housing units on site;**
38 **(b) The intent to provide single-family and for-sale workforce housing units;**
39 **(c) The proximity of the location where the WHP units are to be provided to**
40 **employment centers;**
41 **(d) The concentration of households with incomes in the WHP income**
42 **categories, in the location where the WHP units are to be provided; and**

43 **(2) The potential impact of the proposed density bonus:**

- 44 **(a) The total number of units proposed, including any Transfer of**
45 **Development Rights;**
46 **(b) The compatibility with the character of the adjacent and surrounding area**
47 **in the location of the subject development.**

48 **c) Density Bonus Recommendation**

49 Within 10 days following the Pre-Application Appointment, the Planning Director or
50 designee shall provide a written WHP Letter of Determination identifying the
51 recommended maximum density bonus and the total number of WHP units
52 required, subject to further limitations due to property development regulations and
53 other factors in the development review process. The Planning Director or
54 designee shall provide the WHP Letter of Determination to the developer, DRO,
55 ZC, or BCC, whichever is appropriate and may include recommended conditions
56 of approval for the resulting development order.

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EXHIBIT B

ARTICLE 5 – WORK FORCE HOUSING

CR-2018-062
(Updated 04/16/2019)

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Part 14. ULDC Art. 5.G.1 Workforce Housing Program (WHP) (page 67-76 of 100, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Retains existing incentives, but allows for their use only for Full incentive developments, and limits use of the Flexible PDRs incentive only to Full Incentive Developments that provide all required WHP on site
2. Allows Flexible PDRs for the WHP unit type, in all pods where WHP is provided

f. Incentives Available under Full Incentive Option

1) Traffic Performance Standards Mitigation

a) WHP Special Methodologies

TPS mitigation shall be permitted for WHP developments in accordance with County Comprehensive Plan Transportation Element Policy 1.2-d (4).

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).

2) Expedited Review

The following expedited review processes may apply to a proposed WHP development:

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.

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.
- (2) If a subdivision plat is required, permits will be concurrently reviewed, but only issued at recording of the plat.
- (3) Pursuant to Art. 3.E.1.G.1.a, Permits, Building permits may be issued for sales offices, sales models, gate houses, entry features, and utilities may be issued prior to the recording of a final plat.

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.

b) Applicability

Full Incentive option developments providing all the required workforce 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.

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:
- (1) The regulations that are proposed to be modified.
- (2) The amounts and specifics of the requested deviation(s).
- (3) The areas within the development that the deviation(s) will be applied to.
- (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.

d) Site Plan Approval

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Any deviations sought pursuant to this subsection shall be reflected on site plans submitted for DRO approval.

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.

Part 15. ULDC Art. 5.G.1 Workforce Housing Program (WHP) (page 67-76 of 100, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Changes 'project' to 'development'

f) Option 1 - RT District

The zoning for parcels electing to use this option must be in compliance with Table 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts.

(1) RT PDR Deviations

Deviations from the minimum PDRs for the RT district with a LR-2 or LR-3 FLU designation may be in accordance with Table 5.G.1.E, RT Deviations for WHP, 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.

Table 5.G.1.E - 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 sf	85'	35%	100'	ND	ND
RT	TDR, WHP	LR-3	9,000 sf	65'	40%	80'	1st Floor 10'	1st floor – 15'
[Ord. 2006-055]								
Notes:								
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:

- (1) U/S Tier Only;
- (2) Development does not qualify to be a TND or use Option 1 or 3;
- (3) If the Subject Development has a LR-1, LR-2, LR-3 or MR-5 FLU designation, the project shall meet all requirements for and be approved as a PDD;

h) Option 3 - Flexible Regulations

Developments with MR-5, HR-8, HR-12, 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:

- (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.
- (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 PDR's: building coverage; and front and side street setbacks.
- (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.

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. 1.1.2.U.18, Usable Open Space for WHP.

j) Option 5 – Internal Incompatibility Buffers

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ARTICLE 5 – WORK FORCE HOUSING

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Required incompatibility buffers between SFD and MF units within a WHP development shall not be required.

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:

- (1) In the case of a civic site cash out, the deletion of the civic pod and increase in residential pod area; or,
- (2) The relocation of residential units to a civic pod, or the relocation of residential units where the civic pod is deleted.

Part 16. ULDC Art. 5.G.1 Workforce Housing Program (WHP) (page 67-76 of 100, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Deletes Table, which is generalized, does not adequately represent requirements
2. Requires Class A approval for all Density Bonuses exceeding 50%

3. Approval Process

Developments requesting density bonuses greater than 50% are subject to a Class A Conditional Use approval; approval processes for developments with density bonuses up to and including 50% are determined by the applicable thresholds in Articles 3 and 4 of the code.

Part 17. ULDC Art. 5.G.1 Workforce Housing Program (WHP) (page 67-76 of 100, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Incorporates BCC-directed declaration at Public hearing and use of expedited amendment process
2. Accommodates change of method prior to the issuance of 25% of permits at subject development
3. Requires recalculations for changes

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 development is not subject to public hearing. The declared method shall be included as a condition of approval.

2. Change of Declared Method

A change to the selected method cannot be requested after building permits have been issued for more than 25% 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 Article 2. Any necessary amendments to a recorded master covenant for the 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.

3. Recalculation

A change to a development’s unit total, unit type, 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 section 5.G.1.B.2.e. 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.

Part 18. ULDC Art. 5.G.1 Workforce Housing Program (WHP) (page 67-76 of 100, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Incorporates BCC-direction for WHP requirement discount if units delivered on-site as for-sale units
2. Incorporates BCC-directed conversion factor when off-site rentals are used to meet WHP obligation of for-sale developments
3. Requires municipal notification

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ARTICLE 5 – WORK FORCE HOUSING

CR-2018-062
(Updated 04/16/2019)

4. Methods Available

Several alternative methods are available for the disposition of a development's WHP obligation:

a. WHP On-site Construction Option

WHP units may be located on-site. For single-family or townhome for-sale developments using the Full Incentive Option, the number of required WHP units may be reduced by 20% if all required WHP units are to be provided as on site, for-sale, single family units, or reduced by 10% if provided as on site, for-sale, townhome units. Prior to final DRO approval, the developer shall identify on the plan the total number of WHP units proposed for development within each pod or phase, as applicable. Fifty percent of WHP units must receive certificates of occupancy prior to issuance of 50% 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% of the residential building permits in the subject development.

b. WHP Off-site Options

WHP units may be located off-site using the options listed below. For-sale 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 a builder exchange, shall have a WHP obligation 1.5 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 Off-site Option 3, Section 5.G.1.C.4.b.3).

Part 19. ULDC Art. 5.G.1 Workforce Housing Program (WHP) (page 67-76 of 100, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Relocates site control provision from general off-site section to applicable options
2. Incorporates BCC-directed Exchange Option

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% of the required WHP units to be constructed off-site prior to the issuance of no more than 50% 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% of the building permits in the subject development. The site plan, the 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% threshold identified in this paragraph.

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

The Off-site Construction/Exchange Builder Option shall be evaluated and a report provided to the Board of County Commissioners no later than 3 years from the effective date of this ordinance. Provision of required WHP units may be arranged by the developer of the subject development through another developer who will provide them off-site, subject to the following:

a) The exchange price shall be set by the County at 80% of the in lieu fee associated with the subject development.

b) Prior to issuance of the first residential building permit for the Subject Development, the developer of the Subject Development shall select one of the following two options:

(1) Demonstrate engagement of an exchange builder, who shall provide:

(a) Evidence of receipt of payment of the required exchange price;

(b) A detailed description of the proposed WHP project and site, including project location; the site's land use designation, zoning, and density bonus determination if applicable; the total number of proposed units by type,

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EXHIBIT B

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1 size, and income category; proposed development layout including the
2 number and type of buildings; proposed project schedule; and status of
3 any development approvals;

4 (c) Evidence of control of the proposed WHP site, through a recorded deed
5 or title, or an executed purchase agreement or purchase option, approved
6 by the County Attorney for legal sufficiency and by the County
7 Administrator or designee; and

8 (d) Guarantee acceptable to Palm Beach County and approved by the County
9 Attorney's office for an amount equal to 80% of the full in lieu fee. The
10 guarantee shall be for a term not to exceed 39 months, and of a type
11 described in Article 11.B.2.A.6.

12 (2) Provide guarantee acceptable to Palm Beach County and approved by the
13 County Attorney's office, for an amount equal to 100% of the in lieu fee. The
14 guarantee shall be for a term not to exceed 39 months, and of a type described
15 in Article 11.B.2.A.6. Prior to issuance of no more than 25% of the building
16 permits in the subject development, the developer of the Subject Development
17 shall have the option to replace the guarantee provided at first building permit
18 with items meeting the requirements of Paragraph (1) above. If the required
19 information is not provided or is not approved by the County Administrator or
20 designee, Palm Beach County shall file a claim against the guarantee for 100%
21 of the in lieu fees.

22 c) Prior to the end of the 36th month of the guarantee, all WHP units shall be issued
23 certificate of occupancy or a renewed guarantee shall be delivered by the
24 Exchange Builder to Palm Beach County. The terms of the renewed guarantee
25 shall be at the discretion of Palm Beach County, but in no case shall exceed a
26 additional three (3) months beyond the term of the original guarantee. The amount
27 of the renewed guarantee shall be prorated to reflect any WHP units already issued
28 certificates of occupancy. If neither the required WHP units nor an acceptable
29 renewed guarantee is delivered, Palm Beach County shall collect the guarantee.

30 d) If all WHP units are not issued certificates of occupancy prior to the issuance of
31 85% of certificate of occupancy for the Subject Development, Palm Beach County
32 shall collect the guarantee. The issuance of building permits on the Subject
33 Development shall not be stopped.

34 e) The site plan, the Restrictive Covenant, or other appropriate document shall be
35 amended to reflect the number of WHP units, including the number in each
36 applicable WHP income category, to be located on the receiving site(s). The
37 Planning Director or designee shall determine the appropriate document and the
38 timeframe for the modification, which shall be no later than the 85% threshold
39 identified in this paragraph.

3) Off-site Option 3 – Purchase of Market Rate Units

41 Purchase of existing market rate units to be deeded to the County, sold to eligible
42 households and deed restricted, or retained by the developer subject to recordation of
43 a deed restriction that meets the intent of this provision and subject to the conversion
44 factor pursuant to section 5.G.1.C.4.b if applicable. Prior to issuance of the first
45 residential building permit or final DRO approval for the subject development,
46 whichever comes first, all contracts or related agreements for any off-site option
47 evidencing site control and necessary approvals shall be approved by the County
48 Administrator, or designee. A minimum of 50-percent of the units must be purchased
49 and deeded to the County or deed restricted prior to the issuance of no more than 50%
50 of the residential building permits in the subject development. All market rate units
51 shall be purchased and deeded to the County or deed restricted prior to issuance of
52 no more than 85% of the CO's in the subject development. The market rate units shall
53 be approved by the Department of Housing and Economic Sustainability, and must
54 meet housing quality standards and criteria established by PBC. The site plan, the
55 Restrictive Covenant, or other appropriate document shall be amended to reflect the
56 number of WHP units, including the number in each applicable WHP income category,
57 to be located on the receiving site(s). The Planning Director or designee shall
58 determine the appropriate document and the timeframe for the modification, which
59 shall be no later than the 85% threshold identified in this paragraph.

60
61
62 **Part 20. ULDC Art. 5.G.1 Workforce Housing Program (WHP) (page 67-76 of 100, Supplement**
63 **25), is hereby amended as follows:**

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EXHIBIT B

ARTICLE 5 – WORK FORCE HOUSING

CR-2018-062
(Updated 04/16/2019)

Table with 1 column and 4 rows. Header: Reason for amendments: [Zoning]. Rows: 1. Requires PREM approval for donated land; 2. Increases in lieu fees, by unit type, per BCC direction; 3. Delays payment timeframe, to allow time for changes in method or other adjustments; 4. Creates method to address outstanding obligations due to limited on-site thresholds

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 and deeded to the County prior to issuance of 50% of the residential building permits in the Subject Development.

d. In-lieu Fee Option

- 1) In Lieu fees shall be: \$120,000 for single-family units, \$100,000 for townhouse units, and \$75,000 for multi-family units, as defined in Article 4 the ULDC. Beginning in (2 years after adoption of fee increase) 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 US. Bureau of Labor Statistics.
2) The in-lieu fees assessed for a 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.
3) Fees shall be paid prior to the issuance of 50% 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 Sustainability. The payment shall be deposited in the WHP Trust Fund maintained by the PBC Department of Housing and Economic Sustainability.

5. Developments with Outstanding Obligations

Developments approved prior to (insert effective date of this ordinance), which by that date have recorded a master covenant indicating that the WHP obligation will be met on site, received certificates of occupancy for at least 90% of approved units, and delivered a minimum of 50% of the required WHP units on site, may elect to pay the in-lieu fee for the balance of the obligation. This option is available only for units that have not been previously offered for rent or sale as WHP units. The in lieu amount shall be based on the applicable in lieu fee in effect at the time of the issuance of the first residential building permit for the subject development, and shall include interest, calculated from the date of the first residential building permit, using the rate in effect at the time of election, as set by the Florida Chief Financial Officer pursuant to Sec. 55.03(1), Fla. Stat.(2018). Upon payment of the required amount, the County shall schedule BCC consideration of amendments to the master covenant to reflect the revised disposition of the workforce obligation for the development. This provision shall sunset 90 days following the effective date.

Part 21. ULDC Art. 5.G.1 Workforce Housing Program (WHP) (page 67-76 of 100, Supplement 25), is hereby amended as follows:

Table with 1 column and 3 rows. Header: Reason for amendments: [Zoning]. Rows: 1. Creates a section to address delivery of units; 2. Adds release of covenant provision for Exchange Option developments; 3. Adds purchaser certification and rental restrictions to list of items to be addressed in Master Covenant

D. Delivery of WHP Units

Except as noted, the following section applies to 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.

1. For Sale Units

a. Restrictive Master Covenant

- 1) 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 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. Developments for which the in lieu fee has subsequently been paid to Palm Beach County as a result of the guarantee provided in the Exchange Builder Option, pursuant to Section 5.G.1.C.4.b.2), and no units subject to the WHP were provided

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prior to County receiving payment pursuant to the guarantee, may request that the Master Covenant be released.

2) The Restrictive Master 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 Sustainability, at or below the price established annually by Palm Beach County for the income category of the WHP 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 Sustainability; 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 WHP, and provide that every deed for sale of a WHP housing unit shall incorporate by reference the controlling Covenant and shall specify the income category associated with the unit.

Part 22. ULDC Art. 5.G.1 Workforce Housing Program (WHP) (page 67-76 of 100, Supplement 25), is hereby amended as follows:

Table with 1 column: Reason for amendments: [Zoning]. Rows include: 1. Creates a section to address initial sale requirements, which differ from subsequent sales; 2. Eliminates Pricing method from this section, as it has been relocated to general provisions at beginning of Chapter; 3. Adds subsections for purchaser eligibility certification, closing, and initial monitoring requirements

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.
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, Option 4 – In Lieu Payment, or can be distributed equally among the remaining income categories.
c) The price of a for-sale WHP 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 buyer 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 2 percent of the sales price.
d) Affordability restrictions remain in effect for 15 years recurring from the date of the certificate of occupancy for each 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.
e) Rental of for-sale units is permitted only under specific circumstances, for limited periods of time, and with prior approval by the Director of Department of Housing and Economic Sustainability based on criteria established by the Department.

2) Qualification and Certification of For-Sale Purchasers

WHP units shall be sold only to a purchaser certified by the Department of Housing and Economic Sustainability. HES 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 in categories 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 HES certification process shall be implemented according to procedures established and published by the Department.

3) Closing

- a) The process and requirements for closing of sales of WHP units shall be as set forth in County procedures.

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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 WHP Restrictive Master Covenant, and shall include the date of recordation of the Restrictive Master Covenant, and the Book and Page of the Official Record.

4) Compliance reporting during initial sales period

Beginning with the commencement of sales, until such time as all WHP units have been sold by the developer, the developer 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 the development where the WHP units are located, has been transferred.

Part 23. **ULDC Art. 5.G.1 Workforce Housing Program (WHP) (page 67-76 of 100, Supplement 25), is hereby amended as follows:**

Reason for amendments: [Zoning]
1. Relocates marketing requirements from Release of Obligation "Available for Purchase" section to Initial Sale Section
2. Exempts Exchange Builder Option and Purchase of Market Rate Unit Option from Marketing requirements
3. Incorporates stated intent for marketing of WHP units same as market rate
4. Establishes a marketing period of at least 180 days
6. Clarifies marketing requirements

5) Marketing of WHP Units

a) WHP Units Delivered through the Exchange Builder or Purchase of Market Rate Units 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. 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 for-sale WHP units delivered through these options.

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 the **Off-site Construction by Same Developer** options. The marketing requirements shall address the following, at minimum:

- (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.
- (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.
- (3) Prior to commencement of sales, the developer shall obtain from the Director of HES or designee a list of interested parties, WHP brochures, and informational packets which provides the qualification standards, terms of the Restrictive Master Covenant, where to go to get qualified, and other relevant information regarding the WHP units.
- (4) The developer shall provide notice of commencement of sales to the Planning Director or designee, the Director of HES, 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.
- (5) Within 10 days of receipt, the County shall provide written acknowledgement of the notice of commencement of sales.
- (6) The developer shall maintain in the sales office, and in the sales office of the subject development if the WHP units are located off-site, hard physical copies of the informational packets obtained from HES, available to any and all

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- 1 potential buyers. The developer shall also maintain hard physical copies of
2 the County's WHP brochure and prominent displays indicating that certain
3 units are available for purchase for qualified households subject to the WHP
4 provisions, and shall identify the location and availability timeframe for the
5 WHP units.
6 (7) The developer shall attend all housing workshops, fairs, orientations, and other
7 WHP events requested by HES during the marketing period, and shall present
8 information about the WHP units and purchase options.
9 (8) The developer shall maintain publicly accessible website landing pages for the
10 WHP units that are prominently displayed on the subject development's
11 primary webpage, starting at the time of commencement of sales of the market
12 rate units.
13 (9) The developer shall provide monthly documentation to the Planning Director
14 or designee demonstrating that the required materials are available in the
15 sales office and prominently displayed, that the developer is participating in
16 County WHP events, that the website for the WHP units is active and easily
17 accessed, and that marketing efforts for the WHP units are consistent with the
18 marketing efforts for the market-rate units. Documentation shall include
19 photographs of the required materials and displays demonstrating a prominent
20 location in the sales office, screenshots of webpages, copies of mailers, photos
21 of billboards, proof of television, radio, newspaper, or online advertisements,
22 for both market rate and WHP units, and shall include a log of visitors and
23 callers interested in the WHP units.
24 c) The County may conduct site visits and inspections to verify compliance with the
25 requirements of this section.
26
27

28 **Part 23. ULDC Art. 5.G.1 Workforce Housing Program (WHP) (page 67-76 of 100, Supplement**
29 **25), is hereby amended as follows:**

Reason for amendments: [Zoning]
1. Eliminates discounted in-lieu fee for Release of Obligation

- 30 **6) Release of Obligation**
31 Release of Obligation is available only for developments delivering the WHP required
32 units as for-sale units through the **WHP On-site Construction Option** or the **Off-site**
33 **Construction by Same Developer** disposition options. It is not the intent of the WHP
34 provisions to require a developer to commence construction on any WHP for sale unit
35 for which a valid and binding contract for purchase between developer and buyer has
36 not been executed. In the event WHP units have been marketed according to the
37 requirements of this Article and at least 75 percent of the for-sale market rate units of
38 the subject development have been issued certificates of occupancy, then the WHP
39 units are eligible to be released from the WHP obligations indicated in the Covenant
40 pursuant to the process below.
41 a) The developer shall provide written notice to the Planning Director or designee
42 requesting release of obligation and confirmation of the In-Lieu cash payment
43 amount. The request shall include documentation demonstrating that at least 75%
44 of the for-sale market rate units in the subject development have received
45 certificates of occupancy.
46 b) The County shall provide a written response to the developer, within ten 10
47 business days of receipt, indicating the County's agreement/disagreement with
48 request for release of obligation and confirming the amount of the required In-Lieu
49 cash payment.
50 c) Upon payment of the required In-Lieu cash payment, the WHP unit shall thereafter
51 be released from any and all obligations of the WHP requirements of the ULDC
52 and the County shall provide written confirmation that the unit has been released,
53 inclusive of release from the Covenant.
54 d) Should a developer wish to appeal the Planning Director's determination that a
55 development has not met the requirements for a release of obligation, the appeal
56 shall be pursuant to Article 2.A.14.C.2.d. of the ULDC
57
58

59 **Part 23. ULDC Art. 5.G.1 Workforce Housing Program (WHP) (page 67-76 of 100, Supplement**
60 **25), is hereby amended as follows:**

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Reason for amendments: [Zoning]
1. Creates new section to guide individual owners in subsequent sales and annual reporting requirements using existing affordability timeframes and review procedures and reporting requirements

c. Process for Subsequent Sales

1) Pricing/affordability

- a) Affordability restrictions remain in effect for 15 years recurring from the date of the certificate of occupancy for each 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.
- b) An owner intending to sell a WHP 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 at the time of approval for the unit’s income category shall be the sales floor. No WHP unit is required to be sold at a price below the sales floor, though a seller may opt to do so.

2) HES 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 Sustainability. Unit owners shall refer prospective purchasers to HES, 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 HES certification process shall be implemented according to procedures established and published by the Department.

3) Closing

- a) The process and requirements for closing of sales of WHP units shall be as set forth in County procedures.
- 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 WHP Restrictive Master Covenant, and shall include the date of recordation of the Restrictive Master Covenant, and the Book and Page of the Official Record.

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.

Part 24. ULDC Art. 5.G.1 Workforce Housing Program (WHP) (page 67-76 of 100, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Creates new section which brings together the existing requirements for rentals, currently intertwined with requirements for for-sale units

2. Rental Units

a. Restrictive Master Covenant

- 1) 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 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. Developments for which the in lieu fee has subsequently been paid to Palm Beach County as a result of the guarantee provided in the Exchange Builder Option, pursuant to Section 5.G.1.C.4.b.2), and no units subject to the WHP program were provided prior to County receiving payment pursuant to the guarantee, may request that the Master Covenant be released.
- 2) The 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 development, at or below the

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prices 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 first occupancy of each WHP 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 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 WHP. Every deed for a rental development with WHP housing units and every rental agreement for each WHP unit shall incorporate by reference the controlling Covenant.

b. Pricing/Affordability

- 1) All required WHP units shall be rented only in the designated income categories corresponding to the WHP obligation of the development, at or below the prices established annually by Palm Beach County.
2) Affordability restrictions remain in effect for a period of 30 years (non-recurring) for each rental unit, from the date of first occupancy of the 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.
3) The rent prices shall be updated annually by the Planning Director, or designee, based on the monthly rent ranges published annually for the Florida Housing Finance Corporation Multi-Family Rental Programs, by number of bedrooms, for the following income ranges: 60 to 70%; 70 to 80%; 80 to 90%; 90 to 100%; 100 to 110%; 110 to 120%; 120 to 130%; and 130 to 140% of MFI. The minimum WHP price initially established at the time of approval for each rental unit within each WHP income category shall be the rental floor throughout the thirty (30) year affordability period, for the purposes of annual price updates. No WHP unit is required to be rented at a price below the sales floor, though an owner may opt to do so.
4) Owners of WHP rental units may choose to include one or more utilities for the unit in the base rental price. Units that do not include utilities must provide a utility allowance in the form of a rent reduction based on the number of bedrooms, according to a schedule established by the Planning Division. Utilities shall include, but not be limited to, water, sewer, gas and electric. When one or more utility cost(s) are included within the WHP unit rent price, and reasonable, reliable and verifiable documentation is provided that indicates the total utility cost included within the WHP unit rent price meets or exceeds the stated utility allowance cost, then the utility allowance requirement would be waived. If the utility costs are less than the prescribed utility allowance, the difference shall be credited to the WHP resident's rent cost.

Part 25. ULDC Art. 5.G.1 Workforce Housing Program (WHP) (page 67-76 of 100, Supplement 25), is hereby amended as follows:

Table with 2 rows: Reason for amendments: [Zoning]; 1. New and existing provisions grouped in a rental section, to clarify rental process and obligations; 2. Delete provision for default of sale following contract

c. Income Qualification of Tenants

WHP units shall be rented only to an income-qualified household. The verification of prospective tenants as income-qualified for the rental unit category, pursuant to the requirements of this Article, is the responsibility of the rental unit owner or designated management company.

d. Marketing of WHP Rental Units

Marketing of WHP rental units is the responsibility of the rental unit owner or designated management company.

e. Commencement of Rentals

The owner of the rental WHP unit(s) shall provide the Planning Director, or designee, with notice of the date of occupancy of the first WHP unit.

f. 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. The owner of the WHP units shall also provide notice to the

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Planning Director or designee of a change in management company no later than 30 days after the change occurs.

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 WHP Restrictive Master Covenant, and shall include the date of recordation of the Restrictive Master Covenant, and the Book and Page of the Official Record.

Part 26. ULDC Art. 5.G.1 Workforce Housing Program (WHP) (page 67-76 of 100, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]
1. No change

E. Enforcement

The County may enforce the requirements of the WHP 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, reclassification of a lesser unit to another income category, and tolling of the 15-year recurring term of for sale units or the 30 year non-recurring term for rental units of the WHP.

Part 27. ULDC Art. 5.G.3 Transfer of Development Rights (TDRs) Special Density Program (page 87 of 100, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]
1. In Article 5, Chapter G, Section 3 Transfer of Development Rights (TDRs) – Special Density Program, revises the required percentage of Transfer of Development Rights that must be provided as WHP, from 35% to 34%, consistent with the percentage required in a Workforce Housing Density Bonus. This implements a portion of the Comprehensive Plan Amendment transmitted in January 2019.

CHAPTER G,

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

I. TDR Density Bonus Limitations

1. WHP 34 Percent Requirement

In accordance with FLUE Policy 2.6-a.5 of the Plan, ~~35~~ 34 percent of all TDR density bonus units shall be provided as WHP units. These units shall be constructed on site; comply with the affordability range requirements of Table 5.G.1.B, Workforce Housing Program and Art. 5.G.2.F, Affordability Requirements; and, Art. 5.G.1.C, Development Options. The project shall only be eligible to apply for the following WHP incentives: Art. 5.G.1.E.2, Traffic Performance Standards Mitigation; Art. 5.G.1.E.3, Expedited Review; and, Art. 5.G.1.E.4, Density Bonus Development Options. . [Ord. 2008-003] [Ord. 2011-001]

Part 27. ULDC Art. 5.G.3 Transfer of Development Rights (TDRs) Special Density Program (page 87 of 100, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]
1. In Article 5, Chapter G, Section 3 Transfer of Development Rights (TDRs) – Special Density Program, revises the required percentage of Transfer of Development Rights that must be provided as WHP, from 35% to 34%, consistent with the percentage required in a Workforce Housing Density Bonus. This implements a portion of the Comprehensive Plan Amendment transmitted in January 2019.

G. Transfer of Development Rights (TDRs) 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.

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- 1 **2. Establishment of Development Rights for the Bank**
2 Development rights for the TDR Bank shall be generated from environmentally sensitive lands
3 purchased by PBC, including the priority acquisition sites meeting the criteria in Art. 5.G.3.F.2,
4 Eligible Sending Areas, through August 30, 1999. Priority acquisition sites in the
5 unincorporated area of PBC which are not purchased as part of the acquisition program shall
6 maintain the opportunity to transfer development rights on the private market. The TDR Bank
7 shall be maintained by the Executive Director of PZB and shall be reviewed in accordance with
8 the FLUE of the Plan to determine the need for additional units.
9 Development rights in the TDR Bank generated under the TDR Program shall remain in the
10 TDR Bank until sold by PBC, the TDR Bank is dissolved, or the units are otherwise disposed
11 of.
- 12 **3. Transfer Rate From the Purchase of Environmentally Sensitive Lands**
13 **a. Land Purchased Inside the U/S Tier**
14 The number of development rights within the bank shall equal the maximum density
15 allowed by the FLU designation as established by the applicable PBC or municipal
16 Comprehensive Plan.
17 **b. Land Purchased Outside the US Tier**
18 The number of development rights severed, or generated for the bank, shall equal the TDR
19 transfer rate established in Art. 5.G.3.F, Sending Areas.
- 20 **4. The Application, Sale, and Value of Development Rights**
21 PBC may sell development rights to property owners who meet the receiving area criteria
22 pursuant to this Chapter.
23 **a.** A property owner seeking an increase in density must apply to become a receiving area
24 and submit a draft Contract for Sale and Purchase of Development Rights. **[Ord. 2011-**
25 **001]**
26 **b.** The value and price of a development right shall be set annually by the BCC. No TDR price
27 or price reduction other than those included in this Section shall be permitted. The County
28 shall utilize the median sales price data established by the Realtors Association of the Palm
29 Beaches, using data for the month of March to set the price each year: **[Ord. 2011-001]**
30 **[Ord. 2012-027]**
31 1) For single-family units (single family, zero-lot-line and townhouse) the price shall be
32 ten percent of the median sales price of FRA single-family, existing homes data; **[Ord.**
33 **2011-001]**
34 2) For multi-family units the price shall be ten percent of the median sales price of FRA
35 existing condominiums data. **[Ord. 2011-001]**
36 **c.** For proposals including a mix of single family and multi-family units the TDR units shall
37 proportionally reflect the unit mix of the non TDR units. **[Ord. 2011-001]**
38 **d.** Additional prices for TDR units shall be as follows: **[Ord. 2011-001]**
39 1) For TDR units located within an area that has a BCC accepted Neighborhood Plan,
40 and the proposed density increase is identified within or supported by the
41 Neighborhood Plan, the TDR price shall be 75 percent of full TDR price as established
42 in 4.b.1 and 2 above; **[Ord. 2011-001] [Ord. 2012-003]**
43 2) For TDR units located within a CCRT area the TDR price shall be 25 percent of full
44 TDR price as established in 4.b. 1 and 2 above; **[Ord. 2011-001]**
45 3) Workforce Housing TDR units shall be five percent of full TDR price as established in
46 4.b. 1 and 2 above; and, **[Ord. 2011-001]**
47 4) Affordable Housing TDR units shall be one percent of full TDR price as established in
48 4.b.1 and 2 above. The dollar difference between the TDR price and the Affordable
49 Housing TDR price can be used as a price waiver to be counted as part of the local
50 government contribution for housing funding application purposes. **[Ord. 2011-001]**
51 **e.** Applicants may request Workforce Housing TDR units at greater than the required
52 percentage (~~35~~ 34 percent), however in order to receive the Workforce Housing TDR price,
53 those additional Workforce Housing TDR units (>~~34~~ 35 percent) must be priced for WHP
54 low income (60-80 percent of AMI) households only. **[Ord. 2011-001]**

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04-15-2019 (with fixed cross references).docx

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.

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Exhibit B-2

Workforce Housing Comparison Chart

WCRA shall be identified in the Restrictive Covenant, including timeframes and income categories.
2) Other Tiers
 The WHP may be required by the Board of County Commissioners in developments in other Tiers through conditions of approval.

Table 5.G.1.B – Workforce Housing Program

Applicability	Threshold	Required ≥ or = to 10 residential dwelling units
Location:	Tier or Overlay	U/S
	ELLJ (4)	LR-1, LR-2, LR-3, MR-5, HR-8, HR-12, HR-18, UC and UI
Density Bonus Incentive		
	LR-1 thru LR-3	up to 30%
	MR-5 thru HR-18 (2)	up to 100% (Pre-App required for > 30%)
	UC or UI	N/A
Required % of WHP Units (3)		
	Standard Density	5%
	Maximum Density	16%
	WHP Density Bonus	34%
	UC or UI	15%
Required WHP Ranges (4)(6)		
	Low (60-80%)	25%
	Moderate 1 (> 80-100%)	25%
	Moderate 2 (> 100-120%)	25%
	Middle (> 120 or ≤ 140%)	25%
Provision of Units		
Option 1	Construct units off site. (Art. 5.G.1.G.1)	
Option 2	Purchase existing market rate units and deed to the County or sell to eligible households and deed restrict. (Art. 5.G.1.G.2)	
Option 3	Donate build-able land acceptable to the County in an amount = or > then the buyout cost. (Art. 5.G.1.G.3)	
Option 4	In-lieu Payment. (Art. 5.G.1.G.4)	
	[Ord. 2006-055] [Ord. 2007-013] [Ord. 2010-005] [Ord. 2010-022]	
Notes:		
1.	Shall also apply to mixed use projects with applicable underlying FLLU designations for Commercial and Industrial Mixed Use Development. [Ord. 2006-055]	
2.	A density bonus of > 30% shall be permitted subject to meeting the additional standards of Art. 5.G.1.H. Additional Requirements for > 30% Density Bonus. [Ord. 2006-055]	
3.	Percentages shall be rounded up to the nearest whole number. [Ord. 2006-055]	
4.	Based on County Median Income. Where assigning units to a category, priority may be given to middle income first, proceeding downward to low income (i.e., where 3 units are required, the first shall be middle [≥ 120 or ≤ 140%], the 2 nd Moderate 2 [≥ 100-120%], and the 3 rd Moderate 1 [≥ 80-100%]). This does not prohibit allowing higher numbers of lower income units. [Ord. 2006-055] [Ord. 2007-013] [Ord. 2010-005]	
5.	All units not located on site shall comply with requirements of onsite units. [Ord. 2006-055] [Ord. 2010-005]	
6.	UC or UI applications: Consideration may be given to additional affordable housing household incomes in developments requesting all or a portion of the 15% unit requirement within their proposal be based on the programmatic requirements imposed by a governmental agency providing affordable housing funding or by an entity with programmatic requirements (e.g., Habitat for Humanity or a Community Land Trust). The final determination is to be made by the Planning Director or designee. [Ord. 2010-022]	

• Relocates and groups together existing provisions regarding developments with both WHP and AHP, including footnote #6 from Table 5.G.1.B (for UI and UC)
 • Deletes nursing homes from list of residential exemptions, as nursing homes are now classified as institutional uses rather than residential uses

- e. **Exemptions**
 - 1) Developments utilizing the AHP;
 - 2) All congregate living facilities (CLFs)
- f. **Developments with Both WHP and AHP**
 If a development includes both WHP and AHP units, the Planning Director or designee shall make a determination as to which program shall be followed, considering the affordable housing programmatic requirements of the governmental or other agency providing affordable housing funding.

- e. **Exemptions**
 - 1) Developments a. Projects utilizing the AHP shall not be subject to the requirements of the WHP;
 - 2) b. All congregate living facilities (CLFs); and nursing or convalescent facilities.
- f. **Developments with both 4. When WHP and AHP Units are Proposed**
 If a development includes both WHP and AHP units, the Planning Director or designee shall make a determination as to which program shall be followed, when projects include units targeting both income groups, considering the affordable housing programmatic requirements of the governmental or other agency providing affordable housing funding.

Exhibit B-2

Workforce Housing Comparison Chart

<ul style="list-style-type: none"> • Adds a definitions section • Incorporates income ranges currently embedded in Table 5.G.1.B. and eliminates requirement for Middle Income for-sale units • Cites source of base income number, and includes intent to distribute units equally • Relocates and clarifies language currently in Affordability Requirements Section • Clarifies rounding method • Relocates and clarifies existing text and clarifies regarding unencumbered units • Breaks down rental pricing further, into income brackets of 10 percent of AMI 	<p>3. Program Standards</p> <p>a. Definitions</p> <p>1) Subject Development For the purposes of the WHP, the subject development includes the overall boundary and total acreage of the project generating the acreage of the project generating the WHP obligation, regardless of whether the required WHP units will be provided on that site.</p> <p>2) Developer The developer of the subject development.</p> <p>3) Exchange Builder The builder of the development where the WHP units shall be delivered through the Off-site Construction/Exchange Builder option.</p> <p>b.3. Income Ranges Categories There are four targeted income range categories in the WHP pursuant to Table 5.G.1.B. Workforce Housing Program. Applicants shall not be required to provide units in a category when the category price is greater than the median sales price for the County. These units would be eligible for the In-Lieu payment pursuant to Art. 5.G.1.G.4. Option 4. In-Lieu Payment, or distributed equally among the remaining targeted income ranges, which are determined from the Median Family Income (MFI), also known as Area Median Income (AMI), published annually for Palm Beach County by the U.S. Department of Housing and Urban Development, as follows:</p> <ol style="list-style-type: none"> 1) Low Income (60 to 80% MFI); 2) Moderate 1 Income (>80 to 100% of MFI); 3) Moderate 2 Income (>100 to 120% of MFI); 4) Middle Income (>120 to 140% of MFI).
<p>3. Program Standards</p> <p>a. Definitions</p> <p>1) Subject Development For the purposes of the WHP, the subject development includes the overall boundary and total acreage of the project generating the WHP obligation, regardless of whether the required WHP units will be provided on that site.</p> <p>2) Developer The developer of the subject development.</p> <p>3) Exchange Builder The builder of the development where the WHP units shall be delivered through the Off-site Construction/Exchange Builder option.</p> <p>b.3. Income Ranges Categories There are four targeted income range categories in the WHP pursuant to Table 5.G.1.B. Workforce Housing Program. Applicants shall not be required to provide units in a category when the category price is greater than the median sales price for the County. These units would be eligible for the In-Lieu payment pursuant to Art. 5.G.1.G.4. Option 4. In-Lieu Payment, or distributed equally among the remaining targeted income ranges, which are determined from the Median Family Income (MFI), also known as Area Median Income (AMI), published annually for Palm Beach County by the U.S. Department of Housing and Urban Development, as follows:</p> <ol style="list-style-type: none"> 1) Low Income (60 to 80% MFI); 2) Moderate 1 Income (>80 to 100% of MFI); 3) Moderate 2 Income (>100 to 120% of MFI); 4) Middle Income (>120 to 140% of MFI). 	<p>3. Program Standards</p> <p>a. Definitions</p> <p>1) Subject Development For the purposes of the WHP, the subject development includes the overall boundary and total acreage of the project generating the WHP obligation, regardless of whether the required WHP units will be provided on that site.</p> <p>2) Developer The developer of the subject development.</p> <p>3) Exchange Builder The builder of the development where the WHP units shall be delivered through the Off-site Construction/Exchange Builder option.</p> <p>b. Income Categories There are four targeted income categories in the WHP, which are determined from the Median Family Income (MFI), also known as Area Median Income (AMI), published annually for Palm Beach County by the U.S. Department of Housing and Urban Development, as follows:</p> <ol style="list-style-type: none"> 1) Low Income (60 to 80% MFI); 2) Moderate 1 Income (>80 to 100% of MFI); 3) Moderate 2 Income (>100 to 120% of MFI); 4) Middle Income (>120 to 140% of MFI).
<p>1. Sales and Rental Prices of WHP Units</p> <p>c. Pricing All required WHP units shall be offered for sale or rent at an attainable housing cost for each of the targeted income ranges. The sale and rent prices shall be updated annually by the Planning Director, or designee, shall annually set and publish WHP sale and rent prices for all income categories, with</p> <ol style="list-style-type: none"> 1) The sale prices shall be derived as follows, based on the Area Median Income (AMI), and the household income limits for PBC Median Family Income for Palm Beach County (West Palm Beach/Boca Raton metropolitan statistical area) for a family of four, which pricing shall not be adjusted based on the number of occupants as published annually by the U.S. Department of Housing and Urban Development HUD (sale price-household income figure multiplied by three and priced at adjusted to the midpoint middle of each of the four WHP income categories: low (70%), moderate 1 (90%), moderate 2 (110%), middle (130%), and 2) The rental prices shall be based on the monthly rent ranges published annually for the Florida Housing Finance Corporation Multi-Family Rental Figures Programs, and shall reflect income deciles within WHP income categories and as adjusted for number of bedrooms in WHP rental units. 3) The minimum WHP price initially established at the time of approval for each for sale unit within each WHP category range will be the sales floor. This sales floor shall serve as the minimum sales price point required throughout the applicable deed restriction time frame. The minimum WHP price initially established at the time of approval for each rental unit within each WHP income category range will be the rental floor. This rental floor shall serve as the minimum rental price point required throughout the thirty (30) year term of this Covenant. 	<p>c. Pricing The Planning Director or designee shall annually set and publish WHP sale and rent prices for all income categories.</p> <ol style="list-style-type: none"> 1) For-sale WHP 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%), moderate 1 (90%), and moderate 2 (110%). 2) Rental WHP units shall target all 4 WHP income categories. Rent ranges shall be based on the monthly rent ranges published annually for the Florida Housing Finance Corporation Multi-Family Rental Programs, by number of bedrooms, for the following income ranges: 60 to 70%; 70 to 80%; 80 to 90%; 90 to 100%; 100 to 110%; 110 to 120%; 120 to 130%; and 130 to 140% of MFI. 3) The minimum WHP price initially established at the time of approval for each for sale unit within each WHP category range will be the sales floor. This sales floor shall serve as the minimum sales price point required throughout the applicable deed restriction time frame. The minimum WHP price initially established at the time of approval for each rental unit within each WHP income category range will be the rental floor. This rental floor shall serve as the minimum rental price point required throughout the thirty (30) year term of this Covenant.

Workforce Housing Comparison Chart

<p>d. Assignment of the Required WHP Units WHP required units are intended to be distributed equally among all required income categories pursuant to Section 1.B. Program Options or conditions of approval. Where assigning units to income categories, units shall be assigned first priority may be given to highest income category first, proceeding downward to low income (i.e., where 3 units are required, the first shall be middle [$> 40\%$ or $\leq 40\%$]; the 2nd Moderate-2 [$> 100-420\%$]; and the 3rd Moderate-1 [$> 80-100\%$]). This does not prohibit a developer from providing allowing higher numbers of lower income units.</p> <p>e. Calculations Calculations of the WHP density bonus and WHP obligation shall be performed using two decimal places, and standard rounding applied at the end.</p> <p>2. Limitations</p> <p>f. Unencumbered Units Units used to meet a WHP obligation shall not be units which are income-restricted as a result of funding or other requirements of any other program. WHP units shall not be subject to restrictions beyond WHP income qualifications.</p>	<p>d. Assignment of the Required WHP Units WHP required units are intended to be distributed equally among all required income categories pursuant to Section 1.B. Program Options or conditions of approval. Where assigning units to income categories, units shall be assigned first priority may be given to highest income category first, proceeding downward to low income (i.e., where 3 units are required, the first shall be middle [$> 40\%$ or $\leq 40\%$]; the 2nd Moderate-2 [$> 100-420\%$]; and the 3rd Moderate-1 [$> 80-100\%$]). This does not prohibit a developer from providing allowing higher numbers of lower income units.</p> <p>e. Calculations Calculations of the WHP density bonus and WHP obligation shall be performed using two decimal places, and standard rounding applied at the end.</p> <p>2. Limitations</p> <p>f. Unencumbered Units Units used to meet a WHP obligation shall not be units which are income-restricted as a result of funding or other requirements of any other program. WHP units shall not be subject to restrictions beyond WHP income qualifications.</p>
<ul style="list-style-type: none"> • Brings forward the affordability requirements currently in the Limited Incentive and the Master Covenant Sections • Ensures WHP unit exteriors are compatible, models are available, and minimum appliances are provided. • Adds BCC-directed bedroom requirements 	<p>g. Affordability Periods</p> <p>1) For-sale units All for sale WHP units shall be income restricted for a period of 15 years (recurring). 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.</p> <p>2) Rental units All rental WHP units shall be income restricted for a period of 30 years (non-recurring).</p>
<p>g. Affordability Periods</p> <p>d. 1) For-sale units All for sale units shall be income restricted for a period of 15 years (recurring). Each WHP unit shall be sold, resold, or rented only to Low or Moderate + income-qualified households and the WHP restrictions remain in effect for 15 years from the date each unit is first purchased or rented. 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.</p> <p>e. 2) Rental units All rental WHP units shall be within a rental development utilizing this development option will be required to be income restricted for a period of 30 years (non-recurring).</p>	<p>g. Affordability Periods</p> <p>d. 1) For-sale units All for sale units shall be income restricted for a period of 15 years (recurring). Each WHP unit shall be sold, resold, or rented only to Low or Moderate + income-qualified households and the WHP restrictions remain in effect for 15 years from the date each unit is first purchased or rented. 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.</p> <p>e. 2) Rental units All rental WHP units shall be within a rental development utilizing this development option will be required to be income restricted for a period of 30 years (non-recurring).</p>

Workforce Housing Comparison Chart

<p>h. Design Standards</p> <p>1) Compatible Design and Unit Features</p> <p>a) The exteriors of WHP units shall be designed compatible with market rate units in the development.</p> <p>b) If models are provided for market rate units, models shall also be provided for WHP units concurrently; and</p> <p>c) At minimum, all for-sale WHP units shall include a refrigerator, range, built-in microwave, dishwasher, washer and dryer.</p> <p>2) Number of Bedrooms</p> <p>a) For Sale WHP Units</p> <p>(1) <i>All for-sale WHP units shall have a minimum of two bedrooms, and 25% of the for-sale WHP units shall have a minimum of three bedrooms</i></p> <p>(2) <i>All for sale WHP units shall have a minimum of three bedrooms</i></p> <p>b) Rental WHP Units</p> <p>(1) <i>No minimum number or size of bedrooms applies to rental WHP units.</i></p>	<p>D.h Design Requirements Standards</p> <p>1) Compatible Design and Unit Features</p> <p>a) The exteriors of WHP units shall be designed consistent compatible with market rate units in the development</p> <p>b) The developer of the WHP units shall make available one or more of the following:</p> <p>(1) a representative WHP model at the WHP site;</p> <p>(2) a representative WHP model at a different location in Palm Beach County; or</p> <p>(3) a market rate model with information delineating the differences between the market rate model and the WHP units.</p> <p>c) At minimum, all for-sale WHP units shall include a refrigerator, range, built-in microwave, dishwasher, washer and dryer.</p> <p>2) Number of Bedrooms</p> <p>a) For Sale WHP Units</p> <p>(1) All for-sale WHP units shall have a minimum of two bedrooms, and 25% of the for-sale WHP units shall have a minimum of three bedrooms</p> <p>(2) All for sale WHP units shall have a minimum bedroom size of 100 square feet.</p> <p>b) Rental WHP Units</p> <p>(1) No minimum number or size of bedrooms applies to rental WHP units</p>
<ul style="list-style-type: none"> • Deletes No Incentive Option per BCC-direction • Revises Limited Incentive Option to provide density bonus as the only incentive • Establishes max density bonus of 50% under Limited Incentive Option, and streamlines the path by making it automatically available, and eliminating current process requiring a pre-application in order to then receive half the bonus <p>B. Program Options</p> <p>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.</p> <p>1. Limited Incentive Option</p> <p>a. Intent</p> <p>The Limited Incentive Option minimizes the WHP obligation, and allows only a limited density bonus as an incentive.</p> <p>b. Incentives Available</p> <p>The only incentive available through the Limited Incentive Option shall be a density bonus; the density bonus shall not exceed 50% of the permitted density.</p> <p>c. Amount of WHP Required</p> <p>The required percentage of WHP units shall be 2.5% of Standard Density; 8% of Maximum Density; and 17% of any WHP Density Bonus. The WHP obligation may be further modified by the disposition option selected, per section 5.G.1.C.4. The number of WHP units required shall be identified by the Planning Director or designee in a WHP Letter of Determination.</p> <p>d. Pricing of Workforce Housing Units</p> <p>Fifty percent of the required WHP units shall be provided in the low income category and 50% of the required WHP units shall be provided in the moderate 1 income category.</p> <p>e. WHP Letter of Determination for Limited Incentive Developments</p>	<p>CB. Development Program Options</p> <p>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.</p> <p>1. No Incentives</p> <p>A proposal requesting no additional WHP density bonus; TDR units; WHP TPS special methodology mitigation; WHP expedited review; WHP site plan regulation options; or any additional WHP incentive shall comply with the following:</p> <p>a. All dwelling units proposed shall be required to target households with incomes from 60 percent to 140 percent of AMI.</p> <p>b. To be eligible no more than 90 percent of the total project units can be built within any one of the four targeted income categories; all other units must be built in any one or any combination thereof of the remaining three income categories.</p> <p>c. All for sale units which includes attached and detached housing types shall be required to be income restricted for a period of 7 years (non-recurring)</p> <p>d. All units within a rental development utilizing this development option will be required to be income restricted for a period of 30 years (non-recurring).</p> <p>e. Projects developed under this option shall not be permitted to utilize the payment in lieu of construction provisions as outlined in Art. 5.G.1.B.3, Income Ranges or Art. 5.G.1.1.5, Release of Obligation to Construct WHP For Sale Units.</p> <p>2. Limited Incentive Option</p> <p>a. Intent</p> <p>The Limited Incentive Option minimizes the WHP obligation, and allows only a limited density bonus as an incentive.</p> <p>b. Incentives Available</p> <p>The only incentive available through the Limited Incentive Option shall be a density bonus; the density bonus shall not exceed 50% An applicant may receive no more than 50 percent of the potential permitted density bonus as provided in this Chapter.</p> <p>ac. Amount of WHP Required</p> <p>The required percentage of WHP unit shall be will also be limited to: 2.5% percent of Standard Density; 8 % percent of PUD Maximum Density and 17 % percent of any the WHP density bonus. The WHP obligation may be further modified by the disposition option selected, per section 5.G.1.C.4. The number of WHP units required shall be identified by the Planning Director or designee in a WHP Letter of Determination.</p> <p>b.d. Pricing of Workforce Housing Units</p> <p>Fifty percent 50% of the required WHP units shall be provided in the set-aside for low income category households (households that earn between 60 percent and 80 percent of the County's median income) and 50% percent of the required WHP units shall be provided in the set-aside for moderate 1 income category households (households that earn between 80 percent and 100 percent of the County's median income).</p> <p>c. The WHP TPS special methodology mitigation, the WHP expedited review, the WHP site plan regulation options and any additional WHP incentives will be available if requested.</p>

Workforce Housing Comparison Chart

<p>Developments opting for the Limited Incentive Option are eligible for a maximum density bonus of 50% 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.</p> <p>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, subject to further limitations due to property development regulations and other factors in the development review process. This WHP Determination Letter is to be submitted by the developer with the zoning or building permit application.</p>	<p>d. All for-sale units shall be income restricted for a period of 15 years (recurring). Each WHP unit shall be sold, resold, or rented only to Low- or Moderate- income-qualified households and the WHP restrictions remain in effect for 15 years from the date each unit is first purchased or rented. 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.</p> <p>e. All units within a rental development utilizing this development option will be required to be income restricted for a period of 30 years (non-recurring).</p> <p>WHP Letter of Determination for Limited Incentive Developments <u>Developments opting for the Limited Incentive Option are eligible for a maximum density bonus of 50% 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.</u></p> <p>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, subject to further limitations due to property development regulations and other factors in the development review process. This WHP Determination Letter is to be submitted by the developer with the zoning or building permit application.</p>
<ul style="list-style-type: none"> • Provides additional details for Full incentive program, currently found in Table 5.G.1.B <p>2. Full Incentive Option</p> <p>a. Intent The Full Incentive Option offers several incentives, including a density bonus, and requires an increased amount of workforce housing.</p> <p>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% of permitted density, pursuant to the Density Bonus process in section 5.G.1.B.2.e.</p> <p>c. Amount of WHP required The required percentage of WHP units shall be 5% of Standard Density; 16% of Maximum Density and 34% of any WHP density bonus used. The WHP obligation may be further modified by the disposition option selected, per section 5.G.1.C.4. 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 section 5.G.1.B.2.e below.</p> <p>d. Pricing of Workforce Housing Units Units shall be priced in all applicable income categories, pursuant to Section 5.G.1.A.3.c.</p> <ul style="list-style-type: none"> • Increases max potential density bonus to 100% under Full Incentive Option • Increases threshold for automatic density bonus to 50%, from current 30% 	<p>2. Full Incentive Option</p> <p>a. Intent The Full Incentive Option offers several incentives, including a density bonus, and requires an increased amount of workforce housing.</p> <p>b. Incentives Available A development selecting the Full Incentive Option shall have A proposal requesting consideration for all available all applicable WHP incentives provided in this Section below, as indicated in the following Table 5.G.1.B. Workforce Housing Program, and following text, including a density bonus of up to 100%, pursuant to the Density Bonus process in section 5.G.1.B.2.e.</p> <p>c. Amount of WHP required The required percentage of WHP units shall be 5% of Standard Density; 16% of Maximum Density and 34% of any WHP density bonus used. The WHP obligation may be further modified by the disposition option selected, per section 5.G.1.C.4. 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 section 5.G.1.B.2.e below.</p> <p>d. Pricing of Workforce Housing Units Units shall be priced in all applicable income categories, pursuant to Section 5.G.1.A.3.c.</p>
<ul style="list-style-type: none"> • Density Bonus Determination for Full Incentive Developments <p><i>Developments opting for the Full Incentive Option are eligible for a density bonus of up to 100% 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.</i></p> <p>1) Full Incentive Developments Requesting a WHP Density Bonus up to and including 50% <i>For Full Incentive developments requesting a WHP density bonus of up to and including 50%, 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.</i></p>	<p>e. Density Bonus Determination for Full Incentive Developments <u>All projects with 10 or more residential units shall be eligible for WHP incentives:</u></p> <p>1. Density Bonus <u>Table 5.G.1.B. Workforce Housing Program delineates the ranges of density bonus allowed for the WHP. Developments opting for the Full Incentive Option are eligible for a density bonus of up to 100% of permitted density. For the purposes of this Subsection, permitted density shall be the number of units allowed by the standard and density allowed by the Plan; or the maximum density allowed by pursuant to the Comprehensive 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 WHP density bonus. To ensure compliance with the compatibility requirement of HE Objective 1.5 of the Plan, projects requesting a density bonus greater than 30 percent shall be subject to the requirements of Table 5.G.1.E. Review Process, and Art. 5.G.1.H. Additional Requirements for > 30% Density Bonus.</u></p> <p>1) Full Incentive Developments Requesting a WHP Density Bonus up to and including 50% <u>For Full Incentive developments requesting a WHP density bonus of up to and including 50%, 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.</u></p>

Workforce Housing Comparison Chart

<p>• Deletes current review process in its entirety for density bonuses greater than 30% • Replaces it with new process per BCC direction, incorporating assessment of site-specific compatibility of density bonuses greater than 30% 2) Full Incentive Developments Requesting a WHP Density Bonus Greater than 50% For developments requesting a WHP density bonus of greater than 50%, the Planning Director or designee shall review the request pursuant to the following process: a) Density Bonus Pre-Application Appointment Requests received for density bonuses greater than 50% 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. b) Factors for Consideration Staff shall consider the following factors in developing a maximum density and density bonus recommendation: (1) The extent to which the proposed WHP units further County objectives: i. The intent to provide the workforce housing units on site; ii. The intent to provide single-family and for-sale workforce housing units; iii. The proximity of the location where the WHP units are to be provided to employment centers; iv. The concentration of households with incomes in the WHP income categories, in the location where the WHP units are to be provided; and (2) The potential impact of the proposed density bonus: i. The total number of units proposed, including any Transfer of Development Rights; ii. The compatibility with the character of the adjacent and surrounding area in the location of the subject development.</p>	<p>• Deletes current review process in its entirety for density bonuses greater than 30% • Replaces it with new process per BCC direction, incorporating assessment of site-specific compatibility of density bonuses greater than 30% 2) Full Incentive Developments Requesting a WHP Density Bonus Greater than 50% For developments requesting a WHP density bonus of greater than 50%, the Planning Director or designee shall review the request pursuant to the following process: a) Density Bonus Pre-Application Appointment Requests received for density bonuses greater than 50% 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. b) Factors for Consideration Staff shall consider the following factors in developing a maximum density and density bonus recommendation: (1) The extent to which the proposed WHP units further County objectives: i. The intent to provide the workforce housing units on site; ii. The intent to provide single-family and for-sale workforce housing units; iii. The proximity of the location where the WHP units are to be provided to employment centers; iv. The concentration of households with incomes in the WHP income categories, in the location where the WHP units are to be provided; and (2) The potential impact of the proposed density bonus: i. The total number of units proposed, including any Transfer of Development Rights; ii. The compatibility with the character of the adjacent and surrounding area in the location of the subject development.</p>																								
<p>H. Additional Requirements for >30% Density Bonus Projects requesting a density bonus greater than 30 percent shall comply with the following: 2. Full Incentive Developments Requesting a WHP Density Bonus Greater than 50% For developments requesting a WHP density bonus of greater than 50%, the Planning Director or designee shall review the request pursuant to the following process: a) Density Bonus Pre-Application Appointment Requests received for density bonuses greater than 50% 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. b) Factors for Consideration Staff shall consider the following factors in developing a maximum density and density bonus recommendation: (1) The extent to which the proposed WHP units further County objectives: i. The intent to provide the workforce housing units on site; ii. The intent to provide single-family and for-sale workforce housing units; iii. The proximity of the location where the WH units are to be provided to employment centers; iv. The concentration of households with incomes in the WHP income categories, in the location where the WH units are to be provided; and (2) The potential impact of the proposed density bonus: i. The total number of units proposed, including any Transfer of Development Rights; ii. The compatibility with the character of the adjacent and surrounding area in the location of the subject development.</p>	<p>1. Sector-Analysis WHP projects, including relocated WHP units, shall be equitably distributed so that there is no undue concentration of very-low and low-income households. Table 5.G.1.H. WHP Density Bonus Guide indicates the maximum density bonus permitted and the concentration of very-low and low-income housing within a sector will be one factor taken into consideration when determining the maximum density bonus permitted. 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 1/4 mile radius of a public park (neighborhood or regional park, not a golf course); civic uses (schools/libraries); a mass transit facility/route; child care facilities; medical facilities; a super market; a community commercial facility; employment opportunities; and within 1/2 mile radius of social services; a regional commercial facility; an industrial facility; additional civic uses and employment opportunities. Prior to submittal of a WHP 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 density bonus permitted or a bonus in excess of the maximum shall be recommended by the Planning Director or designee.</p>																								
<p>Table 5.G.1.H. WHP Density Bonus Guide</p> <table border="1"> <thead> <tr> <th>% of Very-Low & Low Income Households in Sector</th> <th>></th> <th>40-50%</th> <th>50-60%</th> <th>60-80%</th> <th>80-100%</th> </tr> </thead> <tbody> <tr> <td>Maximum Density Bonus (1)</td> <td>up to 40%</td> <td>up to 60%</td> <td>up to 80%</td> <td>up to 100%</td> <td>up to 100%</td> </tr> </tbody> </table> <p>Notes: 1. The Planning Director may recommend a density bonus in excess of the Maximum Density Bonus where the project serves to mitigate existing very low and low-income concentrations by including a mix of higher income market rate units or Medium 1, Medium 2 and Middle Income WHP units. [Ord. 2006-055]</p> <p>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. b. Household income characteristics for the sector shall be derived from the most current available census data. The income level of a "family-of-four" shall be used for the determination of households within the low, moderate and middle income household categories. The analysis of housing and demographic data within the sector shall be in a manner and form approved by the Planning Director.</p>	% of Very-Low & Low Income Households in Sector	>	40-50%	50-60%	60-80%	80-100%	Maximum Density Bonus (1)	up to 40%	up to 60%	up to 80%	up to 100%	up to 100%	<p>Table 5.G.1.H. WHP Density Bonus Guide</p> <table border="1"> <thead> <tr> <th>% of Very-Low & Low Income Households in Sector</th> <th>></th> <th>40-50%</th> <th>50-60%</th> <th>60-80%</th> <th>80-100%</th> </tr> </thead> <tbody> <tr> <td>Maximum Density Bonus (1)</td> <td>up to 40%</td> <td>up to 60%</td> <td>up to 80%</td> <td>up to 100%</td> <td>up to 100%</td> </tr> </tbody> </table> <p>Notes: 1. The Planning Director may recommend a density bonus in excess of the Maximum Density Bonus where the project serves to mitigate existing very low and low-income concentrations by including a mix of higher income market rate units or Medium 1, Medium 2 and Middle Income WHP units. [Ord. 2006-055]</p> <p>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. b. Household income characteristics for the sector shall be derived from the most current available census data. The income level of a "family-of-four" shall be used for the determination of households within the low, moderate and middle income household categories. The analysis of housing and demographic data within the sector shall be in a manner and form approved by the Planning Director.</p>	% of Very-Low & Low Income Households in Sector	>	40-50%	50-60%	60-80%	80-100%	Maximum Density Bonus (1)	up to 40%	up to 60%	up to 80%	up to 100%	up to 100%
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Workforce Housing Comparison Chart

<p>c) Density Bonus Recommendation <i>Within 10 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.</i></p>	<p>2. Pre-Application An application for density bonus greater than 30 percent 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.</p> <p>a. Contents The pre-application shall be in a form established by the Planning Director and made available to the public.</p> <p>b. Sufficiency Review The pre-application shall be subject to the provisions of Art. 2.B.2 or Art. 2.C.2, Sufficiency Review.</p> <p>c. Compliance The density bonus shall not be granted until the project is found in compliance with HE 1.5.h. in the Plan.</p> <p>c) Density Determination Bonus Recommendation Within 10 days following the Pre-Application Appointment, the Planning Director or designee shall provide a written WHP Letter of density 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, letter within ten 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 or designee shall provide the WHP Letter of Determination to the developer, 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 and may recommend conditions of approval for the resulting development order, or denial of the request.</p>
<ul style="list-style-type: none"> Retains existing incentives, but allows for their use only for Full incentive developments, and limits use of the Flexible PDRs for the WHP unit type, in all pods where WHP is provided Allows Flexible PDRs for the WHP unit type, in all pods where WHP is provided <p>f. Incentives Available Under Full Incentive Option</p> <p>1) Traffic Performance Standards Mitigation a) WHP Special Methodologies TPS mitigation shall be permitted for WHP developments in accordance with County Comprehensive Plan Transportation Element Policy 1.2-d (4).</p> <p>b) WHP Traffic Concurrence Hall Pass TPS mitigation shall also include the option of applying for a WHP Traffic Concurrence Hall Pass separate from a development order application. The WHP Traffic Concurrence 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 Concurrence Hall Pass is described further in Art. 2.F, Concurrency (Adequate Public Facility Standards).</p> <p>2) Expedited Review The following expedited review processes may apply to a proposed WHP development:</p> <p>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.</p> <p>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. (2) If a subdivision plat is required, permits will be concurrently reviewed, but only issued at recording of the plat. (3) Pursuant to Art. 3.E.1.G.1.a, Permits, Building permits may be issued for sales offices, sales models, gate houses, entry features, and utilities may be issued prior to the recording of a final plat.</p> <p>3) Flexibility in Property Development Regulations</p> <p>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.</p> <p>b) Applicability Full incentive option developments providing all the required workforce Projects with ten or more units on site that utilize a density bonus incentive and are subject to the requirements of the WHP, may utilize the flexibility in Property Development Regulations Options 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.</p>	<p>f. 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(3) Pursuant to Art. 3.E.1.G.1.a, Permits, Building permits may be issued for sales offices, sales models, gate houses, entry features, and utilities may be issued prior to the recording of a final plat.</p> <p>3) Flexibility in Property Density Bonus Development Regulations Options</p> <p>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. 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Exhibit B-2

Workforce Housing Comparison Chart

Full Incentive option developments providing all the required workforce 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.

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:

- (1) The regulations that are proposed to be modified.
- (2) The amounts and specifics of the requested deviation(s).
- (3) The areas within the development that the deviation(s) will be applied to.
- (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.

d) Site Plan Approval

Any deviations sought pursuant to this subsection shall be reflected on site plans submitted for DRO approval.

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.

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:

- (1) The regulations that are proposed to be modified.
- (2) The amounts and specifics of the requested deviation(s).
- (3) The areas within the development that the deviation(s) will be applied to.
- (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.

d) Site Plan Approval

Any deviations sought pursuant to this subsection shall be reflected on site plans submitted for DRO 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.

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.

• Changes 'project' to 'development'

f) Option 1 - RT District

The zoning for parcels electing to use this option must be in compliance with Table 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts.

f) Option 1 - RT District

The zoning for parcels electing to use this option must be in compliance with Table 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts.

(1) RT PDR Deviations

Deviations from the minimum PDRs for the RT district with a LR-2 or LR-3 FLU designation may be in accordance with Table 5.G.1.E, 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.

(1) RT PDR Deviations

Deviations from the minimum PDRs for the RT district with a LR-2 or LR-3 FLU designation may be in accordance with Table 5.G.1.E, RT Deviations for WHP, only for those developments 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.

Table 5.G.1.E - RT Deviations for WHP

Zoning District	Applicability	FLU	Size	Lot Dimensions			Setbacks		
				Width and Frontage	Building Coverage	Depth	Side	Rear	
RT	TDR, WHP	LR-2	12,000 sf	85'	35%	100'	ND	ND	
RT	TDR, WHP	LR-3	9,000 sf	65'	40%	80'	1st Floor 10'	1st floor - 15'	

Notes:
 [Ord. 2006-055]
 ND No deviation.

Table 5.G.1.E - RT Deviations for WHP

Zoning District	Applicability	FLU	Size	Lot Dimensions			Setbacks		
				Width and Frontage	Building Coverage	Depth	Side	Rear	
RT	TDR, WHP	LR-2	12,000 sf	85'	35%	100'	ND	ND	
RT	TDR, WHP	LR-3	9,000 sf	65'	40%	80'	1st Floor 10'	1st floor - 15'	

Notes:
 [Ord. 2006-055]
 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:

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

g) Option 2 - TND Regulations

Developments 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:

- (1) U/S Tier Only;
- (2) Development Project does not qualify to be a TND or use Option 1 or 3;
- (3) If the Subject Development site has a LR-1, LR-2, LR-3 or MR-5 FLU designation, the project development shall meet all requirements for and be approved as a PDD;

h) Option 3 - Flexible Regulations

Developments with MR-5, HR-8, HR-12, 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:

h) Option 3 - Flexible Regulations

Developments Projects with MR-5, HR-8, HR-12, 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:

- (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.

Exhibit B-2

Workforce Housing Comparison Chart

(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.

(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 PDR s: building coverage; and front and side street setbacks.

(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.

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. 1.1.2.U.18, Usable Open Space for WHP.

j) Option 5 – Internal Incompatibility Buffers
Required incompatibility buffers between SFD and MF units within a WHP development shall not be required.

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:
(1) In the case of a civic site cash out, the deletion of the civic pod and increase in residential pod area; or,
(2) The relocation of residential units to a civic pod, or the relocation of residential units where the civic pod is deleted.

- **Deletes Table, which is generalized, does not adequately represent requirements**
- **Requires Class A approval for all Density Bonuses exceeding 50%**

3. Approval Process
Developments requesting density bonuses greater than 50% are subject to a Class A Conditional Use approval; approval processes for developments with density bonuses up to and including 50% are determined by the applicable thresholds in Articles 3 and 4 of the code.

Table 5.G.1.E – 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. 2006-055] [Ord. 2017-007]

3. Approval Process

Developments requesting density bonuses greater than 50% are subject to a Class A Conditional Use approval; approval processes for developments with density bonuses up to and including 50% are determined by the applicable thresholds in Articles 3 and 4 of the code.

- **Incorporates BCC-directed declaration at Public hearing and use of expedited amendment process**
- **Accommodates change of method prior to the issuance of 25% of permits at subject development**
- **Requires recalculations for changes**

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 approval of the proposed subject development, or at DRO if the development is not subject to public hearing. The declared method shall be included as a condition of approval.
- 2. Change of Declared Method**
A change to the selected method cannot be requested after building permits have been issued for more than 25% 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 Article 2. Any necessary amendments to a recorded master covenant for the development as a result of

(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 PDR s: building coverage; and front and side street setbacks.

(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.

i) Option 4 - PDD Open Space Reduction
Developments 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 development incorporates common usable open space areas as defined in Art. 1.1.2.U.18, Usable Open Space for WHP.

j) Option 5 – Internal Incompatibility Buffers
Required incompatibility buffers between SFD and MF units within a WHP development shall not be required.

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 project:
(1) In the case of a civic site cash out, the deletion of the civic pod and increase in residential pod area; or,
(2) The relocation of residential units to a civic pod, or the relocation of residential units where the civic pod is deleted.

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 development is not subject to public hearing. The declared method shall be included as a condition of approval.

2. Change of Declared Method
A change to the selected method cannot be requested after building permits have been issued for more than 25% 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 Article 2. Any necessary amendments to a recorded master covenant for the 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.

3. Recalculation

Exhibit B-2

Workforce Housing Comparison Chart

<p><i>the change of declared method shall be recorded by the developer no later than 60 days following the approval of the change.</i></p> <p>3. Recalculation A change to a development's unit total, unit type, 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 section 5.G.1.B.2.e. 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.</p>	<p>A change to a development's unit total, unit type, 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 section 5.G.1.B.2.e. 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.</p>
<ul style="list-style-type: none"> • Incorporates BCC-direction for WHP requirement discount if units delivered on-site as for-sale units • Incorporates BCC-directed conversion factor when off-site rentals are used to meet WHP obligation of for-sale units • Requires municipal notification <p>4. Methods Available Several alternative methods are available for the disposition of a development's WHP obligation:</p> <p>a. WHP On-site Construction Option WHP units may be located on-site. For single-family or townhome for-sale developments using the Full Incentive Option, <i>the number of required WHP units may be reduced by 20% if all required WHP units are to be provided as on site, for-sale, single family units, or reduced by 10% if provided as on site, for-sale, townhome units.</i> Prior to final DRO approval, the developer shall identify on the plan the total number of WHP units proposed for development within each pod or phase, as applicable. Fifty percent of WHP units must receive certificates of occupancy prior to issuance of no more than 85% of the market rate building permits in the subject development. All WHP units must receive certificates of occupancy prior to issuance of no more than 85% of the residential building permits in the subject development.</p> <p>b. WHP Off-site Options WHP units may be located off-site using the options listed below. <i>For-sale 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 a builder exchange, shall have a WHP obligation 1.5 times the number of WHP units required if developed on-site not including the on-site reduction.</i> 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 Off-site Option 3, Section 5.G.1.C.4.b.3).</p>	<p>4. Methods Available Several alternative methods are available for the disposition of a development's WHP obligation:</p> <p>F. a. WHP On-site Construction Option WHP units may be located on-site in accordance with the provisions of Art. 5.G.1.C. Workforce Development Alternatives; however, under no circumstances shall any site be permitted to develop at a density greater than that permitted by the Plan. For single-family or townhome for-sale developments using the Full Incentive Option, the number of required WHP units may be reduced by 20% if all required WHP units are to be provided as on site, for-sale, single family units, or reduced by 10% if provided as on site, for-sale, townhome units. Prior to final DRO approval, the developer applicant shall identify on the plan the total number of WHP units proposed for development within each pod or phase, as applicable. Fifty percent of WHP units must receive certificates of occupancy prior to issuance of 50% 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% of the market rate building permits in the subject development. The plan shall also indicate the number of units in each applicable WHP income category. All of the WHP units shall not be constructed in the last phase of a multi-phased development except for a Development Order Amendment to a Development Order approved prior to WHP requirements.</p> <p>G. b. WHP Off-site Options WHP units may be located off-site using the options listed below and in accordance with the provisions of Table 5.G.1.B. Workforce Housing Program; however, under no circumstances shall any site be permitted to develop at a density greater than that permitted by the Plan. Prior to issuance of a building permit, or final DRO approval, if applicable, 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. Prior to final DRO approval, the applicant shall identify the total number of WHP units proposed for development off-site including the number in each applicable WHP income category. For-sale 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 a builder exchange, shall have a WHP obligation 1.5 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 recordation of a deed restriction or deed transfer to the County for a market rate unit pursuant to Off-site Option 3, Section 5.G.1.C.4.b.3).</p>
<ul style="list-style-type: none"> • Relocates site control provision from general off-site section to applicable options • Incorporates BCC-directed Exchange Option <p>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% of the required WHP units to be constructed off-site prior to the issuance of no more than 50% 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% of the building permits in the subject development. The site plan, the 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 timeframe for the modification, which shall be no later than the 85% threshold identified in this paragraph.</p>	<p>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. Building permits Certificates of occupancy shall be issued for a minimum of 50% 25-percent of the required WHP units to be constructed off-site prior to the issuance of no more than 50% 25-percent of the building permits in the subject development. All off-site WHP units must receive certificates of occupancy CO prior to issuance of no more than 85% percent of the building permits COs in the subject development. The site plan, the 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% threshold identified in this paragraph.</p> <p>a. WCRAO – Off-site construction of the required WHP units within the low income range shall be limited to ten percent.</p>

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document and the timeframe for the modification, which shall be no later than the 85% threshold identified in this paragraph.

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

The Off-site Construction/Exchange Builder Option shall be evaluated and a report provided to the Board of County Commissioners no later than 3 years from the effective date of this ordinance. Provision of required WHP units may be arranged by the developer of the subject development through another developer who will provide them off-site, subject to the following:

- a) The exchange price shall be set by the County at 80% of the in lieu fee associated with the subject development.
- b) Prior to issuance of first residential building permit for the Subject Development, the developer of the Subject Development shall select one of the following two options:
 - (1) Demonstrate engagement of an exchange builder, who shall provide:
 - (a) Evidence of receipt of payment of the required exchange price;
 - (b) A detailed description of the proposed WHP project and site, including project 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 development layout including the number and type of buildings; proposed project schedule; and status of any development approvals;
 - (c) Evidence of control of the proposed WHP 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; and
 - (d) Guarantee acceptable to Palm Beach County and approved by the County Attorney's office for an amount equal to 80% of the full in lieu fee. The guarantee shall be for a term not to exceed 39 months, and of a type described in Article 11.B.2.A.6.

(2) Provide guarantee acceptable to Palm Beach County and approved by the County Attorney's office, for an amount equal to 100% of the in lieu fee. The guarantee shall be for a term not to exceed 39 months, and of a type described in Article 11.B.2.A.6. Prior to issuance of no more than 25% 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 Paragraph (1) above. If the required information is not provided or is not approved by the County Administrator or designee, Palm Beach County shall file a claim against the guarantee for 100% of the in lieu fees.

(3) Off-site Option 3 – Purchase of Market Rate Units
Purchase of an equivalent number of existing market rate units to be deeded to the County or sold to eligible households and deed restricted. The or retained by the developer may retain the title to off-site units subject to recordation of a deed restriction that meets the intent of this provision and subject to the conversion factor pursuant to section 5.G.1.C.4.b 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% 25-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 CO's in the subject development. The market rate units shall be approved by the Department of Housing and Economic Sustainability, and must meet housing quality standards and criteria established by PBC. The site plan, the 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% threshold identified in this paragraph.

3) Off-site Option 3 – Purchase of Market Rate Units

The Off-site Construction/Exchange Builder Option shall be evaluated and a report provided to the Board of County Commissioners no later than 3 years from the effective date of this ordinance. Provision of required WHP units may be arranged by the developer of the subject development through another developer who will provide them off-site, subject to the following:

- a) The exchange price shall be set by the County at 80% of the in lieu fee associated with the subject development.
- b) Prior to issuance of first residential building permit for the Subject Development, the developer of the Subject Development shall select one of the following two options:
 - (1) Demonstrate engagement of an exchange builder, who shall provide:
 - (a) Evidence of receipt of payment of the required exchange price;
 - (b) A detailed description of the proposed WHP project and site, including project 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 development layout including the number and type of buildings; proposed project schedule; and status of any development approvals;
 - (c) Evidence of control of the proposed WHP 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; and
 - (d) Guarantee acceptable to Palm Beach County and approved by the County Attorney's office for an amount equal to 80% of the full in lieu fee. The guarantee shall be for a term not to exceed 39 months, and of a type described in Article 11.B.2.A.6.
 - (2) Provide guarantee acceptable to Palm Beach County and approved by the County Attorney's office, for an amount equal to 100% of the in lieu fee. The guarantee shall be for a term not to exceed 39 months, and of a type described in Article 11.B.2.A.6. Prior to issuance of no more than 25% 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 Paragraph (1) above. If the required information is not provided or is not approved by the County Administrator or designee, Palm Beach County shall file a claim against the guarantee for 100% of the in lieu fees.
- c) Prior to the end of the 36th month of the guarantee, all WHP units shall be issued certificate of occupancy 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 (3) 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. If neither the required WHP units nor an acceptable renewed guarantee is delivered, Palm Beach County shall collect the guarantee.
- d) If all WHP units are not issued certificates of occupancy prior to the issuance of 85% of certificate of occupancy for the Subject Development, Palm Beach County shall collect the guarantee. The issuance of building permits on the Subject Development shall not be stopped.
- e) The site plan, the 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% threshold identified in this paragraph.

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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 section 5.G.1.C.4, 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% 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% of the CO's in the subject development. The market rate units shall be approved by the Department of Housing and Economic Sustainability, and must meet housing quality standards and criteria established by PBC. The site plan, the 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% threshold identified in this paragraph.

- **Requires PREM approval for donated land**
- **Increases in lieu fees, by unit type, per BCC direction**
- **Delays payment timeframe, to allow time for changes in method or other adjustments**
- **Creates method to address outstanding obligations due to limited on-site thresholds**

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 and deeded to the County prior to issuance of 50% of the residential building permits in the Subject Development.

d. In-lieu Fee Option

- 1) *In lieu fees shall be: \$120,000 for single-family units, \$100,000 for townhouse units, and \$75,000 for multi-family units, as defined in Article 4 the ULDC. Beginning in (2 years after adoption of fee increase) 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.*
- 2) *The in-lieu fees assessed for a 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.*
- 3) Fees shall be paid prior to the issuance of 50% 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 Sustainability. The payment shall be deposited in the WHP Trust Fund maintained by the PBC Department of Housing and Economic Sustainability.

5. Developments with Outstanding Obligations

Developments approved prior to (insert effective date of this ordinance), which by that date have recorded a master covenant indicating that the WHP obligation will be met on site, received certificates of occupancy for at least 90% of approved units, and delivered a minimum of 50% of the required WHP units on site, may elect to pay the in-lieu fee for the balance of the obligation. This option is available only for units that have not been previously offered for rent or sale as WHP units. The in lieu amount shall be based on the time of the issuance of the first residential building permit for the subject development, and shall include interest, calculated from the date of the first residential building permit, using the rate in effect at the time of election, as set by the Florida Chief Financial Officer pursuant to Sec. 55.03(1), Fla. Stat.(2018). Upon payment of the required amount, the County shall schedule BCC consideration of amendments to the master covenant to reflect the revised disposition of the workforce obligation for the development. This provision shall sunset 90 days following the effective date.

**3. Option 3 –
 c. Donation of Buildable Land**

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 and deeded to the County prior to issuance of 50% of the residential first building permits in the subject development.

4. Option 4 –d. In-lieu Fee Option Payment (Prior to Issuance of First Residential Unit Building Permit)

- 1) *The in-lieu fees payment for all WHP units shall be: \$84,500 per for-sale unit and \$60,000 per rental unit. \$120,000 for single-family units, \$100,000 for townhouse units, and \$75,000 for multi-family units, as defined in Article 4 the ULDC. Beginning in (2 years after adoption of fee increase) 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.*
- 2) *The in-lieu fees assessed for a 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.*
- 3) *Fees shall be paid prior to the issuance of 50% 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 Sustainability. The payment shall be deposited in the WHP Trust Fund maintained by the PBC Department of HCD Housing and Economic Sustainability at the time of issuance of the first residential unit building permit for the subject development.*

5. Developments with Outstanding Obligations

Developments approved prior to (insert effective date of this ordinance), which by that date have recorded a master covenant indicating that the WHP obligation will be met on site, received certificates of occupancy for at least 90% of approved units, and delivered a minimum of 50% of the required WHP units on site, may elect to pay the in-lieu fee for the balance of the obligation. This option is available only for units that have not been previously offered for rent or sale as WHP units. The in lieu amount shall be based on the applicable in lieu fee in effect at the time of the issuance of the first residential building permit for the subject development, and shall include interest, calculated from the date of the first residential building permit, using the rate in effect at the time of election, as set by the Florida Chief Financial Officer pursuant to Sec. 55.03(1), Fla. Stat.(2018). Upon payment of the required amount, the County shall schedule BCC consideration of amendments to the master covenant to reflect the revised disposition of the workforce obligation for the development. This provision shall sunset 90 days following the effective date.

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<p>consideration of amendments to the master covenant to reflect the revised disposition of the workforce obligation for the development. This provision shall sunset 90 days following the effective date.</p>	
<ul style="list-style-type: none"> • Creates a section to address delivery of units • Adds release of covenant provision for Exchange Option developments • Adds purchaser certification and rental restrictions to list of items to be addressed in Master Covenant <p>D. Delivery of WHP Units</p> <p>Except as noted, the following section applies to developments that opt to dispose of the WHP obligation through the following methods: On-Site Construction, Off-site Construction/Exchange Builder, or Purchase of Market Rate Units. Required WHP units may be delivered as for-sale or for-rent units.</p> <p>1. For Sale Units</p> <p>a. Restrictive Master Covenant</p> <p>1) 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 Covenant binding the entire project, in a form provided by the County, which addresses the requirements of this subsection. Developments for which the in lieu fee has subsequently been paid to Palm Beach County as a result of the guarantee requirement for the subject development and addresses the requirements of this subsection. Developments for which the in lieu fee has subsequently been paid to Palm Beach County as a result of the guarantee provided in the Exchange Builder Option, pursuant to Section 5.G.1.C.4.b.2), and no units subject to the WHP were provided prior to County receiving payment pursuant to the guarantee, may request that the Master Covenant be released.</p> <p>2) The Restrictive Master Covenant shall include but not be limited to restrictions requiring: that all identified WHP units shall be sold; that all identified WHP units shall be sold or resold only to a purchaser certified by the Department of Housing and Economic Sustainability, at or below the price established annually by Palm Beach County for the income category of the WHP 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 Sustainability; 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 to those set forth below to ensure compliance with the WHP, and provide that every deed for sale of a WHP housing unit shall incorporate by reference the controlling Covenant and shall specify the income category associated with the unit.</p>	<p>Except as noted, the following section applies to 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.</p> <p>1. For Sale Units</p> <p>a. Restrictive Master Covenant</p> <p>1) Prior to issuance of the first building permit on the subject development, the developer of the subject development 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 addresses the requirements of this subsection. Developments for which the in lieu fee has subsequently been paid to Palm Beach County as a result of the guarantee provided in the Exchange Builder Option, pursuant to Section 5.G.1.C.4.b.2), and no units subject to the WHP were provided prior to County receiving payment pursuant to the guarantee, may request that the Master Covenant be released.</p> <p>2) The Restrictive Master Covenant shall include but not be limited to restrictions requiring: that all identified WHP units shall be sold, or resold or rented only to low-, moderate-, or middle-income-qualified households at an attainable housing cost for each of the targeted income ranges a purchaser certified by the Department of Housing and Economic Sustainability, at or below the price established annually by Palm Beach County for the income category of the WHP 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 Sustainability; 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 to those set forth below to ensure compliance with the WHP, and provide that every deed for sale of a WHP housing unit shall incorporate by reference the controlling Covenant and shall specify the income category associated with the unit.</p>
<ul style="list-style-type: none"> • Creates a section to address initial sale requirements, which differ from subsequent sales • Eliminates Pricing method from this section, as it has been relocated to general provisions at beginning of Chapter • Adds subsections for purchaser eligibility certification, closing, and initial monitoring requirements <p>b. Process for Initial Sale of WHP Units</p> <p>1) Pricing/affordability</p> <p>a) WHP units shall be sold at or below the current designated price for the Unit's income category.</p> <p>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.G.4, Option 4 – In Lieu Payment, or can be distributed equally among the remaining income categories.</p> <p>c) The price of a for-sale WHP 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</p>	<p>b. Process for Initial Sale of WHP Units</p> <p>F. 1) Pricing/Affordability Requirements</p> <p>Where applicable, the required percentage, affordability ranges and provision of units, shall be in accordance with Table 5.G.1.B, Workforce Housing Program:</p> <p>1. Sales and Rental Prices of WHP Units</p> <p>a) All required WHP units shall be sold at or below the current designated price for the Unit's income category.</p> <p>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.G.4, Option 4 – In Lieu Payment, or can be distributed equally among the remaining income categories.</p> <p>c) The price of a for-sale WHP 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,</p>

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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 buyer at the time of contract execution, or included as a line item on the closing/settlement statement. Earnest money deposits required of purchasers shall not exceed 2 percent of the sales price.

d) Affordability restrictions remain in effect for 15 years recurring from the date of the certificate of occupancy for each 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.

e) Rental of for-sale units is permitted only under specific circumstances, for limited periods of time, and with prior approval by the Director of Department of Housing and Economic Sustainability based on criteria established by the Department.

2) Qualification and Certification of For-Sale Purchasers
 WHP units shall be sold only to a purchaser certified by the Department of Housing and Economic Sustainability. HES 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 in categories 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 HES certification process shall be implemented according to procedures established and published by the Department.

3) Closing
 a) The process and requirements for closing of sales of WHP units shall be as set forth in County procedures.
 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 WHP Restrictive Master Covenant, and shall include the date of recordation of the Restrictive Master Covenant, and the Book and Page of the Official Record.

4) Compliance reporting during initial sales period
 Beginning with the commencement of sales, until such time as all WHP units have been sold by the developer, the developer 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 the development where the WHP units are located, has been transferred.

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 buyer at the time of contract execution, or included as a line item on the closing/settlement statement. Earnest money deposits required of purchasers shall not exceed 2 percent of the sales price.

d) Affordability restrictions remain in effect for 15 years recurring from the date of the certificate of occupancy for each 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.

e) Rental of for-sale units is permitted only under specific circumstances, for limited periods of time, and with prior approval by the Director of Department of Housing and Economic Sustainability based on criteria established by the Department. attainable housing cost for each of the targeted income ranges. The sale and rent prices shall be updated annually by the Planning Director, or designee, with the sale prices based on the Area Median Income (AMI) and the household income limits for PBC (West Palm Beach/Boea Raton metropolitan statistical area) for a family of four, which pricing shall not be adjusted based on the number of occupants, as published annually by HUD (sale price, household income figure multiplied by three and priced at the middle of each of the four-WHP income categories) and rental prices based on the annual Florida Housing Finance Corporation Multi-Family Rental Figures as adjusted for number of bedrooms in WHP rental units. The minimum WHP price initially established at the time of approval for each for-sale unit within each WHP category range will be the sales floor. This sales floor shall serve as the minimum sales price point required throughout the applicable deed restriction time frame. The minimum WHP price initially established at the time of approval for each rental unit within each WHP income category range will be the rental floor. This rental floor shall serve as the minimum rental price point required throughout the thirty (30) year term of this Covenant. Any utility allowances applied against gross maximum WHP unit rents shall also be adjusted based on a number of bedrooms in WHP rental units. A chart with the sales and rent prices will be maintained and updated annually by the County.

2) Qualification and Certification of For-Sale Purchasers
 WHP units shall be sold only to a purchaser certified by the Department of Housing and Economic Sustainability. HES 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 in categories 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 HES certification process shall be implemented according to procedures established and published by the Department.

3) Closing
 a) The process and requirements for closing of sales of WHP units shall be as set forth in County procedures.
 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 WHP Restrictive Master Covenant, and shall include the date of recordation of the Restrictive Master Covenant, and the Book and Page of the Official Record.

4) Compliance reporting during initial sales period
 Beginning with the commencement of sales, until such time as all WHP units have been sold by the developer, the developer will provide to the Planning Director or designee 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 County if ownership of the subject development, or the development where the WHP units are located, has been transferred.

Workforce Housing Comparison Chart

Marketing of WHP Units

- Relocates marketing requirements from Release of Obligation “Available for Purchase” section to Initial Sale Section
- Exempts Exchange Builder Option and Purchase of Market Rate Unit Option from Marketing requirements
- Incorporates stated intent for marketing of WHP units same as market rate
- Establishes a marketing period of at least 180 days
- Clarifies marketing requirements

5) Marketing of WHP Units

- a) **WHP Units Delivered through the Exchange Builder or Purchase of Market Rate Units 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. 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 for-sale WHP units delivered through these options.
- 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 the **Off-site Construction by Same Developer** options. The marketing requirements shall address the following, at minimum:
- (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.
 - (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.
 - (3) *Prior to commencement of sales, the developer shall obtain from the Director of HES or designee a list of interested parties, WHP brochures, and informational packets which provides the qualification standards, terms of the Restrictive Master Covenant, where to go to get qualified, and other relevant information regarding the WHP units.*
 - (4) *The developer shall provide notice of commencement of sales to the Planning Director or designee, the Director of HES, and the list of interested parties. The notice shall include the address where the WHP units are located, the hours 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.*
 - (5) Within 10 days of receipt, the County shall provide written acknowledgement of the notice of commencement of sales.
 - (6) The developer shall maintain in the sales office, and in the sales office of the subject development if the WHP units are located off-site, hard physical copies of the informational packets obtained from HES, 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 that certain units are available for purchase for qualified households subject to the WHP provisions, and shall identify the location and availability timeframe for the WHP units.
 - (7) The developer shall attend all housing workshops, fairs, orientations, and other WHP events requested by HES during the marketing period, and shall present information about the WHP units and purchase options.
 - (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.
 - (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, proof of and shall include a log of visitors and callers interested in the WHP units.
- c) The County may conduct site visits and inspections to verify compliance with the requirements of this section.

- Eliminates discounted in-lieu fee for Release of Obligation

5) Marketing of WHP Units

- a) **WHP Units Delivered through the Exchange Builder or Purchase of Market Rate Units 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. 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 for-sale WHP units delivered through these options.
- 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 the **Off-site Construction by Same Developer** options. The marketing requirements shall address the following, at minimum:
- (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.
 - (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 building permits, but not less than 180 days.
 - (3) Prior to commencement of sales, the developer shall obtain from the Director of HES or designee a list of interested parties, WHP brochures, and informational packets which provides the qualification standards, terms of the Restrictive Master Covenant, where to go to get qualified, and other relevant information regarding the WHP units.
b. **“Available for purchase” shall be defined as:**
 - 4) (4) The developer shall provide written notice of commencement of sales to the Planning Director or designee, and the Director of HES, and the Department of Housing and Community Development and to a list of interested parties provided to the developer by the County that developer has a project approved which requires the construction of WHP units and the developer is ready to commence sales of the required WHP unit within the development. The written notice shall include the address where the WHP units are located, location of the subject property, the location address of the sales office, the hours of the sales office, the floor plan and construction specifications for the WHP units available for contract; and the pricing of the WHP units available for contract. 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.
 - (5) Within 10 days of receipt, the County shall provide written acknowledgement of the notice of commencement of sales.
 - 2) (6) The developer shall include maintain in the sales office, and in the sales office of the subject development if the WHP units are located off-site, hard physical copies of the informational packets obtained from HES, 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 that certain units within the development are available for purchase for qualified households subject to the WHP provisions, and shall identify the availability timeframe for the WHP units. Release of Obligation to Construct WHP For Sale Units, (f) and (i) above, that certain units within the project are subject to the WHP provisions of Palm Beach County and are available for purchase for qualified households;
 - 3) the inclusion of informational packets in the sales center for those interested in purchasing a WHP unit which provides the qualification standards, terms of the Covenant, where to go to get qualified, and other relevant information regarding the WHP units (note this packet to be provided by or approved by Palm Beach County prior to placement on the sales floor);
 - 4) at the time WHP units become available for purchase the developer shall provide to the Palm Beach County Department of Planning, Zoning and Building proof of out-reach to local housing advocacy groups and others on the interested parties list;
 - 5) the developer acts in good faith to market and sell the unit during the effective period as defined in Art. 5-G-1-1.5 Release of Obligation to Construct WHP For Sale Units, above.
 - (7) The developer shall attend all housing workshops, fairs, orientations, and other WHP events requested by HES during the marketing period, and shall present information about the WHP units and purchase options.
 - (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.
 - (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.
- c) The County may conduct site visits and inspections to verify compliance with the requirements of this section.

Workforce Housing Comparison Chart

<p>6) Release of Obligation Release of Obligation is available only for developments delivering the WHP required units as for-sale units through the WHP On-site Construction Option 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 buyer has not been executed. <i>In the event WHP units have been marketed according to the requirements of this Article and at least 75 percent of the for-sale market rate units of the subject development have been issued certificates of occupancy, then the WHP units are eligible to be released from the WHP obligations indicated in the Covenant pursuant to the process below.</i></p> <p>a) The developer shall provide 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% of the for-sale market rate units in the subject development have received certificates of occupancy.</p> <p>b) The County shall provide a written response to the developer, within ten (10) 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.</p> <p>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 the ULDC and the County shall provide written confirmation that the unit has been released, inclusive of release from the Covenant.</p> <p>d) Should a developer wish to appeal the Planning Director's determination that a development has not met the requirements for a release of obligation, the appeal shall be pursuant to Article 2.A.14.C.2.d. of the ULDC.</p>	<p>5.6) Release of Obligation to Construct WHP For-Sale Units Release of Obligation is available only for developments delivering the WHP required units as for-sale units through the WHP On-site Construction Option 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 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 has been marketed according to the requirements of this Article and at least 75% of the market rate units have been issued certificates of occupancy 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; and, (ii) is located within a development pool/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 that specific unit the WHP unit is eligible to be released from the WHP obligations indicated in the Covenant pursuant to the process below.</p> <p>a. For Sale Units When a WHP unit is not purchased in accordance with the provisions above, an In-Lieu cash payment shall be permitted as follows: Upon payment of the required In-Lieu cash payment, the WHP unit/lot shall thereafter be released from any and all obligations of the WHP requirements of the ULDC and the County shall provide written confirmation that the unit/lot has been released, inclusive of release from the Covenant. The County shall utilize cash payments for the express purpose of providing down-payment assistance to eligible households seeking to purchase WHP units. To the greatest extent possible, the down-payment assistance provided by the County shall be utilized for the purchase of WHP units from the project from which the cash payment was provided. The payment shall be deposited in a WHP Trust Fund maintained by the PBC Department of HCD, and designated for the above-referenced purpose.</p> <p>1) if the price differential between the required WHP unit and the contract price for the market rate unit is less than or equal to \$20,000, then the In-Lieu cash payment shall be \$10,000;</p> <p>2) if the price differential between the required WHP unit and the contract price for the market rate unit is greater than \$20,000 and less than \$81,250, then the In-Lieu cash payment shall be one-half (50 percent) of the difference; and,</p> <p>3) if the price differential between the required WHP unit and the contract price for the market rate unit is greater than or equal to \$81,250, then the In-Lieu cash payment shall be \$40,750.</p> <p>The contract price of any for-sale market rate unit shall be the base price of the unit and shall not include any lot premium and/or buyer-purchased upgrades that are in addition to the base price of the unit.</p> <p>a) The Developer shall provide written notice to the Department of Planning, Zoning and Building Director or designee requesting release of obligation and confirmation of the In-Lieu cash payment amount, which request shall include: a copy of the executed purchase contract between seller and purchaser denoting the purchase price of the unit, but shall not be required to submit any information relative to any lot premium and upgrades that are in addition to the base price of the unit; the project name, zoning control number, PCN, and address of the lot; and, the calculation as to the amount of the In-Lieu cash payment amount being requested. The request shall include documentation demonstrating that at least 75% of the for-sale market rate units in the subject development have received certificates of occupancy.</p> <p>b) The County shall provide a written response confirmation to the Developer, within ten (10) business days of receipt, as to indicating the County's agreement/disagreement with the request for release of obligation and confirming the amount of the required In-Lieu cash payment amount requested by the Developer.</p> <p>c) Upon payment of the required In-Lieu cash payment, the WHP unit/lot shall thereafter be released from any and all obligations of the WHP requirements of the ULDC and the County shall provide written confirmation that the unit/lot has been released, inclusive of release from the Covenant. Units which are not required to be constructed pursuant to Art. 5.G.1.B.3 Income Ranges are not eligible for this reduced In-Lieu payment. These units must provide In-Lieu payment consistent with Art. 5.G.1.G.4 Option 4 - In-Lieu Cash Payment. The County shall utilize cash payments for the express purpose of providing down-payment assistance to eligible households seeking to purchase WHP units. To the greatest extent possible, the down-payment assistance provided by the County shall be utilized for the purchase of WHP units from the project from which the cash payment was provided. The payment shall be deposited in a WHP Trust Fund maintained by the PBC Department of HCD, and designated for the above-referenced purpose.</p> <p>d) Should a developer wish to appeal the Planning Director's determination that a development has not met the requirements for a release of obligation, the appeal shall be pursuant to Article 2.A.14.C.2.d. of the ULDC.</p>
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Workforce Housing Comparison Chart

<p>• Creates new section to guide individual owners in subsequent sales and annual reporting requirements</p> <p>c. Process for Subsequent Sales</p> <p>1) Pricing/Affordability</p> <p>a) Affordability restrictions remain in effect for 15 years recurring from the date of the certificate of occupancy for each 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.</p> <p>b) An owner intending to sell a WHP 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 at the time of approval for the unit's income category shall be the sales floor. No WHP unit is required to be sold at a price below the sales floor, though a seller may opt to do so.</p> <p>2) HES Review</p> <p>a) Qualification and Certification of For-Sale Purchasers</p> <p>WHP units shall be sold only to a purchaser certified by the Department of Housing and Economic Sustainability. Unit owners shall refer prospective purchasers to HES, 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 HES certification process shall be implemented according to procedures established and published by the Department.</p> <p>3) Closing</p> <p>a) The process and requirements for closing of sales of WHP units shall be as set forth in County procedures.</p> <p>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 WHP Restrictive Master Covenant, and shall include the date of recordation of the Restrictive Master Covenant, and the Book and Page of the Official Record.</p> <p>d. Annual Compliance Reporting</p> <p>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.</p>	<p>1) Pricing/Affordability</p> <p>a) Affordability restrictions remain in effect for 15 years recurring from the date of the certificate of occupancy for each 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.</p> <p>b) An owner intending to sell a WHP 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 at the time of approval for the unit's income category shall be the sales floor. No WHP unit is required to be sold at a price below the sales floor, though a seller may opt to do so.</p> <p>2) HES Review</p> <p>a) Qualification and Certification of For-Sale Purchasers</p> <p>WHP units shall be sold only to a purchaser certified by the Department of Housing and Economic Sustainability. Unit owners shall refer prospective purchasers to HES, 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 HES certification process shall be implemented according to procedures established and published by the Department.</p> <p>3) Closing</p> <p>a) The process and requirements for closing of sales of WHP units shall be as set forth in County procedures.</p> <p>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 WHP Restrictive Master Covenant, and shall include the date of recordation of the Restrictive Master Covenant, and the Book and Page of the Official Record.</p> <p>d. Annual Compliance Reporting</p> <p>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.</p>
<p>• Creates new section to guide individual owners in subsequent sales and annual reporting requirements</p> <p>c. Process for Subsequent Sales</p> <p>1) Pricing/Affordability</p> <p>a) Affordability restrictions remain in effect for 15 years recurring from the date of the certificate of occupancy for each 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.</p> <p>b) An owner intending to sell a WHP 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 at the time of approval for the unit's income category shall be the sales floor. No WHP unit is required to be sold at a price below the sales floor, though a seller may opt to do so.</p> <p>2) HES Review</p> <p>a) Qualification and Certification of For-Sale Purchasers</p> <p>WHP units shall be sold only to a purchaser certified by the Department of Housing and Economic Sustainability. Unit owners shall refer prospective purchasers to HES, 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 HES certification process shall be implemented according to procedures established and published by the Department.</p> <p>3) Closing</p> <p>a) The process and requirements for closing of sales of WHP units shall be as set forth in County procedures.</p> <p>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 WHP Restrictive Master Covenant, and shall include the date of recordation of the Restrictive Master Covenant, and the Book and Page of the Official Record.</p> <p>d. Annual Compliance Reporting</p> <p>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.</p>	<p>1) Pricing/Affordability</p> <p>a) Affordability restrictions remain in effect for 15 years recurring from the date of the certificate of occupancy for each 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.</p> <p>b) An owner intending to sell a WHP 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 at the time of approval for the unit's income category shall be the sales floor. No WHP unit is required to be sold at a price below the sales floor, though a seller may opt to do so.</p> <p>2) HES Review</p> <p>a) Qualification and Certification of For-Sale Purchasers</p> <p>WHP units shall be sold only to a purchaser certified by the Department of Housing and Economic Sustainability. Unit owners shall refer prospective purchasers to HES, 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 HES certification process shall be implemented according to procedures established and published by the Department.</p> <p>3) Closing</p> <p>a) The process and requirements for closing of sales of WHP units shall be as set forth in County procedures.</p> <p>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 WHP Restrictive Master Covenant, and shall include the date of recordation of the Restrictive Master Covenant, and the Book and Page of the Official Record.</p> <p>d. Annual Compliance Reporting</p> <p>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.</p>

Exhibit B-2

Workforce Housing Comparison Chart
with requirements for for-sale units

<p>• Creates new section which brings together the existing requirements for rentals, currently intertwined with requirements for for-sale units</p>	<p>2. Rental Units</p> <p>a. Restrictive Master Covenant</p> <p>1) Prior to issuance of the first building permit on the subject development, the developer of the subject development 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 required the WHP unit requirement for the subject development and addresses the requirements of this subsection. Developments for which the in lieu fee has subsequently been paid to Palm Beach County as a result of the Exchange Builder Option, pursuant to Section 5.G.1.C.4.b.2), and no units subject to the WHP program were provided prior to County receiving payment pursuant to the guarantee, may request that the Master Covenant be released.</p> <p>2) The Covenant shall include but not be limited to restrictions requiring: that all required identified WHP units shall be rented only to an income qualified household, in an income category corresponding to the WHP obligation of the development, at or below the prices established for the income category annually by Palm Beach County, subject to the affordability requirements and provisions of this Article low-moderate 1-moderate 2-or middle-income-qualified households at an attainable housing cost for each of the targeted income ranges; that these restrictions remain in effect for a period of 30 years (non-recurring) from the date of occupancy of each the first WHP 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 WHP. Every deed for a rental development with WHP housing units and every rental agreement for each WHP unit shall incorporate by reference the controlling Covenant.</p> <p>b. Pricing/Affordability Requirements</p> <p>Where applicable, the required percentage, affordability ranges and provision of units, shall be in accordance with Table 5.G.1.B. Workforce Housing Program.</p> <p>1. Sales and Rental Prices of WHP Units</p> <p>1) All required WHP units shall be offered for sale or rented only in the designated income categories corresponding to the WHP obligation of the development, at or below the prices established annually by Palm Beach County.</p> <p>2) Affordability restrictions remain in effect for a period of 30 years (non-recurring) for each rental unit, from the date of first occupancy of the 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.</p>
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Exhibit B-2

Workforce Housing Comparison Chart

<p>3) The rent prices shall be updated annually by the Planning Director or designee, based on the monthly rent ranges published annually for the Florida Housing Finance Corporation Multi-Family Rental Programs, by number of bedrooms, for the following income ranges: 60 to 70%; 70 to 80%; 80 to 90%; 90 to 100%; 100 to 110%; 110 to 120%; 120 to 130%; and 130 to 140% of MFI. The minimum WHP price initially established at the time of approval for each rental unit within each WHP income category shall be the rental floor throughout the thirty (30) year affordability period, for the purposes of annual price updates. No WHP unit is required to be rented at a price below the sales floor, though an owner may opt to do so.</p> <p>4) Owners of WHP rental units may choose to include one or more utilities for the unit in the base rental price. Units that do not include utilities must provide a utility allowance in the form of a rent reduction based on a schedule established by the Planning Division. Utilities shall include, but not be limited to, water, sewer, gas and electric. When one or more utility cost(s) are included within the WHP unit rent price, and reasonable, reliable and verifiable documentation is provided that indicates the total utility cost included within the WHP unit rent price meets or exceeds the stated utility allowance cost, then the utility allowance requirement would be waived. If the utility costs are less than the prescribed utility allowance, the difference shall be credited to the WHP resident's rent cost.</p>	<p>3) <u>1. Sales and Rental Prices of WHP Units</u> All required WHP units shall be offered for sale or rent at an attainable housing cost for each of the targeted income ranges. The sale and rent prices shall be updated annually by the Planning Director or designee, with the sale prices based on the Area Median Income (AMI) and the household income limits for PBC (West Palm Beach/Boca Raton metropolitan statistical area) for a family of four, which pricing shall not be adjusted based on the number of occupants, as published annually by HUD (sale price-household income figure multiplied by three and priced at the middle of each of the four WHP income categories), and rental prices based on the monthly rent ranges published annually by the Florida Housing Finance Corporation Multi-Family Rental Programs, by number of bedrooms, for the following income ranges: 60 to 70%; 70 to 80%; 80 to 90%; 90 to 100%; 100 to 110%; 110 to 120%; 120 to 130%; and 130 to 140% of MFI. Figures as adjusted for number of bedrooms in WHP rental units. The minimum WHP price initially established at the time of approval for each for sale unit within each WHP category range will be the sales floor. This sales floor shall serve as the minimum sales price point required throughout the applicable deed restriction time frame. The minimum WHP price initially established at the time of approval for each rental unit within each WHP income category range shall will be the rental floor. This rental floor shall serve as the minimum rental price point required throughout the thirty (30) year affordability period, for the purposes of annual price updates. No WHP unit is required to be rented at a price below the sales floor, though an owner may opt to do so. Term of this Covenant. Any utility allowances applied against gross maximum WHP unit rents shall also be adjusted based on a number of bedrooms in WHP rental units. A chart with the sales and rent prices will be maintained and updated annually by the County.</p> <p>a. <u>Utility Allowance</u> 4) Owners of WHP rental units may choose to include one or more utilities for the unit in the base rental price. Units that do not include utilities must provide a utility allowance in the form of a rent reduction based on the number of bedrooms, according to a schedule established by the Planning Division. Utilities shall include, but not be limited to, water, sewer, gas and electric. When one or more utility cost(s) are included within the WHP unit rent price, and reasonable, reliable and verifiable documentation is provided that indicates the total utility cost included within the WHP unit rent price meets or exceeds the stated utility allowance cost, then the utility cost is waived. If the utility costs are information provided constitutes an amount less than the prescribed utility allowance, the difference value may be applied against the utility allowance and the remaining balance shall be credited to the WHP resident's rent cost.</p>
<ul style="list-style-type: none"> • New and existing provisions grouped in a rental section, to clarify rental process and obligations <ul style="list-style-type: none"> c. Income Qualification of Tenants WHP units shall be rented only to an income-qualified household. The verification of prospective tenants as income-qualified for the rental unit category, pursuant to the requirements of this Article, is the responsibility of the rental unit owner or designated management company. d. Marketing of WHP Rental Units Marketing of WHP rental units is the responsibility of the rental unit owner or designated management company. e. Commencement of Rentals The owner of the rental WHP unit(s) shall provide the Planning Director, or designee, with notice of the date of occupancy of the first WHP unit. f. 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. The owner of the WHP units shall also provide notice to the Planning Director or designee of a change in management company no later than 30 days after the change occurs. 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 WHP Restrictive Master Covenant, and the Book and Page of the Official Record. 	<ul style="list-style-type: none"> c. Income Qualification of Tenants WHP units shall be rented only to an income-qualified household. The verification of prospective tenants as income-qualified for the rental unit category, pursuant to the requirements of this Article, is the responsibility of the rental unit owner or designated management company. d. Marketing of WHP Rental Units Marketing of WHP rental units is the responsibility of the rental unit owner or designated management company. e. Commencement of Rentals The owner of the rental WHP unit(s) shall provide the Planning Director, or designee, with notice of the date of occupancy of the first WHP unit. f. 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. The owner of the WHP units shall also provide notice to the Planning Director or designee of a change in management company no later than 30 days after the change occurs. 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 WHP Restrictive Master Covenant, and shall include the date of recordation of the Restrictive Master Covenant, and the Book and Page of the Official Record.

Exhibit B-2

Workforce Housing Comparison Chart

<ul style="list-style-type: none"> • Delete provision for default of sale following contract 	<p>6. Event of Default of for sale WHP unit following execution of binding contract: In the event of default by the purchaser of a for sale WHP unit after execution of a binding contract and prior to closing, the developer shall be permitted to provide the In-Lieu cash payment (in the amount as determined using formula outlined in Section 5.G.1.1.6. above), and shall be permitted to be released from the WHP obligations for the defaulted unit, inclusive of the release from the Covenant upon the later of either of the two events having occurred: [Ord. 2010-005]</p> <ol style="list-style-type: none"> the first inspection of the WHP unit subject to the default occurred not less than one hundred and eighty (180) days prior to the request to provide the In-Lieu cash payment; or [Ord. 2010-005] the WHP unit subject to the default is located within a development pod/phase in which not less than 80% of the for sale market rate units (i.e. non-WHP units) have binding purchase contracts. The Developer shall provide written notice upon the event of default on a required WHP unit to the Palm Beach County Department of Planning, Zoning and Building, the Department of Housing and Community Development and to the list of interested parties indicating that: [Ord. 2010-005] <ol style="list-style-type: none"> a default occurred on a required WHP unit; [Ord. 2010-005] the specifics of the defaulted lot (WHP income category, location of the project, PCN for the WHP unit, WHP price of the unit, square footage of the unit, and floor plan of the unit); and, [Ord. 2010-005] that the unit remains available for purchase to an eligible WHP household until such time as an In-Lieu cash payment is made pursuant to the later of the two timing mechanism having been met. [Ord. 2010-005] <p>7. Compatibility The resulting development shall be compatible with surrounding residential land uses, as described herein.</p> <p>J. Annual Report The Executive Director of PZB shall submit an annual report to the BCC indicating the status of the WHP.</p>
<ul style="list-style-type: none"> • No change <p>E. Enforcement The County may enforce the requirements of the WHP 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, reclassification of a lesser unit to another income category, and tolling of the 15-year recurring term of for sale units or the 30 year non-recurring term for rental units of the WHP.</p>	<p>FE. Enforcement The County may enforce the requirements of the WHP 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, reclassification of a lesser unit to another income category, and tolling of the 15-year recurring term of for sale units or the 30 year non-recurring term for rental units of the WHP.</p>
<p><i>This section lists changes required to other sections of the Unified Land Development Code, in support of the proposed changes to Article 5, Chapter G, Section 1, Workforce Housing Program (WHP)</i></p>	
<ul style="list-style-type: none"> • In Article 5, Chapter G, Section 3 Transfer of Development Rights (TDRs) – Special Density Program, revises the required percentage of Transfer of Development Rights that must be provided as WHP, from 35% to 34%, consistent with the percentage required in a Workforce Housing Density Bonus. This implements a portion of the Comprehensive Plan Amendment transmitted in January 2019. <p>5.G.3.</p> <ol style="list-style-type: none"> TDR Density Bonus Limitations <ol style="list-style-type: none"> WHP 34 Percent Requirement In accordance with FLUE Policy 2.6-a.5 of the Plan, 34 percent of all TDR density bonus units shall be provided as WHP units. These units shall be constructed on site; comply with the affordability range requirements of Table 5.G.1.B, Workforce Housing Program and Art. 5.G.2.F, Affordability Requirements; and, Art. 5.G.1.C, Development Options. The project shall only be eligible to apply for the following WHP incentives: Art. 5.G.1.E.2, Traffic Performance Standards Mitigation; Art. 5.G.1.E.3, Expedited Review; and, Art. 5.G.1.E.4, Density Bonus Development Options. <p>5.G.3.G</p> <ol style="list-style-type: none"> The Application, Sale, and Value of Development Rights <ol style="list-style-type: none"> Applicants may request Workforce Housing TDR units at greater than the required percentage (34 percent), however in order to receive the Workforce Housing TDR price, those additional Workforce Housing TDR units (>34 percent) must be priced for WHP low income (60-80 percent of AMI) households only. 	<p>5.G.3.</p> <ol style="list-style-type: none"> TDR Density Bonus Limitations <ol style="list-style-type: none"> WHP 35 34 Percent Requirement In accordance with FLUE Policy 2.6-a.5 of the Plan, 35 34 percent of all TDR density bonus units shall be provided as WHP units. These units shall be constructed on site; comply with the affordability range requirements of Table 5.G.1.B, Workforce Housing Program and Art. 5.G.2.F, Affordability Requirements; and, Art. 5.G.1.C, Development Options. The project shall only be eligible to apply for the following WHP incentives: Art. 5.G.1.E.2, Traffic Performance Standards Mitigation; Art. 5.G.1.E.3, Expedited Review; and, Art. 5.G.1.E.4, Density Bonus Development Options. <p>5.G.3.G</p> <ol style="list-style-type: none"> The Application, Sale, and Value of Development Rights <ol style="list-style-type: none"> Applicants may request Workforce Housing TDR units at greater than the required percentage (35 34 percent), however in order to receive the Workforce Housing TDR price, those additional Workforce Housing TDR units (>35 34 percent) must be priced for WHP low income (60-80 percent of AMI) households only.
<ul style="list-style-type: none"> • In Article 2, Chapter B, Section 7, B. Conditional Uses and Official Zoning Map Amendment (Rezoning) to a PDD or TDD, incorporate references to standards for review of the Density Bonus to Article 5.G.1 	

Exhibit B-2

Workforce Housing Comparison Chart
CHAPTER B PUBLIC HEARING PROCESSES

<p>CHAPTER B PUBLIC HEARING PROCESSES</p> <p>....</p> <p>Section 7 Types of Applications</p> <p>....</p> <p>B Conditional Uses and Official Zoning Map Amendment (Rezoning) to a PDD or TDD</p> <p>....</p> <p>2. Standards</p> <p>When considering a DO application for a Rezoning to a PDD or a TDD, or a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHF), the BCC or ZC shall utilize the standards a through h indicated below. An application which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.</p> <p>....</p> <p>3. Standards for WHP Density Bonus Greater than 50%</p> <p>When considering a DO application for a Conditional Use request for Density Bonus under Article 5.G.1, WHP, the BCC shall utilize the standards indicated in Article 5.G.1.B.2.e.2).b).</p> <p>[Renumber accordingly]</p>	<p>....</p> <p>Section 7 Types of Applications</p> <p>....</p> <p>B Conditional Uses and Official Zoning Map Amendment (Rezoning) to a PDD or TDD</p> <p>....</p> <p>2. Standards</p> <p>When considering a DO application for a Rezoning to a PDD or a TDD, or a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHP), or a Rezoning to a PDD or a TDD, the BCC or ZC shall utilize the standards a through h indicated below. An application which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.</p> <p>....</p> <p>3. Standards for WHP Density Bonus Greater than 50%</p> <p>When considering a DO application for a Conditional Use request for Density Bonus under Article 5.G.1, WHP, the BCC shall utilize the standards indicated in Article 5.G.1.B.2.e.2).b).</p> <p>[Renumber accordingly]</p>
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**PALM BEACH COUNTY
PLANNING ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**

Application No.: PIA 2018-02043
Application Name: Florida Power & Light (FPL) Renewable Energy Solar Facility
Applicant: Ken Tuma, Urban Design Kilday Studios
Agent: Ken Tuma, Urban Design Kilday Studios
 Brian Seymour, Gunster, Yoakley & Steward, PA
Telephone No.: (561) 366-1100, (561) 650-0621
Project Manager: Jan Rodriguez, Senior Site Planner

Title: Phase 2, Privately Initiated Code Amendment. **Revised Request:** to amend specific sections of the Unified Land Development Code (ULDC) for Renewable Energy Solar Facilities that are greater than 250 acres; to revise the definition; modify and exempt the requirements for perimeter buffer landscaping; and to be exempt from the maximum height for fences.

APPLICATION SUMMARY: The Applicant is requesting to amend the specific sections of the ULDC within Articles 4, 5 and 7, in order to allow for exemptions and administrative waivers to the landscaping requirements within the Rural, Exurban and Glades Tiers, and to revise the definition for a Renewable Energy Solar Facility. In addition, the Applicant is proposing an amendment to provide exemptions from the fence heights. The Applicant states that the majority of the proposed revisions reflect relief from screening the use from adjacent rights of way or properties and landscape/irrigation requirements (Attachment A). As part of the Phase 1 review, there were other requests to add an exemption from the rezoning requirements for a Renewable Energy Solar Facility when the use is permitted in both the Rural Residential (RR-10) land use designation and Agriculture Production zoning district, and an exemption to allow for barbed wire, however, the Applicant withdrew these requests.

ULDC ARTICLE	TITLE OF ARTICLE	PROPOSED REVISIONS OF CODE SECTIONS BY APPLICANT
Article 4	Use Regulations	4.B.7.C.8. Renewable Energy Solar Facility Amend Definition; Add Exemptions from: <ul style="list-style-type: none"> Planting requirements for Rights of Way and perimeter buffers.
Article 5	Supplementary Standards	<ul style="list-style-type: none"> 5.B.1.A.2.b.1) Height and Related Standards, Residential District.
Article 7	Landscaping	<ul style="list-style-type: none"> Table 7.B.4.A – Type 1 Waivers for Landscaping, 7.C.2.

RECOMMENDATION: Staff is not in support of the Code amendment proposed by the Applicant, which is described in Attachment B, as it does not meet Standards 1, 4, 5, and 6 of the ULDC Article 2.D.3.

ACTION BY THE LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB): At the November 14, 2018 LDRAB Meeting, the Applicant and Staff made presentations regarding the proposed Phase 1 initiation of the request. Issues raised by the LDRAB members included the following: not exempting the renewable energy solar facility use from providing landscape in the buffers; maintaining or encouraging the use of native vegetation; retaining the current renewable energy solar facility definition to ensure limitations are imposed on accessory structures; install sufficient landscaping in conjunction with a fence when adjacent to existing residential development, and the limitation of the use of barbed wire in proximity to residential.

ACTION BY THE BOARD OF COUNTY COMMISSIONERS (BCC): At the November 26, 2018 BCC Hearing, the Applicant and Staff made presentations regarding the Phase 1 Initiation of the request. Staff advised the BCC they were in support of the amendment moving forward; however, further discussion was needed with the Applicant on the proposed language. Commissioner Weinroth stated that he preferred a security alternative to barbed wired, and Commissioner McKinlay said staff should work on the requirements for shade trees with the use.

PUBLIC COMMENT SUMMARY: At time of publication, Staff received five contacts from the public requesting information on the proposed amendment. Summary of the comments are concerns on the impacts of the roads generating from this type of Facility; exemptions from the requirements for screening of the use from the residents; and potential impact on the surrounding residential area.

BACKGROUND AND SUMMARY:

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ULDC 2009 Amendments that established Renewable Energy provisions in ULDC: At the January 29, 2009 BCC Hearing, the BCC directed Staff to convene a LDRAB Subcommittee and work with interested parties to develop language and revise the ULDC to allow for renewable energy facilities. Eight Subcommittee meetings were held between March 20, 2009 and October 19, 2009, with Planning and Zoning Staff, an LDRAB member, Florida Power and Light (FPL) representatives and other interested parties. Based on the input from these meetings, Ordinance 2009-040 was adopted by the BCC on October 22, 2009 creating the definition and supplement use standards for the new use.

Current Request: According to the Applicant's justification, these amendments are appropriate considering that these Solar Farm sites have to be located in large parcels of land, 250 acres or greater, and therefore, placed in the rural areas of the County. The Applicant states that because they have included a minimum acreage for lot size, it is highly unlikely that this proposed use of Renewable Energy Solar Facility (Solar Farm), would ever be proposed within the Urban/Suburban or Agricultural Reserve Tiers in the County.

FOLLOWING PHASE 1 INITIATION: At the Agency Round Table on January 31, 2019, the Applicant presented revised language that took into consideration some of the recommendations provided by LDRAB and Zoning Staff, but held firm their position regarding other recommendations specific to the landscape buffers. Staff further discussed relocating the current landscape requirements for a Renewable Energy Solar Facility to Article 7, Landscaping, where specific landscape waivers could be introduced. The Applicant agreed to consider Staff's suggestion, submitting a final draft on February 4, 2019. The Applicant contacted Staff on February 4, 2019 and advised that further review of the Code the Applicant was not in agreement with including language for the waiver process as the request could still be denied by Staff or additional conditions could be imposed; thereby leaving the Applicant little to no relief. The Applicant is still requesting that the Renewable Energy Solar Facility use be exempt from providing landscape in the buffers.

STANDARDS

Evaluation of a PIA shall include consideration of the following standards:

- 1. Extent to which any other alternatives to a code amendment have been evaluated, a summary of any recommendations or direction provided by the BCC, County staff in prior meetings, and where applicable, why the amendment is being requested in lieu of such alternatives.**

Landscaping (6' hedge): Based on previous meetings Staff is in agreement that the requirement for the additional six foot hedge is not necessary for a Compatibility Buffer or the Right of Way buffer, because the requirements within Article 7 suffice provide for adequate buffering. There are no alternatives within the code that would give an Applicant relief from this requirement and variance relief from Article 4. B, Use Classification and supplementary standards are not allowed. Therefore, the Applicant has to either comply with the current regulations or initiate a code amendment.

Definition: Staff acknowledges that the Applicant cannot seek variances to amend the definition located within Article 4.B. The Applicant has **not** demonstrated a need to modify the definition that currently addresses all types of renewable energy (photovoltaic, thermal, or other). The current definition and renewable energy code requirements are a result of input from the 2009 Subcommittee Meetings that included participation from FPL representatives, in addition to other County Staff and interested parties. The proposed modifications to the definition delete other types of solar facilities previously analyzed by the Subcommittee

Landscaping (Waiver or Exemption): The proposed modifications eliminate or reduce plant material that is required for all uses within the County. The Applicant states that the ULDC requirements within Article 4 and 7, are more for protecting uses within the urban/suburban areas of the County rather than the rural areas. This is incorrect, as the ULDC has multiple requirements in which different regulations are applied based on the Tier the uses are located in. Variances and Waivers are currently an alternative process and Applicant's can request modifications from the landscape requirements specific to the uses unique configuration or circumstance.

Fencing: Variances and Waivers are currently an alternative process the Applicant can request to deviate from those requirements based on the Standards of the ULDC. The Applicant has informed staff that they prefer to amend the regulations rather than seek variance relief where they might not be able to meet the criteria and it is critical these allowances be made for the Solar project to move forward.

- 2. Does not violate State, Federal or other local government laws;**

The proposed requests will not violate any State, Federal or other local government laws.

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- 3. Will be consistent with the Comprehensive Plan, or will otherwise be submitted pursuant to or concurrent with an application to amend the Plan;**

The proposed requests will not result in any inconsistency with the with the Comprehensive Plan.

- 4. Will not be in conflict with any other ULDC provisions or amendment will also address the other inconsistencies;**

The Applicant did **not** demonstrate that the amendment is necessary to address contradictions and inconsistencies in the ULDC. The proposed amendment is to reduce requirements.

- 5. The request has been demonstrated to be a new industry trend not anticipated by the Comprehensive Plan or ULDC; and,**

The Applicant has **not** demonstrated that the requests relate to a new industry trend not anticipated by the Plan or the ULDC.

- 6. Identification of examples of similar land development regulations adopted in other jurisdictions under the same circumstances, such as similar FLU designation or Zoning districts, compatibility, buffering, roadway frontage and other similar site considerations.]**

The Applicant provided examples from Martin and St. Lucie County of land development regulations that required the Renewable Energy Solar Facility use to be approved by the Board of County Commission with the Supplementary Standards being approved by Waivers and Variances. In both of these examples, the requests were Public Hearing items where public input was afforded to the changes to the application of the code provisions.



RENEWABLE ENERGY SOLAR FACILITY (SOLAR FARM) JUSTIFICATION STATEMENT

Request: Text Amendments to provide for Solar Farms in Palm Beach County

Pre-Application Meeting Date: October 30, 2018

Submittal Date for BCC Initiation: November 5, 2018

Submittal Date for LDRAB Phase 2 Process: ~~January 7, 2019~~

~~January 10, 2019~~

~~February 4, 2019~~

~~February 15, 2019~~

March 5, 2019

**Urban Planning and Design
Landscape Architecture
Communication Graphics**

INTRODUCTION & PROPERTY LOCATION

On behalf of Florida Power & Light Company (FPL), Urban Design Kilday Studios (UDKS) is requesting a Privately Initiated Amendment (PIA) to amend the Palm Beach County Unified Land Development Regulations (ULDC). While the request would apply to all future Renewable Energy Solar Facilities outside of the Urban/Suburban and Agricultural Reserve Tiers, FPL has recently purchased lands within the Rural Tier and is moving forward with a Development Review Officer (DRO) Site Plan, as permitted by the ULDC, on a portion of the land area, with a future Site Plan to be processed for the balance of the land.

These proposed revisions are appropriate in order to consider the rural nature of the likely locations for these types of facilities and the large amount of land area required in order to support solar farms. By virtue of a proposal to require a minimum of 250 acres being, it is highly unlikely that the proposed use of Renewable Energy Solar Facility (Solar Farm), would ever be proposed within the Urban/Suburban Tier in the County, nor in the Agricultural Reserve Tier.

Also, in recognition of the rural nature of the areas that will accommodate these facilities, and the fact that there may be limited existing residential uses in the surrounding area, some of the requirements that would be appropriate within an urban area, such as screening, large buffer areas, and extensive landscape materials/irrigation would not be appropriate considering the rural nature of these areas of the County.

While this request to revise the code would apply to all applicable lands within unincorporated Palm Beach County, with the exception of the Urban/Suburban and Agricultural Reserve Tiers, the property currently under consideration for the solar farm is owned by FPL and includes three parcels of land totaling approximately 1,288 acres within the Rural Tier. The property has a designated future land use of Rural Residential-10 and a zoning designation

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LCC000035**

Agricultural Residential (AR). Attached is a recent aerial showing the location of the site.

The subject property is generally located north and south of Orange Boulevard (aka Louise Street), approximately three miles west of the intersection of Seminole Pratt Whitney Boulevard and Orange Boulevard, within the Rural Tier. The subject property includes three parcels of undeveloped land and is located in unincorporated Palm Beach County and has previously been referred to as the Iota Carol property.

A review of the current ULDC regulations that apply to the current use of Renewable Energy Solar Facility do not appear to consider the amount of land area that would be required to create what is commonly referred to as a 'Solar Farm' and the availability of that amount of land within the Urban/Suburban or Agricultural Reserve Tier. Instead, many of the code requirements that are included in the current use's supplemental regulations in Article 4 and landscape requirements appear to have been created to protect neighboring uses from negative impacts within more urban/suburban areas of the County, which contrasts with parcels in more rural areas. As such, the Applicant has requested to amend the definition of Renewable Energy Solar Facility to be more applicable to "Solar Farm" type facilities, taking into consideration their likely locations.

Additionally, the Applicant had proposed to add additional detail to the use definition to reflect necessary accessory use areas and structures required for the solar farm. However, pursuant to Article 5., B.,1., A.,1., c. the ULDC already regulates accessory uses and structures to a maximum of 30 percent of the GFA or business receipts of the principal use or uses for nonresidential zoning districts, and within residential zoning districts, any accessory uses and structures are not to exceed the square footage of the principal use. Based on the principal use of the solar farm, the applicant is will be in compliance with the existing code in this regard and is not requesting any revisions to these limitations.

As an integral part of this request, the Applicant has revised Articles 4 and 7 to provide a tiered approach to ensure adequate screening of Renewable Energy Solar Facilities based on the setbacks provided for solar farm projects. This tiered approach requires increased planting requirements within the required landscape buffers as provided setbacks decrease, thereby ensuring adequate screening located within the solar farm's right-of-way, compatibility, and incompatibility buffers from adjacent uses, along with the code allowance to request waivers.

Photovoltaic Statement

This portion of narrative has been written to outline the general characteristic associated with a photovoltaic solar energy facility ("Solar Farm"). A typical Solar Farm can generate up to 74.5 MW of electricity, which has the capacity to serve approximately 15,000 homes with clean renewable energy. This reduces emissions equivalent to removing 12,000 cars from the road each year.

Solar Farms provide clean, renewable energy by converting sunlight via photovoltaic solar arrays into direct current (DC) electricity and converting it into alternating current

(AC) utilizing power inverters. The zero-emissions electricity is then carried to the collector yard where the voltage is boosted for transmission through the electric grid.

Solar Farms utilize low impact construction techniques and are consistent with surrounding agricultural and residential uses. Solar Farms are typically located on existing agricultural land that has been disturbed from its natural state. The solar panels are strategically arranged to avoid and/or minimize any impacts to environmentally sensitive areas and wetlands. The solar panels stand approximately two feet off the ground and are approximately six to eight feet in height at their peak.

The solar panels are assembled on site onto racks which are supported by metal “U” beams driven into the ground. The only land disturbance associated with the Project is for the access paths, stormwater management facilities, and a collector yard. The internal pathways will be constructed at grade, as non-paved private paths for the exclusive use of maintenance personnel.

Solar facilities are very quiet, low traffic generating uses. There are no full time, onsite employees. The facility is monitored remotely and crews typically visit only for maintenance. Typically, the only maintenance associated with a solar facility is vegetation management, along with as-needed component repairs and maintenance. There are minimal health or safety risks associated with the facility, and such risks are primarily associated with energized electrical equipment, which will be located within a fenced perimeter. The solar panels emit no odors or chemicals and all electricity conducted by the panels is typically distributed to the collector yard through insulated, buried lines.

Construction of a Solar Farm can usually be accomplished in 10 months. Physical security during construction is located at the site entrance in the form of security fencing and security guards. Once open and operating, Solar Farms are un-manned facilities with the only vehicular traffic to the site being maintenance vehicles. Solar Farms require chain link fencing for security purposes and are not lit at night, with the exception of security lighting around the collector yard.

EXISTING ZONING AND FUTURE LAND USE PLAN DESIGNATIONS

Again, while this request is not site specific, the proposed site is located within unincorporated Palm Beach County (PBC), within the Rural Tier. The site has a designated future land use of Rural Residential-10, and zoning designation of Agricultural Residential (AR). Surrounding uses and land use/zoning designations are outlined in the following chart.

EXISTING USE	ZONING	FUTURE LAND USE (FLU)
Subject Site: Delray Linton Groves / Iota Carol	Agricultural Residential (AR)	Rural Residential- 1 dwelling unit per 10 acres (RR-10)
TO THE NORTH: Palm Beach West Associates I LLP / Indian Trails Grove	Agricultural Residential (AR) / Western Communities Residential Overlay (WCRO)	Western Communities Residential (WCR)
TO THE EAST: Palm Beach West Associates I LLP / Indian Trails Grove	Agricultural Residential (AR) / Western Communities Residential Overlay (WCRO)	Western Communities Residential (WCR)
TO THE SOUTH: Indian Trail Improvement District / Indian Trails Grove	Agricultural Residential (AR)	Rural Residential- 1 dwelling unit per 10 acres (RR-10)
TO THE WEST: Miscellaneous Rural Residential and Farmland	Agricultural Production / Agricultural Residential (AR)	Rural Residential- 1 dwelling unit per 5 acres (RR-5) / Rural Residential- 1 dwelling unit per 10 acres (RR-10)

SUBJECT REQUEST

The request includes as stated above a revised definition for Renewable Energy Solar Facility (Solar Farm). The revisions to the supplemental regulations associated with the Solar Energy Facility serve to still protect the surrounding properties should this type of facility ever be proposed within the Urban/Suburban or Agricultural Reserve Tiers, while recognizing the rural character of the most likely locations for the use. The majority of

the proposed revisions reflect relief from screening and landscape/irrigation requirements. It should be noted the proposed revisions are consistent with the regulations required for screening of renewable energy solar facilities within the Urban/Suburban Tier by providing a minimum six foot (6') opaque barrier where adjacent to existing residential uses. The specific proposed code language follows.

Article 4, Chapter B, Section 7

8. Renewable Energy Solar Facility (Solar Farm)

a. Definition

A facility that uses photovoltaic, thermal or other systems with a principal use of producing electric or thermal power from the sun, for the production of electric power that utilizes photovoltaic modules (e.g. panels) to convert solar energy to electricity whereby the electricity is produced, stored, and delivered to the transmission system and consumed off-site.

b. Lot Size

Lots shall comply with the minimum lot dimension requirements pursuant to Table 3.D.1.A, Property Development Regulations, or the applicable PDD requirements.

c. Setbacks

Accessory electric poles, distribution and transmission lines shall be exempt from the minimum setback requirements indicated below:

1) Lots 50 Acres or Greater

Setbacks shall be a minimum of 25 feet from the side and rear property lines. The facility shall comply with the minimum front and side street setbacks of the applicable zoning district.

2) Lots Less than 50 Acres

Setbacks shall be a minimum of 15 feet from the side and rear property lines. The facility shall comply with the minimum front and side street setbacks of the applicable zoning district.

3) Lots Adjacent to Existing Residential Uses

Setbacks shall be a minimum of 35 feet or the zoning district setback, whichever is greater, along the affected property line.

4) Additional Setback

One additional foot of setback shall be required in addition to the minimum setback indicated above for each one foot of height, or fraction thereof, over 20 feet.

d. Perimeter Buffers and Interior Tree Requirements

- 1) ~~An additional~~ six-foot high hedge shall be incorporated into the required Compatibility Buffer or R-O-W Buffer. Palms may be substituted for 50 percent of the required Canopy Trees.
- 2) These facilities shall be exempt from interior landscape requirements for the developable area pursuant to Art. 7.

- 3) For facilities in the Rural, Exurban and Glades tiers greater than 250 acres in size, the following shall apply:
- a. **Right-of-Way Buffers**
 - 1) Where adjacent to non-residential uses and a setback of fifty (50) feet or greater is provided, the buffer is exempt from planting requirements. Setbacks shall apply to buildings and solar panels herein.
 - 2) Where adjacent to existing residential uses and a setback of less than eighty (80) feet is provided, a Type 1 Waiver to quantity of buffer planting material is permitted per Table 7.B.4.A.
 - 3) Where adjacent to existing residential uses and a setback of eighty (80) feet or greater is provided, the buffer is exempt from the canopy tree requirements and the shrub requirement may be met via native vegetation to be installed at a minimum height of two (2) feet, to be maintained at a minimum height of six (6) feet at maturity, or utilize a minimum six-foot-tall opaque fence, to create a six-foot opaque barrier.
 - b. **Compatibility Buffers**
 - 1) Where adjacent to Agricultural, Utilities, or Conservation Uses, or a setback of fifty (50) feet or greater is provided, Compatibility Buffers are not required.
 - 2) Where the provided setback is less than fifty (50) feet, a Type 1 Waiver to the quantity of the buffer planting material is permitted per Table 7.B.4.A.
 - c. **Incompatibility Buffers**
 - 1) A six-foot opaque fence is permitted in lieu of a six-foot wall.
 - 2) A Type 1 Waiver to quantity of buffer material is permitted per Table 7.B.4.A.

Article 5.B.1.A.2.b.1.d.

- d) A Renewable Energy Solar Facility (Solar Farm) located within a Residential Zoning District in the Rural, Exurban or Glades Tier is permitted to apply the fence height regulations for nonresidential districts as contained in Art.5. B.1.A.2.b.2).

Article 7 – Table 7.B.4.A – Type 1 Waivers for Landscaping

Table 7.B.4.A –Type 1 Waivers for Landscaping

Article/Table Reference and Title	Maximum Waiver	Criteria
R-O-W Buffer		
Table 7.D.4.D. Location of Wall or Fence in a Landscape Buffer , Canopy Tree Planting for R-O-W Buffer.	Allow a reduction of 25 percentage of required Canopy trees to be located on the exterior side of the wall or fence for R-O-W Buffers.	<ul style="list-style-type: none"> • Since a wall or fence is not a requirement for a R-O-W Buffer, the Applicant shall demonstrate in the request that the proposed wall or fence is an integral design component for security or aesthetic purpose. • The required trees shall be located on both sides of the wall or fence.

Table 7.B.4.A –Type 1 Waivers for Landscaping

Article/Table Reference and Title	Maximum Waiver	Criteria
Table 7.C.2.A. - R-O-W Buffer Landscape Requirements	Allow a reduction of 50 percent of required Canopy tree, palm/pine and groundcover, small and medium shrub buffer planting requirements for Renewable Energy Solar Facilities (Solar Farms).	<ul style="list-style-type: none"> The Solar Farm shall be a minimum of 250-acres and shall be located within the Rural, Exurban or Glades Tier. All plant material shall be native.
Compatibility Buffer		
Table 7.C.2.B – Compatibility Buffer Requirements	Allow a reduction of 50 percent of required Canopy tree and medium shrub planting requirements for Renewable Energy Facilities (Solar Farms).	<ul style="list-style-type: none"> The Solar Farm shall be a minimum of 250-acres and be located within the Rural, Exurban or Glades Tier. A minimum setback of thirty (30) feet to the solar panels and / or equipment must be provided. All plant material shall be native.
Incompatibility Buffer		
Art. 7.C.2.C.1, Elimination of Incompatibility Buffer	Allow to eliminate the requirement of an Incompatibility Buffer for residential pods in a PDD or tracts within a residential subdivision.	<ul style="list-style-type: none"> The pod or tract is located adjacent to open space that is 100 feet or greater in width; or The site layout of the pod or tract will integrate recreational amenities with multi-family units and CLFs.
Table 7.D.4.D, Location of Wall or Fence in a Landscape Buffer, Canopy Tree Planting for Incompatibility Buffer	Allow a reduction of 25 percent of required Canopy trees to be located on the exterior side of the wall or fence for Incompatibility Buffers.	<ul style="list-style-type: none"> The applicant shall demonstrate in the request that the proposed wall or fence is an integral design component for security or aesthetic purpose. The required trees shall be located on both sides of the wall or fence.
Art 7.C.2.C.1, Incompatibility Buffer	Allow a reduction of 50 percent of required Canopy tree, palm/pine and groundcover, small/medium shrub requirements in all Types of Incompatibility Buffers for Renewable Energy Solar Facilities (Solar Farms).	<ul style="list-style-type: none"> The Solar farm must be a minimum of 250-acres and be located within the Rural, Exurban or Glades Tier. The plant material must be provided on the outside of the required opaque fence and the request must include supporting documentation from adjacent property owner(s) to be granted approval. All plant material shall be native.
Berm		
Art.7.D.6.A, Berm, Tier Restrictions	Allow landscape berms within the Exurban, Rural, Agricultural Reserve, or Glades Tiers.	Berms are utilized to improve screening of loading, parking or vehicular use areas, and to address compatibility issues.
Foundation Planting		
Table 7.C.3.B, Foundation Planting and Dimensional Requirements – Facades to be Planted	Allow a 50 percent relocation of required foundation planting.	<ul style="list-style-type: none"> The foundation planting shall be relocated to another façade of the same building or structure; or to an expanded sidewalk that is located within 30 feet of the same building or structure; The relocated foundation planting shall have the minimum planting width; and The overall total square feet for the foundation planting meets or exceeds the required foundation planting.

Table 7.B.4.A –Type 1 Waivers for Landscaping - Continued

Article/Table Reference and Title	Maximum Waiver	Criteria
Landscape Islands and Parking Structures		
Table 7.C.4.A, Landscape Island and Divider Median - Planting and Dimensional Requirements, Landscape Island Width	Allow the reduction of width of landscape island to 5 feet excluding curbs.	For infill sites with less than 25 parking spaces.
Table 7.C.4.A, Landscape Island and Divider Median - Planting and Dimensional	Allow relocation of shrubs from divider medians to other areas of the site.	For industrial developments that do not have significant public visitation and the nature of the use does not benefit for interior plantings in parking

Table 7.B.4.A –Type 1 Waivers for Landscaping - Continued

Article/Table Reference and Title	Maximum Waiver	Criteria
Requirements , Divider Median Shrub Planting		areas.
Art. 7.C.4.A.1, Landscape Island Maximum Spacing	Allow to increase the number of spaces or distance to provide larger interior islands.	<ul style="list-style-type: none"> To allow existing vegetation to be preserved or existing vegetation to be relocated within parking areas.
Art. 7.C.4.F, Parking Structures	Allow perimeter planter requirement be altered if the planters are in conflict with the architectural design of the parking structure.	<ul style="list-style-type: none"> The Applicant is required to submit architectural elevations of the parking structure for Staff review and evaluation. The required planting for the planters shall be relocated to other areas of the same property where the parking structure is located.
Art.7.C.5.A.1, Underground or Overhead Easement - Relocation of Trees [Ord. 2018-018]	Allow required trees to be relocated on the same site. [Ord. 2018-018]	<ul style="list-style-type: none"> There is no reduction in the total quantity of the required trees; [Ord. 2018-018] A maximum of ten percent of the required trees within the same buffer may be relocated; and, [Ord. 2018-018] The Applicant shall identify on the Alternative Landscape Plan the new location of the tree(s) and whether root barrier will be utilized for the tree. [Ord. 2018-018]
Art. 7.C.5.B, Easements in Off-Street Parking Existing Utilities [Ord. 2018-018]	Allow existing easements to overlap the landscape islands. [Ord. 2018-018]	<ul style="list-style-type: none"> The Applicant shall provide documentation from the Utility easement holder that the easement(s) are recorded, and are not subject to a change in the location; [Ord. 2018-018] The Applicant may utilize a small tree or a palm to satisfy the canopy tree requirement. If the minimum separation between the tree and the utilities cannot be met, the required tree in the island may be relocated within the same site; [Ord. 2018-018] The minimum percentage of Canopy tree pursuant to Table 7.C.4.A, may be reduced to 50 percent and palms may be increased up to 50 percent, and, [Ord. 2018-018] The Applicant shall identify on the Alternative Landscape Plan the new location of the tree(s) and whether root barrier will be utilized for the tree. [Ord. 2018-018]
[Ord. 2005-002] [Ord. 2012-027] [Ord. 2014-025] [Ord. 2015-031] [2016-016] [Ord. 2016-042] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2018-018]		

CONCLUSION

It is being requested that the Zoning Division place this request on the next available Land Development Regulation Board agenda and the next available Board of County Commission Agenda as part of the Phase 2 Process for Privately Initiated Text Amendments for consideration. Based on the land area that will be required for these facilities, it appears appropriate that regulations that consider the surrounding uses in the area be crafted in order to encourage and permit these uses in Palm Beach County. This can be accomplished without impacting what would be required should this use ever be proposed within urban areas and/or Agricultural Reserve areas of the County that could have a greater impact on the surrounding residents/uses.

Attachment B

APPLICANT'S REQUEST
ARTICLE 4 – USE REGULATIONS, ARTICLE 5 SUPPLEMENTARY STANDARDS, AND
ARTICLE 7, LANDSCAPING
SOLAR FARMS
PIA-2018-02043

1 Part 1. ULDC Art. 4.B.7.C.8, Use Regulations, Use Classification, Utility Uses, Renewable Solar Energy
2 Facility (page 115 of 200, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]

1. Revisions are proposed to address landscape requirements for Solar Farms with a minimum of 250 acres in size within the Rural, Exurban, and Glades Tiers by taking into account the rural nature of the area to provide relief to typical perimeter buffer landscape planting requirements. Code revision still provides for screening where the use is adjacent to existing residential uses, provides thresholds that require increased landscape buffer planting as provided setbacks decrease, and takes into account adjacency to existing residential uses.

3 CHAPTER B USE CLASSIFICATION

4 Section 7 Utility Uses

5 ...
6 C. Definitions and Supplementary Use Standards for Specific Uses

7 ...
8 8. Renewable Energy Solar Facility (**Solar Farm**)

9 a. Definitions

10 A facility ~~that uses photovoltaic, thermal or other systems with a principal use of producing electric~~
11 ~~or thermal power from the sun for the production of electric power that utilizes photovoltaic modules~~
12 ~~(e.g. panels) to convert solar energy to electricity whereby the electricity is produced, stored, and~~
13 ~~delivered to the transmission system and consumed off-site.~~

14 b. Lot Size

15 Lots shall comply with the minimum lot dimension requirements pursuant to Table 3.D.1.A, Property
16 Development Regulations, or the applicable PDD requirements.

17 c. Setbacks

18 Accessory electric poles, distribution and transmission lines shall be exempt from the minimum
19 setback requirements indicated below:

20 1) **Lots 50 Acres or Greater**

21 Setbacks shall be a minimum of 25 feet from the side and rear property lines. The facility shall
22 comply with the minimum front and side street setbacks of the applicable zoning district.

23 2) **Lots Less than 50 Acres**

24 Setbacks shall be a minimum of 15 feet from the side and rear property lines. The facility shall
25 comply with the minimum front and side street setbacks of the applicable zoning district.

26 3) **Lots Adjacent to Existing Residential Uses**

27 Setbacks shall be a minimum of 35 feet or the zoning district setback, whichever is greater, along
28 the affected property line.

29 4) Additional Setback One additional foot of setback shall be required in addition to the minimum
30 setback indicated above for each one foot of height, or fraction thereof, over 20 feet.

31 d. **Perimeter Buffers and Interior Tree Requirements**

32 1) ~~An additional~~ six-foot high hedge shall be incorporated into the required Compatibility Buffer or
33 R-O-W Buffer. Palms may be substituted for 50 percent of the required Canopy Trees.

34 2) These facilities shall be exempt from interior landscape requirements for the developable area
35 pursuant to Art. 7, Landscaping.

36 3) For facilities within the Rural, Exurban and Glades tiers greater than 250 acres in size, the
37 following shall apply:

38 a) **Right-of-Way Buffers**

39 (1) Where adjacent to non-residential uses and a setback of fifty (50) feet or greater is
40 provided, the buffer is exempt from planting requirements. Setbacks shall apply to
41 buildings and solar panels herein.

42 (2) Where adjacent to existing residential uses and a setback of less than eighty (80) feet is
43 provided, a Type 1 Waiver to quantity of buffer planting material is permitted per Table
44 7.B.4.A.

45 (3) Where adjacent to existing residential uses and a setback of eighty (80) feet or greater
46 is provided, the buffer is exempt from the canopy tree requirements and the shrub
47 requirement may be met via native vegetation to be installed at a minimum height of two
48 (2) feet, to be maintained at a minimum height of six (6) feet at maturity, or utilize a
49 minimum six-foot-tall opaque fence, to create a six-foot opaque barrier.

50 b. **Compatibility Buffers**

51 (1) Where adjacent to Agricultural, Utilities, or Conservation Uses, or a setback of fifty (50)
52 feet or greater is provided, Compatibility Buffers are not required.

53 (2) Where the provided setback is less than fifty (50) feet, a Type 1 Waiver to the quantity
54 of the buffer planting material is permitted per Table 7.B.4.A.

1 **c. Incompatibility Buffers**

2 (1) A six-foot opaque fence is permitted in lieu of a six-foot wall.

3 (2) A Type 1 Waiver to quantity of buffer material is permitted per Table 7.B.4.A.

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6 **Part 2. ULDC Art. 5.B.1.A.2.b.1.d. Supplementary Standards, Accessory Uses and Structures, Supplementary Regulations, Accessory Uses and Structures, Residential Districts, Fences and Walls, Height and Related Standards (page 12 of 110, Supplement 25), is hereby amended as follows:**

<p>7 Reason for amendments: [Zoning]</p> <p>8 1. Amendment proposed to allow for fences for the use to exceed the four-foot fence height within the front setback and the six feet in side, side street and rear setback six-foot fence height and instead utilize the non-residential fence heights of six feet in the front setback and eight feet in the side, side street, and rear setbacks, consistent with the non-residential use of the property.</p>

10 **CHAPTER B ACCESSORY USES AND STRUCTURES**

11 **Section 1 Supplementary Regulations**

12 **A. Accessory Uses and Structures**

13 ...

14 **2. Fences and Walls**

15

16 **b. Height and Related Standards**

17 **1) Residential Districts**

18 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]

19 **a) Within required front setback:**

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

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

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

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

24 **d) A Renewable Energy Solar Facility (Solar Farm) located within a Residential Zoning District in the Rural, Exurban or Glades Tier is permitted to apply the fence height regulations for nonresidential districts as contained in Art.5. B.1.A.2.b.2).**

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

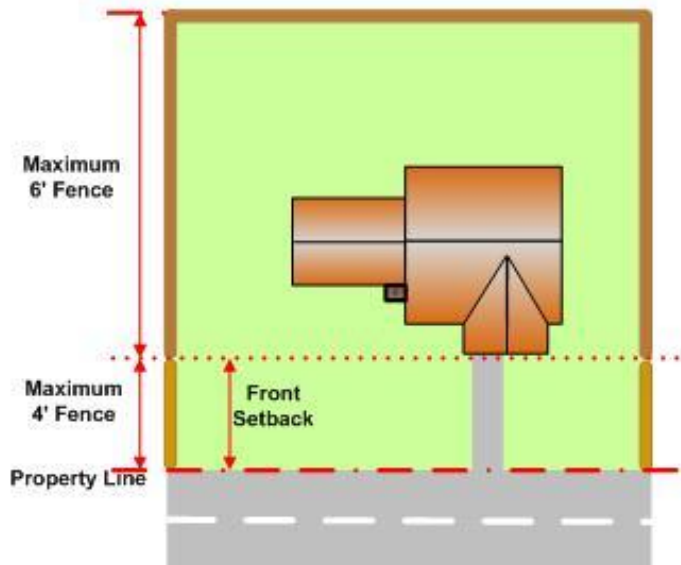
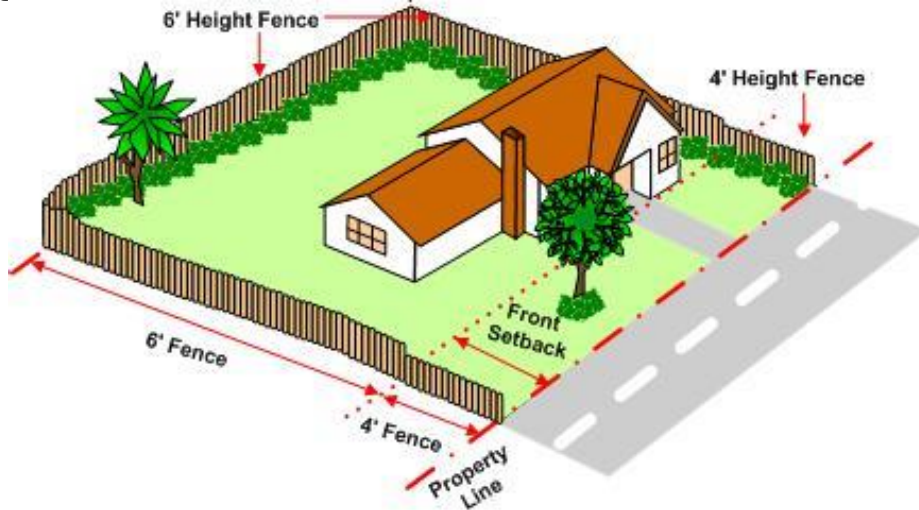


Figure 5.B.1.A – Typical Example of Residential District Fence and Wall Height
 [Ord. 2005-041] [Ord. 2015-006]

2) Nonresidential Districts

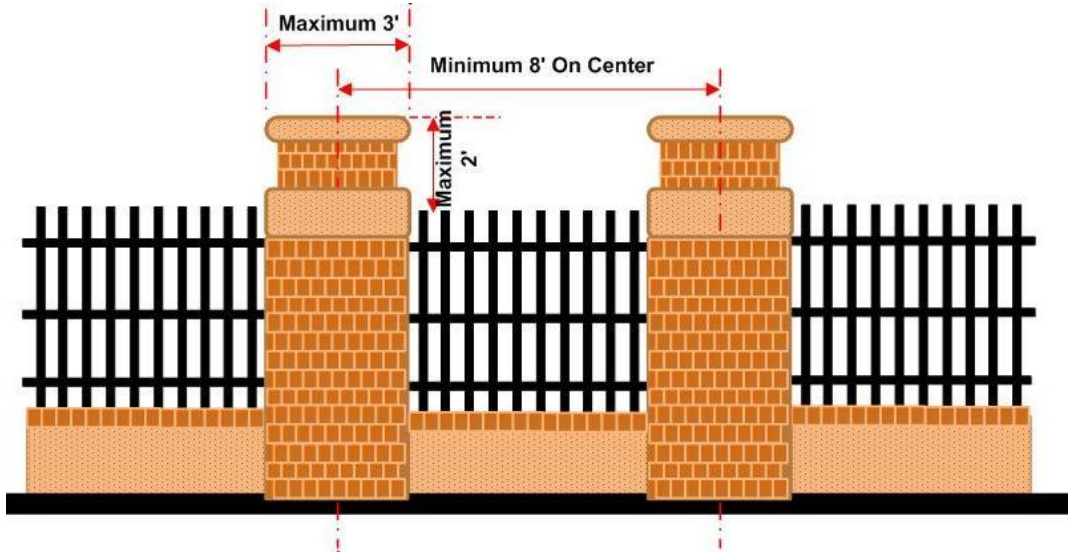
The maximum height for a fence or wall on or adjacent to a lot line or in a landscape buffer shall be as follows: [Ord. 2015-006]

- 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

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

....

Part 3. ULDC Table 7.B.4.A, Landscaping, Applicability and approval process, Type 1 Waivers for Landscaping (pages 11-13 of 54, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Amendment proposed to permit Type 1 Waivers for Renewable Energy Solar Facility buffers based on thresholds set forth in Article 4 by taking into account the rural nature of the area to provide relief to typical perimeter buffer landscape planting requirements based on provided setbacks, buffer type, and adjacent uses.

CHAPTER B APPLICABILITY AND APPROVAL PROCESS

Section 4 Type 1 Waiver for Landscaping

An Applicant may seek minor modifications to the requirements of this Article that are identified in Table 7.B.4.A, Type 1 Waivers for Landscaping. Any requirements that are not listed herein may be eligible to be modified through other applicable processes pursuant to Art. 2, Application Processes and Procedures. The Applicant shall demonstrate in the Justification Statement and provide supporting documents that Art. 2.C.5.E.3, Standards for a Type 1 Waiver, and the applicable Criteria in the following Table have been met. [Ord. 2007-001] [Ord. 2016-042] [Ord. 2018-002]

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A. Applicability

Type 1 Waiver for Landscaping shall not be combined with other Variance requests for the same requirements. [Ord. 2018-002]

Table 7.B.4.A – Type 1 Waivers for Landscaping

Article/Table Reference and Title	Maximum Waiver	Criteria
R-O-W Buffer		
Table 7.D.4.D, Location of Wall or Fence in a Landscape Buffer, Canopy Tree Planting for R-O-W Buffer	Allow a reduction of 25 percentage of required Canopy trees to be located on the exterior side of the wall or fence for R-O-W Buffers.	<ul style="list-style-type: none"> Since a wall or fence is not a requirement for a R-O-W Buffer, the Applicant shall demonstrate in the request that the proposed wall or fence is an integral design component for security or aesthetic purpose. The required trees shall be located on both sides of the wall or fence.
<u>Table 7.C.2.A., - R-O-W Buffer Landscape Requirements</u>	<u>Allow a reduction of 50 percent of required Canopy tree, palm/pine and groundcover, small and medium shrub buffer planting requirements for Renewable Energy Solar Facilities (Solar Farms).</u>	<ul style="list-style-type: none"> <u>The Solar Farm shall be a minimum of 250-acres and shall be located within the Rural, Exurban or Glades Tier.</u> <u>All plant material shall be native.</u>
Compatibility Buffer		
<u>Table 7. C.2.B – Compatibility Buffer Requirements</u>	<u>Allow a reduction of 50 percent of required Canopy tree and medium shrub planting requirements for Renewable Energy Facilities (Solar Farms).</u>	<ul style="list-style-type: none"> <u>The Solar Farm must be a minimum of 250-acres and be located within the Rural, Exurban or Glades Tier.</u> <u>A minimum setback of thirty (30) feet to the solar panels and / or equipment must be provided.</u> <u>All plant material shall be native.</u>
Incompatibility Buffer		
Art. 7.C.2.C.1, Elimination of Incompatibility Buffer	Allow to eliminate the requirement of an Incompatibility Buffer for residential pods in a PDD or tracts within a residential subdivision.	<ul style="list-style-type: none"> The pod or tract is located adjacent to open space that is 100 feet or greater in width; or The site layout of the pod or tract will integrate recreational amenities with multi-family units and CLFs.
Table 7.D.4.D, Location of Wall or Fence in a Landscape Buffer, Canopy Tree Planting for Incompatibility Buffer	Allow a reduction of 25 percent of required Canopy trees to be located on the exterior side of the wall or fence for Incompatibility Buffers.	<ul style="list-style-type: none"> The applicant shall demonstrate in the request that the proposed wall or fence is an integral design component for security or aesthetic purpose. The required trees shall be located on both sides of the wall or fence.
<u>Art 7.C.2.C.1, Incompatibility Buffer</u>	<u>Allow a reduction of 50 percent of required Canopy tree, palm/pine and groundcover, small/medium shrub requirements in all Types of Incompatibility Buffers for Renewable Energy Solar Facilities (Solar Farms).</u>	<ul style="list-style-type: none"> <u>The Solar farm must be a minimum of 250-acres and be located within the Rural, Exurban or Glades Tier.</u> <u>The plant material must be provided on the outside of the required opaque fence and the request must include supporting documentation from adjacent property owner(s) to be granted approval.</u> <u>All plant material shall be native.</u>
Berm		
Art.7 .D.6.A, Berm, Tier Restrictions	Allow landscape berms within the Exurban, Rural, Agricultural Reserve, or Glades Tiers.	<ul style="list-style-type: none"> Berms are utilized to improve screening of loading, parking or vehicular use areas, and to address compatibility issues.
Foundation Planting		
Table 7.C.3.B, Foundation Planting and Dimensional Requirements – Facades to be Planted	Allow a 50 percent relocation of required foundation planting.	<ul style="list-style-type: none"> The foundation planting shall be relocated to another façade of the same building or structure; or to an expanded sidewalk that is located within 30 feet of the same building or structure; The relocated foundation planting shall have the minimum planting width; and The overall total square feet for the foundation planting meets or exceeds the required foundation planting.
Landscape Islands and Parking Structures		
Table 7.C.4.A, Landscape Island and Divider Median – Planting and Dimensional Requirements, Landscape Island Width	Allow the reduction of width of landscape island to 5 feet excluding curbs.	<ul style="list-style-type: none"> For infill sites with less than 25 parking spaces.
Table 7.C.4.A, Landscape Island and Divider Median – Planting and Dimensional Requirements, Divider Median Shrub Planting	Allow relocation of shrubs from divider medians to other areas of the site.	<ul style="list-style-type: none"> For industrial developments that do not have significant public visitation and the nature of the use does not benefit for interior plantings in parking areas.
Art. 7.C.4.A.1, Landscape Island Maximum Spacing	Allow to increase the number of spaces or distance to provide larger interior islands.	<ul style="list-style-type: none"> To allow existing vegetation to be preserved or existing vegetation to be relocated within parking areas.

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Table 7.B.4.A – Type 1 Waivers for Landscaping, continued

Article/Table Reference and Title	Maximum Waiver	Criteria
Art. 7.C.4.F, Parking Structures	Allow perimeter planter requirement be altered if the planters are in conflict with the architectural design of the parking structure.	<ul style="list-style-type: none"> The Applicant is required to submit architectural elevations of the parking structure for Staff review and evaluation.

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<p>Art.7.C.5.A.1, Underground Easement Relocation of Trees [Ord. 2018-018]</p>	<p>Allow required trees to be relocated on the same site. [Ord. 2018-018]</p>	<ul style="list-style-type: none"> • The required planting for the planters shall be relocated to other areas of the same property where the parking structure is located. • There is no reduction in the total quantity of the required trees; [Ord. 2018-018] • A maximum of ten percent of the required trees within the same buffer may be relocated; and, [Ord. 2018-018] • The Applicant shall identify on the Alternative Landscape Plan the new location of the tree(s) and whether root barrier will be utilized for the tree. [Ord. 2018-018]
<p>Art. 7.C.5.B, Easements in Off-Street Parking Areas – Existing Utilities [Ord. 2018-018]</p>	<p>Allow existing easements to overlap the landscape islands. [Ord. 2018-018]</p>	<ul style="list-style-type: none"> • The Applicant shall provide documentation from the Utility easement holder that the easement(s) are recorded, and are not subject to a change in the location; [Ord. 2018-018] • The Applicant may utilize a small tree or a palm to satisfy the canopy tree requirement. If the minimum separation between the tree and the utilities cannot be met, the required tree in the island may be relocated within the same site; [Ord. 2018-018] • The minimum percentage of Canopy tree pursuant to Table 7.C.4.A, may be reduced to 50 percent and palms may be increased up to 50 percent, and, [Ord. 2018-018] • The Applicant shall identify on the Alternative Landscape Plan the new location of the tree(s) and whether root barrier will be utilized for the tree. [Ord. 2018-018]
<p>[Ord. 2005-002] [Ord. 2012-027] [Ord. 2014-025] [Ord. 2015-031] [Ord. 2016-016] [Ord. 2016-042] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2018-018] [Ord. 2019-005]</p>		

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B. Pre-Application Appointment (PAA) for a Type 1 Waiver

The applicant shall be required to schedule and attend a PAA with the Zoning Division staff to review and discuss preservation of existing vegetation, possible design alternatives, and any Waivers that may be requested as part of the application. [Ord. 2007-001] [Ord. 2016-042] [Ord. 2018-002]

C. Landscape Plan

The Applicant shall submit Landscape Plan(s) to the DRO to demonstrate graphically the proposed Type 1 Waiver requests. The DRO may allow the alternative designs or waiver requests be incorporated on a Site or Subdivision Plan or any other types of Zoning Plan in lieu of the Landscape Plan. Upon the approval of the Type 1 Waiver(s), the Applicant shall finalize the Landscape Plans as Final Landscape Plans for Building Permit Review, if applicable. [Ord. 2018-002]

Attachment C

STAFF'S ALTERNATIVE
Article 4 – Use Regulations, Article 5 Supplementary Standards, and
ARTICLE 7, LANDSCAPING
Solar Farms
PIA-2018-02043

Part 1. ULDC Art. 4.B.7.C.8, Use Regulations, Use Classification, Utility Uses, Renewable Solar Energy Facility (page 115 of 200, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning Staff Alternate Language PIA 2018-2043]

1. In consideration of the use and in an effort to provide reasonable options for screening, the proposed language is suggested as an alternative to the language provided by the Applicant.

CHAPTER B USE CLASSIFICATION

Section 7 Utility Uses

C. Definitions and Supplementary Use Standards for Specific Uses

8. Renewable Energy Solar Facility

a. Definition

A facility that uses photovoltaic, thermal or other systems with a principal use of producing electric or thermal power from the sun- that is then stored and delivered to the transmission system and consumed off-site.

b. Lot Size

Lots shall comply with the minimum lot dimension requirements pursuant to Table 3.D.1.A, Property Development Regulations, or the applicable PDD requirements.

c. Setbacks

Accessory electric poles, distribution and transmission lines shall be exempt from the minimum setback requirements indicated below:

1) Lots 50 Acres or Greater

Setbacks shall be a minimum of 25 feet from the side and rear property lines. The facility shall comply with the minimum front and side street setbacks of the applicable zoning district.

2) Lots Less than 50 Acres

Setbacks shall be a minimum of 15 feet from the side and rear property lines. The facility shall comply with the minimum front and side street setbacks of the applicable zoning district.

3) Lots Adjacent to Existing Residential Uses

Setbacks shall be a minimum of 35 feet or the zoning district setback, whichever is greater, along the affected property line.

4) Additional Setback

One additional foot of setback shall be required in addition to the minimum setback indicated above for each one foot of height, or fraction thereof, over 20 feet.

d. Perimeter Buffers and Interior Tree Requirements

1) For facilities within the Rural, Exurban and Glades Tiers greater than 250 acres in size, the following shall apply:

a) R-O-W Buffer

Shall be exempt from the requirements of Art. 7.C.2.A, R-O-W Buffer provided a six foot high Landscape Barrier is installed. If a hedge is proposed, credit to satisfy the hedge material may be granted for on-site preservation of existing vegetation pursuant to Art. 7. E.3, Credit and Replacement. An additional six-foot high hedge shall be incorporated into the required Compatibility Buffer or R-O-W Buffer. Palms may be substituted for 50 percent of the required Canopy Trees.

b) Compatibility Buffer

(1) Shall be exempt from the landscaping requirements of Art. 7 when the site meets or exceeds the minimum 25 foot setback, and is adjacent to a parcel of land with Agricultural or Utility Uses or a PC FLU designation; or

(2) Shall be exempt from the landscaping requirements of Art. 7 when the site meets or exceeds a 50 foot setback, and is adjacent to a parcel of land with an existing Landscape Buffer. These facilities shall be exempt from interior landscape requirements for the developable area pursuant to Art. 7. [Relocated to: ULDC Art. 4.B.7.C.8.d.4), Landscape Buffer and Interior Landscape Requirements]

c) Incompatibility Buffer

The Type 3 Incompatibility Buffer may be reduced to 50 percent of the Landscaping materials, excluding the width, and can be a hedge or fence.

2) All Tiers

These facilities shall be exempt from interior landscape requirements for the developable area pursuant to Art. 7. [Relocated from: ULDC Art. 4.B.7.C.8.d.2), Landscape Buffer and Interior Landscape Requirements]

1
2 **Part 2. ULDC Art. 5.B.1.A.2.b.1) and 2) Accessory Uses and Structures, Fences and Walls, Dangerous**
3 **Material, Allowable Uses for Barbed Wire (page 12-13 of 107, Supplement xx), is hereby amended**
4 **as follows:**

Reason for amendments: [Zoning Staff Alternate Language PIA 2018-2043]
1. To apply the fence height requirements based on the proposed or existing use rather than the zoning districts.

5 **CHAPTER B GENERAL**

6 **Section 1 Supplementary Regulations**

7 **A. Accessory Uses and Structures**

8 ...
9 **2. Fences and Walls**

10
11 **b. Height and Related Standards**

12 **1) Residential ~~Districts~~ Uses**

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

15 a) Within required front setback:

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

17 (2) six feet for property owned by PBC for preservation or conservation purposes. **[Ord.**
18 **2005-041] [Ord. 2015-006]**

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

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

21
22 **2) Nonresidential ~~Districts~~ Uses**

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

25 a) Within the required front setback: six feet. **[Ord. 2015-006]**

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

27 ...
28
29

30 **Part 3. ULDC Art. 7.C.2, Types of Landscape Buffer, R-O-W Buffer and Compatibility Buffer Exemption,**
31 **(page 15-17 of 54, Supplement 25), is hereby amended as follows:**

Reason for amendments: [Zoning]
1. To cross-reference the exemptions for R-O-W and Compatibility Buffers as shown in the supplementary use standards in Art. 4.B.7.C.8, Renewable Solar Energy Facility.

32 **CHAPTER C LANDSCAPE BUFFER AND INTERIOR LANDSCAPE REQUIREMENTS**

33 **Section 2 Types of Landscape Buffer**

34 **A. R-O-W Buffer**

35 A R-O-W Buffer shall consist of Canopy trees; palms or pines; rows of shrubs, and groundcover. Palms or
36 pines may be used as a substitute for Canopy trees. Clustering of plant materials and opening of tree planting
37 are allowed to provide visibility for a wall sign or an architectural feature of the building; or to accommodate
38 a walkway or an amenity. **[Ord. 2018-002]**

39 **1. Applicability**

40 R-O-W Buffers shall be provided along all public street R-O-W. This shall apply to those lots that are
41 separated by a canal, lake, open space or a combination thereof. **[Ord. 2016-042] [Ord. 2018-002]**

42 **2. Exemptions**

43 R-O-W Buffers are not required for the following: **[Ord. 2018-002]**

44 a. Where the R-O-W is an alley; **[Ord. 2018-002]**

45 b. A lot with a Single Family, ZLL or townhouse unit; and **[Ord. 2018-002]**

46 c. Private streets internal to a PDD, TDD, a subdivision or a lot. If trees are installed within the street
47 R-O-W, installation of the trees shall be subject to the approval by the Engineering Department. **[Ord.**
48 **2018-002]**

49 d. Renewable Energy Solar Facility, within the Rural, Exurban and Glades Tiers greater than 250 acres
50 in size, provided a six foot high Landscape Barrier is installed. If a hedge is proposed, credit to satisfy
51 the hedge material may be granted for on-site preservation of existing vegetation pursuant to Art. 7.
52 E.3, Credit and Replacement.

53
54

55 **B. Compatibility Buffer**

56 A Compatibility Buffer shall consist of Canopy trees and rows of shrubs. Palms or pines may be used as a
57 substitute for Canopy trees. **[Ord. 2018-002]**

58 **1. Applicability**

59 Compatibility Buffers shall be provided between all compatible uses or where a development or a lot is
60 adjacent to lots with a compatible FLU designation, unless stated otherwise herein. **[Ord. 2018-002]**

61 **2. Exemption**

62 Compatibility Buffers shall not be required for the following: **[Ord. 2018-002]**...

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- a. Single Family residential subdivisions or pods adjacent to Single Family residential subdivisions or pods. Cottage Home pods adjacent to Cottage Home pods. **[Ord. 2018-002] [Ord. 2018-018]**
- b. Internal buffers within TDDs, unless specifically stated otherwise; or **[Ord. 2018-002]**
- c. Where residential uses are not adjacent to other incompatible design elements such as roadways, useable open space areas; or where residential setbacks are less than adjacent residential development. **[Ord. 2018-002]**
- d. Renewable Energy Solar Facility, within the Rural, Exurban and Glades Tiers greater than 250 acres in size, provided the site meets or exceeds the minimum 25 foot setback, and is adjacent to a parcel of land with Agricultural or Utility Uses or a Conservation FLU designation.
- e. Renewable Energy Solar Facility, within the Rural, Exurban and Glades Tiers greater than 250 acres in size, provided the site meets or exceeds a 50 foot setback, and is adjacent to a parcel of land with an existing Landscape Buffer.

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**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



**Palm Beach County
Board of County
Commissioners**

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- Dave Kerner, Vice Mayor
- Hal R. Valeche
- Gregg K. Weiss
- Robert S. Weinroth
- Mary Lou Berger
- Melissa McKinlay

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
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**INTER-OFFICE COMMUNICATION
DEPARTMENT OF PLANNING, ZONING AND BUILDING
PLANNING DIVISION**

TO: Wesley Blackman, AICP, Chairman, and
Members of the Land Development Regulation Advisory Board
(LDRAB) wesblackman@gmail.com

FROM: Melissa Michael, Senior Planner
Planning Division

DATE: April 15, 2019

RE: Comprehensive Plan Consistency Determination for Proposed
ULDC Amendments

The Planning Division has determined the proposed ULDC amendments, Exhibit B through Exhibit J, of the packet provided by the Zoning Division and scheduled for the April 24, 2019 LDRAB/LDRC meeting are generally consistent with the Comprehensive Plan.

Additional review will be required for any revision(s) to an amendment other than for the purpose of correcting grammatical or spelling errors.

cc: Patricia Behn, Interim Planning Director
Jon MacGillis, ASLA, Zoning Director
Bryan Davis, CNU-A, Principal Planner
Wendy Hernandez, Principal Site Planner
Jan Rodriguez, Senior Site Planner
Alexander Biray, Zoning Technician

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EXHIBIT D

ARTICLE 4 – USE REGULATIONS SUMMARY OF AMENDMENTS

CR-2018-0056
(Updated 4/02/19)

- 1 **Part 1. ULDC Art. 4.B.1.E.10.I, Use Regulations, Use Classification, Residential Uses, Home**
 2 **Occupation, Nuisances [Related to Home Occupation] (page 23 of 208, Supplement 24),**
 3 **is hereby amended as follows:**
 4

Reason for amendments: [Zoning/Code Enforcement]

1. To remove a subjective standard related to language about noise and default to acceptable sound levels pursuant to Art. 5, Table 5.E.4.B – Maximum Sound Levels. Table 5.E.4.B – Maximum Sound Levels shown below provides measurable levels.

Table 5.E.4.B - Maximum Sound Levels

Receiving Land Use Type	Sound Source	Time of Day	Maximum Sound Level	
			USA	RSA
Residential	Fixed mechanical equipment	Any time	60 dB	60 dB
Residential	Permanent Generator	See Art. 5.B.1.A.18	75 dB	75 dB
Residential	All other sources	7 AM to 8 PM	60 dB	55 dB
		8 PM to 10 PM	55 dB	50 dB
		10 PM to 7 AM	50 dB	50 dB
Commercial Nonresidential	All sources	Any time	70 dB	70 dB
Non-Residential	Permanent Generator	See Art. 5.B.1.A.18	75 dB	75 dB

[Ord. 2006-004]

Unified Land Development Code
Supplement No. 25 (Printed 02/19)

Article 5 – Supplementary Standards
62 of 107

2. The Maximum Sound Levels table lists the maximum sound levels for residential, nonresidential and commercial uses. Objectionable nature referenced in the Home Occupation is subjective and difficult for the Code Enforcement staff to enforce or defend.

5 **CHAPTER B USE CLASSIFICATION**

6 **Section 1 Residential Uses**

7

8 **E. Accessory Residential Use Standards**

9 **10. Home Occupation**

10 **I. Nuisances**

11 No Home Occupation shall involve the use of any mechanical, electrical or other
 12 equipment, materials or items, which produce noise, electrical or magnetic interference,
 13 vibration, heat, glare, smoke, dust, odor or other nuisance outside the residential building.
 14 There shall be no storage of hazardous or noxious materials on the site of the home
 15 occupation. ~~There shall be no noise of an objectionable nature from the Home Occupation~~
 16 ~~audible at adjoining property lines.~~

17
 18

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EXHIBIT E

ARTICLE 5 – SUPPLEMENTARY STANDARDS FUEL, GAS, OR CHEMICAL STORAGE TANKS

CR-2018-057
(Updated 04/02/2019)

1 Part 1. ULDC Art. 5.B.1.A.7, Supplementary Standards, Accessory Uses and Structures,
2 Supplementary Regulations, Accessory Uses and Structures, Fuel, Gas or Chemical
3 Storage Tanks (page 20-21 of 110, Supplement 24), is hereby amended as follows:

Reason for amendments: [Zoning]
1. To clarify setbacks based on the zoning district setbacks or the Florida Building and Fire Prevention codes. Permitting staff indicated inconsistencies with interpretation and application.
2. In some cases, the 20' setback exceeded those identified in the NFPA 58 Gas Code and thereby made it difficult for the Applicant to comply.

4 CHAPTER B ACCESSORY USES AND STRUCTURES

5 Section 1 Supplementary Regulations

6 A. Accessory Uses and Structures

7

8 7. Fuel, Gas, or Chemical Storage Tanks

9 Above ground accessory fuel, gas, or chemical storage tanks, 3 feet or greater in height shall
10 be subject to the zoning district setbacks or the minimum setbacks required by the Florida
11 Building and Fire Prevention codes, whichever is greater, and screening. New and
12 replacement storage tanks of 20 feet and shall be ~~completely~~ screened from view if adjacent
13 to a residential use or FLU designation and visible from an adjacent R-O-W. The screening
14 shall consist of by a continuous solid an opaque barrier or equivalent landscaping a hedge a
15 minimum of four feet in height equal to the highest point of the storage tanks around the
16 perimeter of the tank enclosure.
17
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....

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EXHIBIT F

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES REASONABLE ACCOMODATION

CR-2018-059
(Updated 04/02/19)

1 Part 1. ULDC Art. 2.C.5.F.4, Reasonable Accommodation (page 54 of 105, Supplement 24), is
2 hereby amended as follows:
3

Reason for amendments: [Zoning/County Attorney]
1. To clarify that when a facility that has received a Reasonable Accommodation has a change of owner/operator, a new request for reasonable accommodation is required.
2. This will provide staff the opportunity to review the reasonable accommodation request and either confirm that the facility will continue to operate as previously approved or receive a <u>new</u> determination based on a changed assessment.
3. I have included the entire Reasonable Accommodation provisions in this exhibit, in the event there is a decision to have the newly added regulations located elsewhere in the draft.

4 CHAPTER C ADMINISTRATIVE PROCESSES

5 Section 5 Types of Application

6 F. Reasonable Accommodation

7

8 4. Application Procedures

9 The application forms and requirements for submitting a request for Reasonable
10 Accommodation shall be on forms specified by the County Administrator or designee. **[Ord.**
11 **2011-016] [Ord. 2018-002]**

12

13 **k. Change of Owner/Operator**

14 When a facility that has received a Reasonable Accommodation Approval changes
15 ownership, the new owner/operator must apply for a new reasonable accommodation. The
16 County will review the request and make a new case-by-case determination based on an
17 individualized assessment.

18
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20

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EXHIBIT G

ARTICLE 4 – AGRICULTURE, BONA FIDE AGRITOURISM ACTIVITY

CR-2013-015
(Updated 04/02/19)

1 Part 1. ULDC Art. 4.B.6.C.1, Use Classification, Definitions and Supplementary Use Standards
2 for Specific Uses, Agriculture, Bona Fide (page 88-91 of 191, Supplement 25), is hereby
3 amended as follows:

Reason for amendments: [Zoning]

- | |
|---|
| 1. To confirm the activity of agritourism specific to a bona fide agricultural use pursuant to the state's interest in promoting agriculture. Agritourism may provide a secondary source of revenue by educating the general public about the agricultural industry in association with a bona fide agricultural use. |
| 2. To recognize an agritourism activity as it relates to any bona fide agricultural use described in F.S. 570.85 and defined in F.S. 570.86. |

4 CHAPTER B USE CLASSIFICATION

5
6 C. Definitions and Supplementary Use Standards for Specific Uses

7 1. Agriculture, Bona Fide

8 a. Definition

9 Any plot of land where the principal use consists of the growing, cultivating and harvesting
10 of crops; the raising of animals, inclusive of aviculture, aquaculture, horses and livestock;
11 the production of animal products such as eggs, honey or dairy products; or the raising of
12 plant material. The following standards shall apply to a Bona-Fide Agriculture use, except
13 where pre-empted by State law.

14

15 g. Livestock Raising

16 The breeding, raising and caring for domestic animals including horses.

17 1) Urban Service Area (USA)

18 In the Urban Service Area, livestock raising shall comply with the following standards:

19 a) Lot Size

20 A minimum of five acres.

21 b) Setback

22 All accessory uses and structure, such as troughs, feed mechanisms and storage,
23 shall be setback a minimum of 100 feet.

24

25 **h. Agritourism – Refer to F.S. Chapter 570.85-570.87 for applicability.**

26 **ih. Accessory Agricultural Uses**

27 These uses include “U-Pick-Em” operations; sale of on-site produced products; corrals;
28 pens; training facilities; dipping vats; processing of raw material; storage sheds; repair,
29 fabrication, body work and welding of agricultural equipment; freestanding coolers; bulk
30 storage of petroleum products; shipping containers used for temporary storage; washing,
31 cutting, and packing of farm products, and canning, dehydration, and basic preparation of
32 raw food products prior to shipment, and outdoor storage of equipment.

33 **ji. Agriculture Marketplace**

34 A use that is accessory, incidental and subordinate, to a Bona-Fide Agriculture use in the
35 AGR Tier, conducted to allow for the sale of agricultural products or enhanced opportunities
36 for visitors, which generates income for the owner or operator of the Bona-Fide Agriculture
37 use, adding economic viability to farming operations.

38 1) Approval Process

39 Class A Conditional Use.

40 2) Location Criteria

41

42
43 (Renumber remaining accordingly)

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EXHIBIT H

ARTICLE 14 – ENVIRONMENTAL STANDARDS

CR-2018-061
(Updated 04/02/19)

1 Part 1. ULDC Art. 4.B.10.B.7.c.5), Area of Record (page 195 of 226), is hereby amended as
2 follows:

Reason for amendments: [ERM] The purpose of this amendment is to clarify the process in order to terminate a restrictive covenant agreement.

3 CHAPTER B USE CLASSIFICATION

4 Section 10 Excavation Uses

5 B. Common Provisions and General Standards

6 7 7. Technical Standards

8 9 c. Reclamation Standards

10 11 5) Area of Record

12 All reclaimed littoral and upland planting areas shall be identified graphically and in
13 writing on a separate restrictive covenant. The graphic shall be signed and sealed by
14 a certified engineer or surveyor as applicable, recognized and approved by the FDPR.
15 If a plat is required, pursuant to Art. 11, Subdivisions, Platting and Required
16 Improvements, all planted littoral zones and upland reclamation planting areas shall
17 be identified by reference to the restrictive covenant. The plat and restrictive covenant
18 shall be reviewed and approved by the Zoning Division, ERM, and the County
19 Attorney's office prior to recordation. A copy of the plat, if applicable, and recorded
20 restrictive covenant shall be provided to ERM and PZB, prior to issuance of written
21 approval of the Notice of Intent to Construct. Within 30 days following plat recordation,
22 a copy of the recorded plat shall be provided to ERM and Zoning Division. An applicant
23 may submit a written request to ERM to approve the termination of a recorded
24 restricted covenant agreement provided the DO has been rescinded and no excavation
25 of any water management tract has occurred. A copy of the termination of the
26 restrictive covenant shall be provided to ERM. A restrictive covenant may be amended
27 upon written request by an applicant and approval by ERM. The littoral area and
28 reclaimed upland planting area shall be specifically and separately reserved to the
29 owner, or if applicable, to the property owners' association as its perpetual
30 maintenance responsibility, without recourse to PBC or any other governmental entity
31 or agency. The plat, if applicable, restrictive covenant and property owners' association
32 documents, shall contain the following statement:

33 It is a punishable violation of PBC Laws, Ordinances, Codes, Regulations and
34 approvals to alter the approved slopes, contours, or cross sections or to chemically,
35 mechanically, or manually remove, damage or destroy any plants in the reclaimed
36 areas and planted littoral zone except upon the written approval from the Director of
37 ERM or Zoning, as applicable. It is the responsibility of the owner or property owners
38 association, its successors or assigns, to maintain the required survivorship and
39 coverage of the reclaimed upland and planted littoral areas and to ensure on-going
40 removal of prohibited and invasive non-native plant species from these areas

41
42 Part 2. ULDC Art. 4.B.10.B.7.d.3), Area of Record (page 196 of 226), is hereby amended as
43 follows:
44

Reason for amendments: [ERM] The purpose of this amendment is to clarify the meaning of financial interest.

45 CHAPTER B USE CLASSIFICATION

46 Section 10 Excavation Uses

47 B. Common Provisions and General Standards

48 49 7. Technical Standards

50 51 d. Performance Guarantee Requirements

52 53 5) Execution

54 The performance guarantee shall be executed by a person or entity who owns a
55 property in part or in whole or has legal interest in the property with a legal or financial

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EXHIBIT H

ARTICLE 14 – ENVIRONMENTAL STANDARDS

CR-2018-061
(Updated 04/02/19)

1 ~~interest in the property.~~ Transfer of title to the subject property shall not relieve the
2 need for the performance guarantee. The seller shall maintain, in full force and effect,
3 the original performance guarantee until it is replaced by the purchaser.
4

5 **Part 3. ULDC Art. 14.C.7.B.3, Establishing Upland Preserves (page 35 of 52), is hereby amended**
6 **as follows:**

Reason for amendments: [ERM] The purpose of this amendment is to specify the process ERM uses in order to establish upland preserve set-asides.
--

7 **CHAPTER C VEGETATION PRESERVATION AND PROTECTION**

8

9 **Section 7 Application, Process, and General Standards**

10

11 **B. Approval of Development for Commercial Projects, Government Projects, Schools, New** 12 **Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review and** 13 **Agricultural Operations 10 Acres in Size or Greater**

14

15 **3. Establishing Native Upland Preserves**

16 All approvals for parcels equal to or greater than four acres shall be evaluated by ERM for the
17 establishment of a native upland preserve. Parcels that have significant or unique areas of
18 native upland vegetation, regardless of parcel size shall be required to designate a native
19 upland preserve equivalent to at least 25 percent of the total native upland vegetation on site
20 or otherwise comply with this Chapter. ERM encourages upland preserve areas greater than
21 one half acre in size. New public park facilities constructed on parcels 20 acres in size or less
22 shall be exempt from the preserve requirements of this Chapter.

23 ~~Factors that will determine if a parcel has significant or unique areas of native vegetation~~
24 ~~include, but are not limited to the quality of the native ecosystem, overall quality of its biological~~
25 ~~diversity, the presence of listed species, the wildlife habitat, value grouping of native vegetation,~~
26 ~~and the compactness of the preserve and its proximity to other natural preserve areas and~~
27 ~~corridors.—The applicant shall provide an environmental assessment prepared by an~~
28 ~~environmental professional for parcels with significant or unique areas of native vegetation at~~
29 ~~time of initial application to determine the native upland preserve location, size and~~
30 ~~configuration for evaluation by ERM. The applicant is encouraged to meet with ERM to~~
31 ~~determine the extent of the assessment. The assessment shall include the following with photo~~
32 ~~documentation, at a minimum: Florida Land Use and Cover Classification System (FLUCCS)~~
33 ~~map, a list of native species, quality of the native ecosystem, overall identification and quality~~
34 ~~of the native species, presence of listed species, ecosystem type, uniqueness of wildlife habitat,~~
35 ~~quality and quality of native vegetation (canopy, understory and groundcover), compactness of~~
36 ~~the preserve and the proximity to other natural preserve areas and corridors.~~

37 a.

38 Permanent preserve boundary markers shall be installed and proper documentation
39 submitted to ERM prior to issuance of technical compliance or monitoring release, if
40 applicable, and shall be maintained by the parcel owner ~~in perpetuity in compliance with~~
41 ~~the approved Preserve Management Plan. The County may release the preserve if the~~
42 ~~applicant offers to relocate the preserve to an area that meets the criteria in 14.C.7.B.4.~~

43 b.

44 Said annual reports shall be delivered to ERM within 90 days upon written request, unless
45 extended by ERM in writing.

46

47 g.

48 Parcels with existing and approved preserve areas or that support endangered,
49 threatened, rare, and species of special concern will not be considered for a cash
50 payment in lieu of dedicating a preserve set aside. A parcel owner may submit a cash
51 payment in lieu of setting aside a native upland preserve provided the following criteria
52 are met:

53

54 b) The cash payment shall be equivalent to the per acre value of the ~~per~~ parcel, at
55 the time of permit application, multiplied by the number of acres required to be
56 preserved.

57

58 ~~d) If listed species are determined to be on the parcel, the applicant must~~
59 ~~demonstrate that the proposed action will not preclude the continued survival and~~

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Environmental Standards.docx

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EXHIBIT H

ARTICLE 14 – ENVIRONMENTAL STANDARDS

CR-2018-061
(Updated 04/02/19)

viability of the listed species, or a plan must be approved by all applicable agencies for relocating those species. [Ord. 2008-040]

Part 4. ULDC Art. 14.C.7.B.4, Preserves Previously Dedicated (page 37 of 52), is hereby amended as follows:

Reason for amendments: [ERM] This amendment is intended to detail the process for relocating upland preserves that have been previously dedicated.

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 7 Application, Process and General Standards

B. Approval of Development for Commercial Projects, Government Projects, Schools, New Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review and Agricultural Operations 10 Acres in Size or Greater

4. Preserves under Dedication

- a. An applicant may propose to relocate a preserve under dedication to an alternate on-site or off-site parcel provided the proposed parcel relocation does not create multiple preserves that are smaller in size than the original preserve unless ERM determines the proposed smaller preserve(s) meets or exceeds the quality and meets or exceeds the quantity of the habitat or vegetation of the existing preserve parcel at the time the dedication was approved by ERM and relocation does not create fragmentation with any other natural system. The applicant shall demonstrate compliance with the approved Preserve Management Plan for the preserve under dedication and provide an environmental assessment per Article 14.C.7.B.3. for the proposed parcel for evaluation by ERM. If the original preserve is contiguous to another natural system then the request will not be considered unless a more favorable habitat is offered.
b. A preserve under dedication that has endangered, threatened, rare, and species of special concern, other than gopher tortoises or any other species being relocated under a Florida Fish and Wildlife Conservation Commission permit, shall not be considered for relocation.
c. A preserve under dedication resulting from a violation or enforcement action shall not be considered for relocation unless Section 14.C.7.B.4.a. and b. are satisfied.

5. Transferring of a Preserve under Dedication

A municipality may request that a preserve under dedication be transferred to their jurisdiction provided: annexation has occurred, the County approved site plan development has not occurred and the preserve under dedication is not a result of an enforcement action or violation.

65. Surplus Native Vegetation

76. Mitigation or Restoration

- c. All vegetation planted to meet mitigation requirements shall be installed using best industry standards and provided with mulch, irrigation and required maintenance to insure ensure survival in perpetuity.

Part 5. ULDC Art. 14.C.8.D., Improved Parcels (page 39 of 52), is hereby amended as follows:

Reason for amendments: [ERM] The purpose of this amendment is to correct a spelling error.

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 8 Exemptions

D. Improve Improved Parcels

Part 6. ULDC Art. 14.C.12.D), Restoration (page 41 of 52), is hereby amended as follows:

Reason for amendments: [ERM] The purpose of this amendment is to require a restoration plan for preserves that have degraded through neglect.

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

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EXHIBIT H

ARTICLE 14 – ENVIRONMENTAL STANDARDS

CR-2018-061
(Updated 04/02/19)

Section 12 Violations

D. Restoration

- a. Properties cleared after 1986 without an approval will be required to restore 9 trees per violation. The restoration may be accomplished through on-site planting of native trees or equivalent native vegetation approved by ERM, a contribution to the Palm Beach County Natural Areas Fund that is equivalent to nine trees per violation, or the dedication of equivalent upland quality land cleared. **[Ord. 2008-040] [Ord. 2012-027]**
- b. If a preserve under dedication has degraded due to neglect or lack of compliance with the approved Preserve Management Plan, the property owner shall provide a restoration plan to ERM per Article 14.C.12.D.a. Restoration of the preserve may occur in phases as approved by ERM.

Part 7. ULDC Art. 14, Appendix 8 Invasive Non-Native Vegetation within Preserves (page 50 of 52), is hereby amended as follows:

Reason for amendments: [ERM] The purpose of this amendment is to add species to the list of plants that are prohibited from preserve areas.

APPENDIX 8: INVASIVE NON-NATIVE VEGETATION WITHIN PRESERVES

Common Name	Scientific Name	Type
Arrowhead vine	<i>Syngonium podophyllum</i>	Vine
Asparagus fern	<i>Asparagus densiflorus</i>	Ground cover
Banyan	<i>Ficus bengalensis</i>	Tree
Beach naupaka	<i>Scaevola sericea</i>	Shrub
Bishop-wood	<i>Bischofia javanica</i>	Tree
Caesar weed	<i>Urena lobata</i>	Shrub
Cat's claw	<i>Mimosa pigra</i>	Shrub
Cat's claw vine	<i>Macfadyena unguis-cati</i>	Vine
Castor bean	<i>Ricinus communis</i>	Herb
<u>Chinese privet</u>	<u><i>Ligustrum sinense</i></u>	<u>Shrub</u>
Chinese tallow tree	<i>Sapium sebiferum</i>	Vine
<u>Cogon grass</u>	<u><i>Imperata cylindrica</i></u>	<u>grass</u>
<u>Coral ardisia</u>	<u><i>Ardisia crenata</i></u>	<u>Shrub</u>
<u>Dodder vine</u>	<u><i>Cuscuta exaltata</i></u>	<u>Vine</u>
Downy rose myrtle	<i>Rhodomyrtus tomentosus</i>	Shrub
Gold Coast Jasmine	<i>Jasminum dichotomum</i>	Shrub
Guava	<i>Psidium guajava</i>	Tree
<u>Guinea grass</u>	<u><i>Panicum maximum</i></u>	<u>Grass</u>
<u>Japanese climbing fern</u>	<u><i>Lygodium japonicum</i></u>	<u>Vine</u>
Java plum	<i>Syzygium cumini</i>	Tree
<u>Lantana</u>	<u><i>Lantana camara</i></u>	<u>Shrub</u>
Lather leaf	<i>Colubrina asiatica</i>	Vine
Laurel fig	<i>Ficus microcarpa</i>	Tree
Lead tree	<i>Leucaena leucocephala</i>	Tree
Lofty fig	<i>Ficus altissima</i>	Tree
Mahoe	<i>Hibiscus tiliaceus</i>	Tree
Mother-in-law tongue	<i>Sansevieria hyacinthoides</i>	Ground cover
<u>Natal grass</u>	<u><i>Melinis repens</i></u>	<u>Grass</u>
<u>Oyster plant</u>	<u><i>Tradescantia spathacea</i></u>	<u>Shrub</u>
Pothos	<i>Epipremnum pinnatum</i>	Vine
Portia tree or Seaside mahoe	<i>Thespesia populnea</i>	Tree
Rosary pea	<i>Abrus precatorius</i>	Vine
<u>Sewer vine</u>	<u><i>Paederia cruddasiana</i></u>	<u>Vine</u>
Shoebuttan ardisia	<i>Ardisia solanaceae</i>	Shrub
<u>Skunk vine</u>	<u><i>Paederia foetida</i></u>	<u>Vine</u>
St. Augustine	<i>Stenotaphrum secundatum</i>	Grass
Strawberry Guava	<i>Psidium cattleianum</i>	Tree
Stinking passion vine	<i>Passiflora foetida</i>	Vine
Surinam cherry	<i>Eugenia uniflora</i>	Shrub
<u>Torpedo grass</u>	<u><i>Panicum repens</i></u>	<u>Grass</u>
Tuberous sword fern	<i>Nephrolepis cordifolia</i>	Ground cover
<u>Turkey berry</u>	<u><i>Solanum torvum</i></u>	<u>Shrub</u>
Two leaf nightshade	<i>Solanum diphyllum</i>	Shrub
Wedelia	<i>Wedelia trilobata</i>	Vine
Wild balsam apple	<i>Momordica charantia</i>	Vine
Woman's tongue	<i>Albizia lebbek</i>	Tree
Winged Yam	<i>Dioscorea alata</i>	Vine
[Ord. 2005 – 002]		

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EXHIBIT I

ARTICLE 4 – ADULT ENTERTAINMENT
UPDATE FINDINGS OF FACT

CR-2018-003
(Updated 04/02/19)

1 Part 1. ULDC Art. 4.B.2.C.1.i, Adult Entertainment, Findings of Fact (page 30-31 of 194,
2 Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning/County Attorney]
1. The Findings of Fact section is being amended to reflect the most recent analysis of the availability of sites for adult entertainment uses.

3 CHAPTER B USE CLASSIFICATION

4 Section 2 Commercial Uses

5 C. Definitions and Supplementary Use Standards for Specific Uses

6
7 1. Adult Entertainment

8 ...
9 i. Findings of Fact

10 Based on the evidence and testimony presented at the October 5, 2004 preliminary reading
11 and the October 19, 2004 and November 16, 2004 Public Hearings before the BCC, and
12 the August 27, 2009 preliminary reading and the September 24, 2009 and October 22,
13 2009 Public Hearings before the BCC, and on the findings incorporated in: the “Final
14 Report to the City of Garden Grove: The Relationship Between Crime and Adult Business
15 Operations on Garden Grove Boulevard,” October 1991; “Adult Entertainment Businesses
16 in Indianapolis: An Analysis” conducted by the Department of Metropolitan Development,
17 Division of Planning, February, 1984; the “Study of the Effects of Concentration of Adult
18 Entertainment Establishments in the City of Los Angeles” conducted by the Los Angeles
19 City Planning Department for the Los Angeles City Council, June 1977; the study
20 conducted by the City of Austin Texas; the “Presentation to the Orange County
21 Commission” by the Metropolitan Bureau of Investigation (MBI) for the Ninth Judicial Circuit
22 (Orlando area); the expert affidavit prepared for Palm Beach County by Eric Damian Kelly,
23 Ph.D, FAICP, dated September 24, 2004; letter from Dale N. Tarvis, M.D.; “Analysis of
24 Availability of Sites for Adult Entertainment in Palm Beach County” prepared for Palm
25 Beach County by Duncan Associates, November 2003; Adult Entertainment Analysis for
26 Palm Beach County, Florida, Final Report, by Cooper Planning Consultants, January 2019;
27 the “Crime-Related Secondary Effects of Sexually-Oriented Businesses – Report to the
28 County Attorney, Palm Beach County, Florida” prepared by Valerie Jenness, Ph.D.,
29 Richard McCleary, Ph.D., James W. Meeker, JD, Ph.D, August 15, 2007; the “Survey of
30 Florida Appraisers – Effects of Land Uses on Surrounding Property Values” prepared for
31 Palm Beach County by Duncan Associates, December 2007 (Report 2008); and
32 information from Tampa, Florida detailing the effects of Adult Entertainment establishments
33 in the Tampa area; the BCC hereby finds the following:

34 ...
35

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EXHIBIT J

ARTICLE 1 – GENERAL PROVISIONS, ARTICLE 11 – SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS (Nonconforming Lot, Potentially Buildable Lot and Exceptions to General Requirements)

CR-2018-032 (Updated 04/02/19)

Part 1. ULDC Art. 1.F.2.A, Applicability [Related to Nonconforming Lot and Nonconformities] (page 19-20 of 118, Supplement 24), is hereby amended as follows:

Table with 1 column and 4 rows. Reason for amendments: [Zoning/Land Development]. 1. Portions of the Applicability criteria will be deleted from this Article, re-written and relocated to Article 11... 2. The 2016 amendment that added the minimum setback for nonconforming lot not be less than those for the RS district did not account for previously platted subdivisions with lot widths less than 50 feet. 3. The Building Code requires a minimum setback or separation that is less than the current minimum 7.5 foot. 4. This amendment will allow the development of a single family dwelling on a lot width less than 50 feet without seeking a variance.

CHAPTER F NONCONFORMITIES

Section 2 Nonconforming Lot

A. Applicability

This section shall only apply to non-conforming lots that do not meet the minimum lot acreage and dimensional criteria pursuant to Table 3.D.1.A, Property Development Regulations of this Code, if all of the following conditions are met: [Ord. 2008-037] [Ord. 2010-005]

1. Legal Access Requirements

a. Development of a Single-family Dwelling Unit

The lot has legal access in accordance with Art. 1.H.1.B.2, Legal Access. [Ord. 2008-037] [Ord. 2010-005]

b. Development of Non-residential and Residential Other than SFD

The lot has frontage on, and legal access to, a public R-O-W, or any other street that meets the requirements of Table 11.E.2.A, Chart of Access Hierarchy. [Ord. 2008-037] [Ord. 2010-005]

2. Legal Lot of Record

The lot complies with one of the following: [Ord. 2008-037] [Ord. 2010-005]

a. Is depicted on either a plat of record, affidavit of exemption, affidavit of waiver, plat waiver, or lot combination; or [Ord. 2008-037] [Ord. 2010-005] [Ord. 2014-025]

b. Existed prior to February 5, 1973 in its current configuration as evidenced by a chain of title; or [Ord. 2008-037] [Ord. 2010-005]

c. Art. 1.H.1.B.1.b, Option 2 - Creation on or Subsequent to February 5, 1973 and before June 16, 1992. [Ord. 2008-037] [Ord. 2010-005]

31. FLU and Zoning Consistency

The existing zoning or any rezoning is in compliance with the requirements of Art. 3.A.3, Zoning District Consistency with the Future Land Use Atlas (FLUA). [Ord. 2008-037] [Ord. 2010-005]

42. Lot Recombination Requirements

Where applicable, the lot or lots have complied with the lot recombination requirements of Plan FLUE Policy 2.2.1-f, and Art. 11, Subdivision, Platting and Required Improvements. [Ord. 2008-037] [Ord. 2010-005]

B. Subdivision (Includes Lot Combinations)

Non-conforming lots may be combined with any other conforming or non-conforming lot without obtaining variance relief for non-conforming lot dimensions, inclusive of frontage, width, depth and size, if all of the following conditions are met: [Ord. 2008-037] [Ord. 2010-005]

1. The newly created lot complies with the lot dimensions of this Code, or reduces the non-conformity; and, [Ord. 2008-037] [Ord. 2010-005]

2. Can comply with the requirements of Art. 11, Subdivision, Platting and Required Improvements. [Ord. 2008-037] [Ord. 2010-005]

C. Residential Development Regulations

A nonconforming residential lot may utilize the following property development regulations for a single-family dwelling unit only, or for related accessory structures in the AR district in accordance with Art. 5.B.1.A.2.b, Nonconforming Lot Dimensions. [Ord. 2010-005] [Ord. 2016-042]

1. Minimum Setback Requirements

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EXHIBIT J

ARTICLE 1 – GENERAL PROVISIONS, ARTICLE 11 – SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS (Nonconforming Lot, Potentially Buildable Lot and Exceptions to General Requirements)

CR-2018-032 (Updated 04/02/19)

Minimum setback requirements may be in accordance with the percentages listed below, but shall not be less than those for the RS district: [Ord. 2010-005] [Ord. 2016-042]

- a. If the minimum depth dimension is nonconforming: [Ord. 2010-005] Front: 30 percent of lot depth. [Ord. 2010-005] Rear: 20 percent of lot depth. [Ord. 2010-005] b. If the minimum width dimension is nonconforming: [Ord. 2010-005] Side Interior: 15 percent of lot width. [Ord. 2010-005] Side Street: 20 percent of lot width. [Ord. 2010-005]

....

Part 2. ULDC Art. 1.H.1, Lot of Record (page 29-30 of 18, Supplement 24), is hereby amended as follows:

Table with 1 column: Reason for amendments: [Zoning/Land Development]. Rows describe ordinance removal, subdivision confirmation, and language removal.

CHAPTER H – LOT OF RECORD

Section 1 – Potentially Buildable Lot

A. Applicability

The following provisions shall apply to a lot that is not depicted on either a plat of record, affidavit of exemption, or affidavit of plat waiver.

B. Standards

A lot may be considered buildable for the purpose of constructing a single family dwelling and accessory uses or structures only if all of the following criteria are satisfied:

1. Date of Creation

The lot was created under one of the following two options: [Ord. 2007-001]

a. Option 1 - Creation prior to February 5, 1973.

The lot existed prior to February 5, 1973 in its current configuration as evidenced by a chain of title. [Ord. 2007-001]

b. Option 2 - Creation on or subsequent to February 5, 1973 and before June 16, 1992.

1) The lot was created on or subsequent to February 5, 1973 and existed prior to June 16, 1992 in its current configuration as evidenced by a chain of title; and [Ord. 2007-001]

2) The lot complied with the density requirements of the Plan in effect at the time the lot was created, and [Ord. 2007-001]

3) The lot complies with one of the following:

a) Art. 3.D, Property Development Regulations (PDRS), Table 3.D.1.A, Property Development Regulations, or

b) Art. 11.A.4.B, Building Permits and Other Approvals; or

c) The lot exists in its present configuration as shown in the 1989 PBC FLU Atlas adopted August 31, 1989. [Ord. 2007-001]

2. Legal Access

The lot has legal access that ultimately connects to a right of way currently identified on the PBC Thoroughfare R-O-W Identification Map, as follows: [Ord. 2007-001] [Ord. 2013-001]

a. In accordance with Art. 11, Subdivision, Platting and Required Improvements, Table 11.E.2.A, Chart of Access Hierarchy; or [Ord. 2007-001] [Relocated to: ULDC Art.

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EXHIBIT J

ARTICLE 1 – GENERAL PROVISIONS, ARTICLE 11 – SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS (Nonconforming Lot, Potentially Buildable Lot and Exceptions to General Requirements)

CR-2018-032 (Updated 04/02/19)

11.A.8.A, Subdivision, Platting, and Required Improvements, Exceptions to General Requirements]

b. From a recorded easement exclusively for the purposes of ingress and egress access, a minimum of 20 feet in width, granting the owner, its successors and assigns a perpetual right of useable access across all properties lying between said lot and a street, provided that the easement was in existence at the time the lot was legally created, and which remains in place. [Ord. 2007-001] [Ord. 2013-001] [Partially Relocated to: ULDC Art. 11.A.8.A, Subdivision, Platting, and Required Improvements, Exceptions to General Requirements]

Part 3. ULDC Art. 11.A.6.A, Subdivision, Platting, and Required Improvements, Planned Developments (page 10-11 of 45, Supplement 24), is hereby amended as follows:

Reason for amendments: [Land Development]
1. This amendment is to reflect current practice.

CHAPTER A GENERAL REQUIREMENTS

Section 6 Planned Developments

A. General

Any planned development which is to be subdivided shall comply with the requirements of this Article after approval of a Final Subdivision Plan by the DRO pursuant to Art. 2.C, Administrative Process. For the purpose of this Article, "Planned Development" shall mean any development within a Planned Development district as defined by this Code and regulated pursuant to Art. 3.D, Property Development Regulations (PDRs).

B. Subdivision of Commercial and Industrial Sites

A building site which constitutes all or a portion of a pod or lot designated for commercial or industrial use within a planned development, and for which the detailed development configuration and building permit issuance are subject to prior approval by the DRO of a final site plan, may be exempted by the County Engineer from the subdivision recordation requirement of Art. 11.A.4.B.1, and may be subdivided by fee title conveyance of individual internal lots. Such exemption may be granted by the County Engineer provided that: [Ord. 2014-025]

- 1. Legal access to each interior lot is provided by a common parking lot in full compliance with all requirements of Art. 11.E.2.A.2.c;
2. The layout, location, and construction limits of structures within the building site are regulated by required separation distances between structures rather than by setbacks from interior lot lines;
3. Individual interior lots are not subject to requirements for minimum area or dimensions under the property development regulations of Art. 3.D, Property Development Regulations (PDRs), applicable to the building site;
4. A statement of the developer's intent to subdivide the property pursuant to the platting exemption of this Art. 11.A.6.B, Subdivision of Commercial and Industrial Building Sites, and proposed subdivision lines with bearings and distances are included on the approved final site plan for the building site, in which case said site plan shall constitute the approved final subdivision plan for purposes of compliance with this Article; [Ord. 2011-001]
5. All lands within the perimeter of the building site are subject to a common recorded unity of control or other such maintenance and use covenants for access, parking, stormwater management, and other required common areas or facilities, as approved by the County Attorney pursuant to Art. 5.F, Legal Documents; and
6. The building site is delineated within on a single boundary platted lot of record depicting all existing drainage and utility easements of record and all required limited access easements, water management tracts, and common area tracts, and including appropriate dedications or reservations for same.

....

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EXHIBIT J

ARTICLE 1 – GENERAL PROVISIONS, ARTICLE 11 – SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS (Nonconforming Lot, Potentially Buildable Lot and Exceptions to General Requirements)

CR-2018-032 (Updated 04/02/19)

1 Part 4. ULDC Art. 11.A.8.A, Subdivision, Platting, and Required Improvements, Exceptions to
2 General Requirements (page 11-12 of 45, Supplement 24), is hereby amended as follows:
3

Reason for amendments: [Land Development]
1. This will allow lots of record that may not have legal access to record new easements for access.

4 CHAPTER A GENERAL REQUIREMENTS

5 Section 8 Exceptions to General Requirements

6 A. Authority

7 The County Engineer is hereby empowered to make certain exceptions to the platting requirement
8 of Art. 11.A.3.A, Platting Requirement, and required improvements installation requirement of Art.
9 11.A.3.B, Required Improvements Installation Requirement, in accordance with the standards and
10 procedures set forth in this Section.

11 B. Legal Lots of Record

- 12 1. A lot that was created pursuant to one of the options below will be considered a legal lot of
13 record and shall not be subject to further subdivision approval:
14 a. The lot is depicted in its entirety on either a plat of record, affidavit of exemption, affidavit
15 of waiver, plat waiver, or lot combination; or
16 b. The lot existed prior to February 5, 1973 in its current configuration; or
17 c. The lot was created after February 5, 1973 and before June 16, 1992 by a subdivision of
18 a legal lot or lots into no more than two lots.

19 2. Legal Access

20 The lot has legal access that ultimately connects to a right of way currently identified on the
21 PBC Thoroughfare R-O-W Identification Map, as follows: [Ord. 2007-001] [Ord. 2013-001]
22 a. In accordance with Art. 11, Subdivision, Platting and Required Improvements, Table
23 11.E.2.A, Chart of Access Hierarchy; or [Ord. 2007-001]
24 b. For existing legal lots of record for a single family home From a recorded easement
25 exclusively for the purposes of ingress and egress access, a minimum of 20 feet in width,
26 granting the owner, its successors and assigns a perpetual right of useable access across
27 all properties lying between said lot and a street [Ord. 2007-001] [Ord. 2013-001]
28 [Partially Relocated from: ULDC Art. 1.H.1, Lot of Record]

29 BC. Certified Abstracted Boundary Survey

30 When approved by the County Engineer, a certified abstracted boundary survey may constitute the
31 Subdivision Plan and when the subdivision is not encompassed by a Final Subdivision Plan
32 approved by the DRO. [2014-025]

33 CD. Plat Waiver with Certified Boundary Survey

34 If, after review of the preliminary subdivision plan, the County Engineer determines that the
35 proposed subdivision meets one of the conditions specified in Art. 11.A.8.C.1, Application for Plat
36 Waiver, the requirement to file a plat may be waived and an abstracted boundary survey shall be
37 recorded in lieu of a plat along with an affidavit documenting approval of said waiver and restrictive
38 covenants applicable to the subdivision, as prescribed by this Article. [Ord. 2011-016] [Ord. 2014-
39 025]

40

41
42 (Renumber remaining accordingly)
43
44

45 Part 5. ULDC Art. 11.E.2, Required Improvements, Access and Circulation Systems, Table
46 11.E.2.A-1 Chart of Access Hierarchy (page 35 of 45, Supplement 24), is hereby amended
47 as follows:

Reason for amendments: [Land Development]
1. This amendment will allow residential properties to have access to a Residential Access Street that is
also a public road.

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EXHIBIT J

**ARTICLE 1 – GENERAL PROVISIONS, ARTICLE 11 – SUBDIVISION,
PLATTING, AND REQUIRED IMPROVEMENTS
(Nonconforming Lot, Potentially Buildable Lot and Exceptions to
General Requirements)**

**CR-2018-032
(Updated 04/02/19)**

Table 11.E.2.A-1 - Chart of Access Hierarchy

MAJOR STREETS: Streets which constitute the traffic circulation network as contemplated under the Comprehensive Plan. Listed from highest to lowest category:
EXPRESSWAY
ARTERIAL
PLAN COLLECTOR
MINOR STREETS: Streets which constitute the internal circulation network of a development and which are not classified as a MAJOR STREET. Listed from highest to lowest category.
NON-PLAN COLLECTOR
FRONTAGE ROAD
LOCAL
RESIDENTIAL ACCESS (private streets only):
.40 FOOT
.32 FOOT
ALLEY (secondary access only)
[Ord. 2014-025]

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Part 6. **ULDC Art. 11.E.2, Required Improvements, Access and Circulation Systems, Table 11.E.2.A-2 Chart of Minor Streets (page 36 of 45, Supplement 24), is hereby amended as follows:**

Reason for amendments: [Land Development]
1. Correct references to footnotes.

Table 11.E.2.A-2 - Chart of Minor Streets

CLASSIFICATION	MINIMUM WIDTH (FT.)		MAXIMUM ALLOWABLE ADT	ALLOWED AS LEGAL ACCESS FOR (a)	
	STREET (b)	PAVEMENT (c)		COMMERCIAL	RESIDENTIAL
Non-Plan Collector	80	24	13,100	X	
Marginal Access	50	24	N/A	X	X
Local Residential (d)					
Gutters	50	20	1,500		X
Swales	60	20	1,500		X
Local Commercial	80	24	13,100	X	X
Residential Access (e)					
One Sidewalk	40	20	800		X
No Sidewalk (ef)	32	20	40		X
[Ord. 2014-025]					
Notes:					
(a) An 'x' under the commercial or residential column indicates the corresponding street classification is allowed as legal access.					
(b) Street width refers to standard R-O-W or private street tract width.					
(c) Pavement width represents two travel lanes of equal width and does not include the additional width of paved shoulder where required.					
(d) Allowed as legal access for any type of residential provided that the maximum allowable ADT is not exceeded. Also, Streets within a rural subdivision shall be at least 60 feet wide when they are to be constructed without a wearing surface. [Ord. 2018-018]					
(e) Use is restricted to private streets. [Ord. 2018-018]					
(ef) Use is restricted to private streets providing access to up to four lots. [Ord. 2014-025]					

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Notes:

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EXHIBIT K

ARTICLE 4 LANDSCAPE SERVICES-

CR-2017-007
(Updated 04/11/2019)

1 Part 1. ULDC Art. 4.B.2.C.21, Use Regulations, Use Classification, Commercial Uses,
2 Definitions and Supplementary Use Standards for Specific Uses (page 43 and 44 of 208,
3 Supplement 24), is hereby amended as follows:
4

Reason for amendments: [Zoning]
1. As part of the Use Regulations Project, Landscape Service was proposed for modification. At the February 23, 2017 hearing, the proposed changes were modified back to the current adopted language with the direction that Staff needed more time to meet with industry, primarily in the AGR Tier to accommodate this use with farming operation for the nursery industry. PZB and Engineering Staff have met through multiple meetings with industry and Staff's recommendation for the AGR district and other districts is stated below in Parts 2 and 3.
2. Modify the current definition of Landscape Service. Create, modify and relocate typical on-site uses and off-site services relating to Landscape Service consistent with the template for the Use Regulations project adopted under ORD 2017-02.

5 CHAPTER B USE CLASSIFICATION

6 Section 2 Commercial Uses

7 C. Definitions and Supplementary Use Standards for Specific Uses

8 ... 9 21. Landscape Service

10 a. Definition

11 An establishment engaged in the ~~provision of landscape~~ maintenance or installation of
12 ~~landscaping services, such as lawn mowing, tree, shrub or hedge trimming, leaf blowing,~~
13 ~~landscape design, and landscape installation.~~ [Partially relocated to 4.B.2.C.21.c,
14 **Typical Off-site Services]**

15 b. Typical On-site Uses

16 Includes administrative office; customer and employee parking; and storage or parking of
17 landscape vehicles; chemicals, fertilizers, landscape materials and equipment.

18 c. Typical Off-site Services

19 May include, but is not limited to: lawn mowing; trimming of vegetation including trees,
20 shrubs, or hedges; irrigation; fertilizer application; leaf blowing; landscaping design;
21 maintenance or installation. [Partially relocated from 4.B.2.C.21.a]

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23 Part 2. ULDC Art. 4.B.2.C.21, Use Regulations, Use Classification, Commercial Uses, Definitions
24 and Supplementary Use Standards for Specific Uses (page 43 and 44 of 208, Supplement 24), is
25 hereby amended as follows:

Reason for amendments: [Zoning]
1. AR/RSA language remains generally the same with minor modifications to the format and clarification that a in the AR/RSA the use can be primary, or subject to Home Occupation regulations, or the Collocated Use regulations.

26 **da. AR District in RSA**

27 Shall be permitted subject to additional, applicable requirements of a Home Occupation
28 pursuant to Art. 4.B.1.E.10; Collocated Use Art. 4.B.2.C.21.e, or the following:
29 A Landscape Service as a principal use

30 1) Shall be located on a Collector or Arterial street;

31 2) Shall be on a minimum of three acres;

32 3) May be allowed as a principal use subject to a Class A Conditional Use.

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36 Part 3. ULDC Art. 4.B.2.C.21, Use Regulations, Use Classification, Commercial Uses, Definitions
37 and Supplementary Use Standards for Specific Uses (page 43 and 44 of 208, Supplement 24), is
38 hereby amended as follows:

Reason for amendments: [Zoning]
1. Modified language for Landscape Service within the AGR Zoning District, and consolidated with modifications Landscape Service as an Accessory Use in all Zoning Districts, based on the size of the lot. Staff proposes threshold of <=30% of the growing area be allocated for Landscape Service, and subject to an Administrative (DRO) approval process; and if >30% to <=45% subject to a Class A Conditional Use approval by the BCC.
2. Establish thresholds for the approval for Landscape Service that is in conjunction with a Nursery, within the non-residential Zoning Districts (AGR, AP, CN, CC, DG, CRE, IL, IG, PO and Commercial Pod of PIPD) where Nurseries are allowed. There is a minimum size of Nursery and max size of Landscape Service based on the lot size, subject to either Full DRO or a Class A Conditional Use.

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EXHIBIT K

ARTICLE 4 LANDSCAPE SERVICES-

CR-2017-007
(Updated 04/11/2019)

Reason for amendments: [Zoning]
3. Establish thresholds for the approval for Landscape Service that is in conjunction with a Nursery, within the residential or mixed use Zoning Districts (AR/RSA, AR/USA, RE, RT, RM, RS, UC, UI, CH-MUPD, CH-MXPD, NC-TND, TMD within the US, Rural or Exurban Tiers) where Nurseries are allowed. There is a minimum size of Nursery and max size of Landscape Service based on the lot size, subject to Class A Conditional Use.

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e. Collocated Use

Shall be allowed only in conjunction with a Retail or Wholesale Nursery, and all of the uses operate under the same ownership, subject to the following:

1) AGR, AP, CN, CC, CG, CRE, IL, IG, PO, and a Commercial Pod of a PIPD Zoning Districts

~~Shall be permitted subject to DRO approval as an accessory use only in conjunction with a retail or wholesale nursery, excluding those that meet the limitations of a home occupation.~~

a) Approval Process- Administrative Full DRO

(1) A minimum of 70 percent of the lot area shall be Retail and/or Wholesale Nursery; and,

(2) The areas designated for Landscape Service (On-site uses) that are less than or equal to 30 percent of the lot.

b) Approval Process- Public Hearing Class A Conditional Use

(1) A minimum of 55 percent of the lot area shall be Retail and/or Wholesale Nursery; and,

(2) The area designated for Landscape Service (On-site uses) that is greater than 30 percent and less than or equal to 45 percent of the portion of the lot area shall be subject to a Class A Conditional Use.

2) AR/RSA, AR/USA, RE, RT, RM, RS, UC, UI, CH-MUPD, CH-MXPD, NC-TND, TMD within the US, Rural or Exurban Tiers:

a) Shall be on a minimum of three acres;

b) Approval Process- Public Hearing Class A Conditional Use

(1) A minimum of 70 percent of the lot area shall be Retail and/or Wholesale Nursery; and,

(2) The area(s) designated for Landscape Service (On-site uses) that are less than or equal to 30 percent of the lot.

Part 4. ULDC Art. 4.B.2.C.21, Use Regulations, Use Classification, Commercial Uses, Definitions and Supplementary Use Standards for Specific Uses (page 43 and 44 of 208, Supplement 24), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Modify the landscape requirement to provide for relief from the Compatibility buffer if the Landscape Service use is adjacent to an existing Bona Fide Agricultural Use. When collocated with a Nursery, in the AGR or AP Zoning Districts, Incapability and Right-of-Way buffers will revert to the requirements under the Nursery approval
2. Modify the requirements for outdoor storage to refer to the requirements of Article 5.B.1.A.3, Outdoor Storage.
3. Delete Accessory Use as it is modified to the requirements of Collocated Use. Accessory Use did not have an approval process, and was subject to the requirements of no more than 30% business receipts of the Nursery. Based on discussion with industry and interested parties, it was determined that the use of business receipts for nurseries with landscape service is impractical.

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fe. Landscape Buffer

~~An Incompatibility-Compatibility Buffer shall not be required if the use is adjacent to a property with an existing farm worker quarters or mobile home accessory to a Bona Fide Agriculture use. [Ord. 2018-2018]~~

1) AGR and AP Zoning District

R-O-W and Incompatibility Buffers shall be required in accordance with the requirements for the Wholesale or Retail Nursery.

gd. Storage

~~Outdoor storage of debris shall be prohibited.~~ shall comply with Article 5.B.1.A.3, Outdoor Storage.

~~**e. Accessory Use**~~

~~May be allowed as an accessory use to a retail or wholesale nursery on a minimum of three acres.~~

hf. Yard Waste Storage

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EXHIBIT K

ARTICLE 4 LANDSCAPE SERVICES-

CR-2017-007
(Updated 04/11/2019)

Landscape service with storage of yard waste shall front on a collector or arterial street, and shall comply with the following requirements:

1) Setbacks

Loading and service areas shall be located a minimum of 50 feet from all property lines and 100 feet from adjacent property with residential use or FLU designation.

2) Standards

- a) Only one yard waste storage area shall be permitted on site;
- b) Shall not exceed 30 by 40 feet;
- c) Yard waste shall be screened on three sides by a wall with a maximum height of 12 feet. The open end of the wall shall not face any property with residential use or FLU designation;
- d) Yard waste piles shall not exceed the height of the wall;
- e) Surface of the storage area shall be paved with concrete and have positive drainage; and,
- f) Yard waste that is not generated by the landscape service shall be prohibited on site.

ig. Home Occupation

A limited Landscape Service, not including yard waste or landscape installation services, may be allowed as a Home Occupation subject to the requirements of Art. 4.B.1.E.10, Home Occupation. **[Ord. 2018-018]**

1) Exception – AR/RSA Zoning District

A limited Landscape Service on a lot three acres or more may be allowed as follows: **[Ord. 2018-018]**

- a) Subject to DRO approval through the ZAR process prior to issuance of a Business Tax Receipt; **[Ord. 2018-018]**
- b) A maximum of three persons living outside of the home may be employed under the DRO approval. **[Ord. 2018-018]**
- c) Outdoor Storage shall be limited to equipment such as lawnmowers, hedgers, weed eaters, and a small trailer. Storage shall not include heavy equipment such as bobcats, loaders, dump trucks, or heavy equipment trailers. **[Ord. 2018-018]**
- d) Storage areas shall be screened from view from any R-O-W or parcel of land with a Residential FLU designation or use through the use of opaque fences, walls or existing or newly planted native vegetation. **[Ord. 2018-018]**
- e) Parking spaces shall be provided for every employee in addition to the spaces required for a Single Family. All vehicle parking or storage areas shall utilize improved surfaces such as asphalt, pavement or shell rock. **[Ord. 2018-018]**

2) Home Occupation having Landscape Service shall be exempt from the incompatibility buffer requirements. [Ord. 2018-018]

Part 5. ULDC Art. 4.B.6.C.13, Use Regulations, Use Classification, Agricultural Uses, Definitions and Supplementary Use Standards for Specific Uses (page 100-101 of 200, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Relocate language to be consistent with the order of Buffer types described in Article 7.
2. Revise the requirements for a Compatibility Buffer to allow for an exemption when the growing area is adjacent to another Bona fide Agricultural use.
3. Delete and revise the language for Incompatibility and Right of Way buffers to allow for an alternative buffer where there is a growing area adjacent to the perimeter of the lot.

CHAPTER B USE CLASSIFICATION

Section 6 Agricultural Uses

C. Definitions and Supplementary Use Standards for Specific Uses

13. Nursery, Retail

a. Definition

The retail sale of horticultural specialties such as flowers, shrubs, sod, trees, mulch and accessory hardscape materials such as decorative stones intended for ornamental or landscaping purposes.

b. Frontage

Shall front on and access from a Collector or Arterial Street.

c. Lot Size

A minimum of one acre is required in a residential zoning district.

d. Setbacks

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EXHIBIT K

ARTICLE 4 LANDSCAPE SERVICES-

CR-2017-007
(Updated 04/11/2019)

1 All structures and outdoor storage areas shall be setback a minimum of 50 feet from the
2 property line. Shade houses shall be subject to the requirements pursuant to Art. 4.B.
3 6.C.17, Shade House.

4 **e. Loading**

5 All loading and unloading of trucks shall occur on the site.

6 **f. Accessory Uses**

7 An office is permitted as an accessory use, provided it is not a Mobile Home.

8 **g. Landscaping**

9 A buffer, pursuant to Article 7, shall be provided along all property lines ~~that are not~~
10 ~~screened by plant material except when the Growing Area is located adjacent to the~~
11 ~~property line of the site, as follows:-~~

12 **1) R-O-W and Incompatibility Buffer**

13 ~~A Type 3 incompatibility buffer shall be required adjacent to all retail, office, parking,~~
14 ~~loading and other non-growing areas within 50 feet of a property line. The buffer~~
15 ~~requirements may be satisfied by plant material for sale provided that the plant material~~
16 ~~is grown in the ground, ten feet on center, six feet high, and the growing area is at least~~
17 ~~20 feet wide. The width of the buffer may be reduced to ten feet if the buffer contains~~
18 ~~permanent landscaping only and not for sale plant inventory. May be modified when~~
19 ~~the Growing Area is 50 feet or more in width, subject to the provision of Art.~~
20 ~~4.B.6.13.g.3. Alternative Buffer.~~

21 **2) Compatibility Buffer**

22 ~~A compatibility buffer shall be provided around all growing areas less than 50 feet in~~
23 ~~width. The buffer requirements may be satisfied by plant material for sale provided that~~
24 ~~the plant material is grown in the ground, ten feet on center, six feet high and the~~
25 ~~growing area is a minimum of five feet wide. Is exempt where the growing area is~~
26 ~~adjacent to a parcel of land that has an existing Bona Fide Agriculture use.~~

27 **3) R-O-W Buffer Alternative Buffer**

28 ~~A R-O-W buffer shall be required adjacent to all office, parking, loading, internal roads~~
29 ~~and other non-growing areas within 50 feet of a R-O-W. A R-O-W buffer shall be~~
30 ~~required adjacent to all growing areas unless the growing area is at least 50 feet in~~
31 ~~width, and contains plant materials providing a six-foot high visual buffer equivalent in~~
32 ~~opacity to a R-O-W buffer. Existing native vegetation within the R-O-W buffer shall be~~
33 ~~preserved.~~

34 ~~a) A six-foot high Landscape Barrier shall be installed within a buffer with a minimum~~
35 ~~width of ten feet;~~

36 ~~b) The Landscape Barrier shall be satisfied by plant material for sale provided that~~
37 ~~the plant material is grown in the ground, and spaced at least five feet on center.~~
38 ~~Plants in container may be used in lieu of the in-ground planting. Any removed~~
39 ~~container plants shall be replaced, and shall be maintained to ensure there is a~~
40 ~~continuous visual screen being provided at all times.~~

41 **4) Barbed Wire**

42 The use of barbed wire shall be prohibited.

43 **h. Storage**

44 Mulch, rock, soil, or similar material shall comply with the outdoor storage standards in Art.
45 5.B, Accessory Uses and Structures. In residential zoning districts, outdoor bulk storage
46 shall be setback a minimum of fifty feet or the zoning district setback, whichever is greater.

47 **i. Site Plan**

48 Relocation of structures on a ZC or BCC approved site plan due to SFWMD or ERM
49 requirements may exceed DRO threshold limitations.

50 **j. Hours of Operation**

51 Operation of commercial vehicles over one ton rated capacity or gross vehicle weight of
52 10,000 pounds, including load, from 5:00 p.m. to 8:00 a.m. is prohibited.

53 **k. Compatibility**

54 The use shall assure that there is no incompatibility with surrounding land uses. When an
55 incompatibility exists, the property owner shall satisfactorily mitigate the incompatibility
56 prior to receiving Conditional Use or DRO approval.

57 **l. Spraying**

58 No aerial application of any pesticides, fungicides, fertilizers or any other chemical shall
59 be allowed.

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62 **Part 6. ULDC Art. 4.B.6.C.14, Use Regulations, Use Classification, Agricultural Uses, Definitions**
63 **and Supplementary Use Standards for Specific Uses (page 101-102 of 200, Supplement 25), is**
64 **hereby amended as follows:**

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EXHIBIT K

ARTICLE 4 LANDSCAPE SERVICES-

CR-2017-007
(Updated 04/11/2019)

Reason for amendments: [Zoning]
1. Relocate language to be consistent with the order of Buffer types described in Article 7.
2. Revise the requirements for a Compatibility Buffer to allow for an exemption when the growing area is adjacent to another Bona fide Agricultural use.
3. Delete and revise the language for Incompatibility and Right of Way buffers to allow for an alternative buffer where there is a growing area adjacent to the perimeter of the lot.

1 **CHAPTER B USE CLASSIFICATION**

2 **Section 6 Agricultural Uses**

3 **C. Definitions and Supplementary Use Standards for Specific Uses**

4 **14. Nursery, Wholesale**

5 **a. Definition**

6 The wholesale of horticultural specialties such as flowers, shrubs, sod, and trees, mulch
7 and accessory hardscape materials such as decorative stones intended for ornamental or
8 landscaping purposes.

9 **b. Approval Process**

Table 4.B.6.C – Residential Districts in the USA

ZAR (1)	Five acres or less.
DRO	More than five but less than 20 acres.
Class B Conditional Use	20 or more acres.
[Ord. 2018-002]	
Notes:	
1.	If no approved Final Site or Subdivision Plan, the application shall be subject to the Full DRO process.

10

Table 4.B.6.C. – AR District in RSA

Permitted	Ten acres or less.
ZAR (1)	More than ten but less than 40 acres.
DRO	40 or more acres.
[Ord. 2018-002]	
Notes:	
1.	If no approved Final Site or Subdivision Plan, the application shall be subject to the Full DRO process.

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13 **1) All Other Districts**

Permitted.

14

15 **c. Tier**

In addition to the above standards, a Wholesale Nursery in the U/S Tier shall comply with the following standards:

16

17 **1) Lot Size**

A minimum of one acre.

18

19 **2) Setbacks**

All structures and outdoor storage areas shall be setback a minimum of 50 feet from the property line. Shade houses shall be subject to the requirements pursuant to Art. 4.B.6.C.17, Shade House.

20

21 **3) Compatibility**

The use shall assure that there is no incompatibility with surrounding land uses. When an incompatibility exists, the property owner shall satisfactorily mitigate the incompatibility prior to receiving a DO. **[Ord. 2018-002]**

22

23 **4) Spraying**

No aerial application of any pesticides, fungicides, fertilizers or any other chemical shall be allowed.

24

25 **d. Zoning District – AR**

May be operated in conjunction with a residence.

26

27 **e. Accessory Use**

1) A retail nursery may be permitted as an accessory use to a wholesale nursery in the AGR Tier.

28

2) An office is permitted as an accessory use, provided it is not a mobile home.

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30 **f. Parking and Loading**

All parking and loading shall occur on site.

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32 **g. Landscaping**

A buffer, pursuant to Article 7, shall be provided along all property lines ~~that are not screened by plant material except when the growing area is located adjacent to the property line of the site, as follows:-~~

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EXHIBIT K

ARTICLE 4 LANDSCAPE SERVICES-

CR-2017-007
(Updated 04/11/2019)

1) **R-O-W and Incompatibility Buffer**

~~A Type 3 incompatibility buffer shall be required adjacent to all office, parking, loading, internal roads and other non-growing areas within 50 feet of a property line. The buffer requirements may be satisfied by plant material for sale provided that the plant material is grown in the ground, ten feet on center, six feet high, and the growing area is at least 20 feet wide. The width of the buffer may be reduced to ten feet if the buffer contains permanent landscaping only and not for sale plant inventory. May be modified when the Growing Area is 50 feet or more in width, subject to the provision of Art. 4.B.6.14.g.3. Alternative Buffer.~~

2) **Compatibility Buffer**

~~A compatibility buffer shall be provided around all growing areas less than 50 feet in width. The buffer requirements may be satisfied by plant material for sale provided that the plant material is grown in the ground, ten feet on center, six feet high and the growing area is a minimum of five feet wide. Is exempt where the growing area is adjacent to a parcel of land that has an existing Bona Fide Agriculture use.~~

3) **R-O-W Buffer Alternative Buffer**

~~A R-O-W buffer shall be required adjacent to all office, parking, loading, internal roads, and other non-growing areas within 50 feet of a R-O-W. A R-O-W buffer shall be required adjacent to all growing areas unless the growing area is at least 50 feet in width and contains plant materials providing a six-foot high visual buffer equivalent in opacity to a R-O-W buffer. Existing native vegetation within the R-O-W buffer shall be preserved.~~

~~a) A six-foot high Landscape Barrier shall be installed within a buffer with a minimum width of ten feet;~~

~~b) The Landscape Barrier shall be satisfied by plant material for sale provided that the plant material is grown in the ground, and spaced at least five feet on center. Plants in container may be used in lieu of the in-ground planting. Any removed container plants shall be replaced, and shall be maintained to ensure there is a continuous visual screen being provided at all times.~~

4) **Barbed Wire**

The use of barbed wire shall be prohibited.

h. **Storage**

Outdoor bulk storage of mulch, rock, soil or similar material shall comply with the outdoor storage standards contained in Art. 5.B, Accessory Uses and Structures. Outdoor bulk storage in residential zoning districts shall be setback a minimum of 50 feet or the district setback, whichever is greater.

i. **Hours of Operation**

Operation of commercial vehicles over one ton rated capacity or gross vehicle weight of 10,000 pounds, including load, from 7:00 p.m. to 6:00 a.m. is prohibited.

j. **Limitations of Sales**

Sales from a wholesale nursery are limited to exporters, distributors, landscape contractors, retailers, or other businesses.

k. **Site Plan**

Relocation of structures on a ZC or BCC approved site plan due to SFWMD or ERM requirements may exceed the DRO limitations contained in Art. 2.G.4.G, Development Review Officer (DRO).

Part 7. **ULDC Art. 5.B.1.A, Supplementary Standards, Accessory Uses and Structures, Supplementary Regulations, Accessory Uses and Structures (page 18-20, of 110, Supplement 24), is hereby amended as follows:**

Reason for amendments: [Zoning]
1. Modify the language to include vehicles and trailers used in the operation of a business is part of outdoor storage for a business, and edit the graphic.
2. Add reference to Article 6 for the type of surface business related vehicles are to be parked on.

CHAPTER B ACCESSORY USES AND STRUCTURES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

...
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

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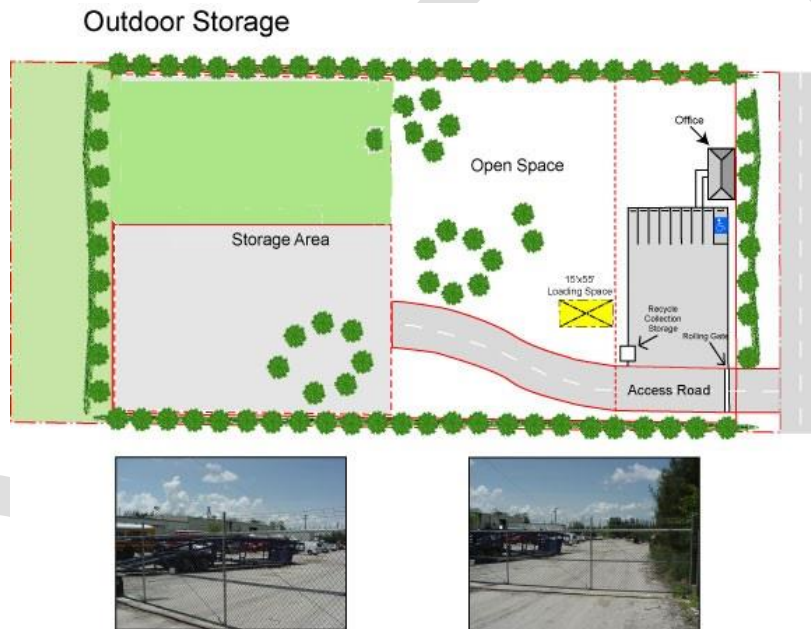
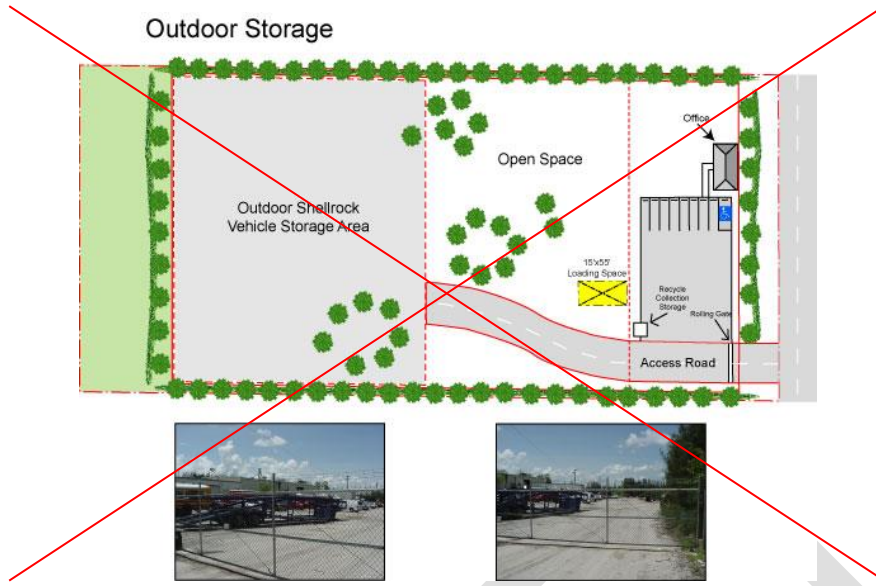
ARTICLE 4 LANDSCAPE SERVICES-

CR-2017-007
(Updated 04/11/2019)

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operation in all zoning districts shall be subject to the following standards, unless stated otherwise: [Ord. 2017-007]

Figure 5.B.1.A - Outdoor Storage



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- 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 the F.A.C 62-709, 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 Industrial FLU designation or use and not visible from any street shall be exempted from the screening requirements. [Ord. 2017-007]

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- 1 2) Outdoor Activity areas in industrial uses shall have a Type 3 incompatibility buffer along
2 property lines adjacent to parcels with a Civic, Conservation, Commercial,
3 Recreational or residential FLU designation, or use, or where visible from a public R-
4 O-W. The incompatibility buffer shall be a minimum of 25 feet in width. **[Ord. 2017-
5 007]**
6 3) Outdoor Activities such as chipping, crushing, grinding, manufacturing or processing
7 shall be restricted to uses in the IG Zoning District and Industrial General pod of PIPD
8 unless approved as a Class A Conditional Use. **[Ord. 2017-007]**

9 **f. Exceptions**

10 The following uses or material are exempt from this Section:

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

14 **g. Parking/Storage**

15 The parking and storage of vehicles and trailers, used in operation of a business, shall be
16 on an improved surface as described in Article 6.A.1.D.14.B,3) Paving and Drainage or 4),
17 Maintenance.

20 **Part 8. ULDC Art. 6.A.1 Parking, Parking, General, Applicability, Table 6.A.1.B – Minimum Off-Street**
21 **Parking and Loading Requirements (page 5 of 40, Supplement 25), is hereby amended as follows:**

Reason for amendments: [Zoning]
1. Modification of the parking to ensure parking is provided for office consistent with changes in ORD 2019-05, and to ensure parking is provided for employees. Modifying the calculation of use parking as the currently requirement does not cover the amount used by employees. There is no standards for parking calculations for this use in the ITE standards book. Utilizing the size of the outdoor storage area to have a calucations for employee parking. Calculation based on per 1000 sq.ft. Larger the area more business related vehicles can be parked. Business vehicles can have 3-6 employees. Industry states that employees come to the site 3:1 or 4:1 ratio, employees in 1 employee car.
2. Deleting and relocating language relating to nursery parking lot materials exceptions to Article 6.A.B.1.14.

22 **CHAPTER A PARKING**

23 **Section 1 General**

24 **B. Applicability**

Table 6.A.1.B – Minimum Off-Street Parking and Loading Requirements - Cont'd

	Parking	Loading (1)
Use Classification: Commercial		
....		
Landscape Service	<u>1 space per 250 sq. ft. of office; 1 space per 500 sq. ft.; plus 1 space per 1,000 2,500 sq. ft. of outdoor storage area for employee parking</u>	A
[Ord. 2009-040] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-021] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005]		
Loading Key:		
Standard "A"	One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.	
Standard "B"	One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.	
Standard "C"	One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.	
Standard "D"	One space for each 50 beds for all facilities containing 20 or more beds.	
Standard "E"	One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.	

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28 **3. Use of Required Off-Street Parking**

29 Off-street parking spaces shall be provided for the use of residents, customers, patrons and
30 employees. Required parking spaces shall not be used for the storage, sale or display of goods
31 or materials or for the sale, repair, or servicing of vehicles. All vehicles parked within off-street
32 parking areas shall be registered and capable of moving under their own power. Required off-
33 street parking spaces shall be free from building encroachments.

34
35 **Table 6.A.1.B – Minimum Off-Street Parking and Loading Requirements**

	Parking	Loading (1)
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ARTICLE 4 LANDSCAPE SERVICES-

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....	
[Ord. 2009-040] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-021] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005]	
Loading Standard Key:	
Standard "A"	One space for the first 5,000 square feet of GFA, plus one space for each additional 30,000 square feet of GFA.
Standard "B"	One space for the first 10,000 square feet of GFA, plus one space for each additional 15,000 square feet of GFA.
Standard "C"	One space for the first 10,000 square feet of GFA, plus one space for each additional 100,000 square feet of GFA.
Standard "D"	One space for each 50 beds for all facilities containing 20 or more beds.
Standard "E"	One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.
(1)	A Special Event shall provide on-site parking unless off-site parking is approved.
Notes:	
1.	In addition to the parking requirements of Table 6.B.1.B, Minimum Off-Street Parking and Loading Requirements, uses with company vehicles shall provide 1 space per company vehicle.
2.	Government services may request alternative calculation methods for off-street parking pursuant to Art. 6.A.1.D.1.h, Government Services and Government Facilities. [Ord. 2019-005]
3.	Nurseries requiring fewer than 20 parking spaces may construct surface parking lots with shellrock or other similar materials subject to, or grassed subject to Art. 6.A.1.D.12, Grass Parking, except for the required handicapped parking space(s).
4.	Nurseries requiring 20 or more parking spaces may construct surface parking lots with 50 percent of the required spaces as shellrock or other similar materials subject to Art. 6.A.1.D.14.b.4.a, Shellrock, or grassed subject to Art. 6.A.1.D.12, Grass Parking. [Ord. 2007-010] [Relocated to 6.A.1.D.14, Design and Construction]
5.	Nonprofit Assembly Institutional uses in the Redevelopment and Revitalization Overlay may calculate parking at a rate of one space per employee.
6.	Limited access Self Service Storage facilities must provide a minimum of two off-street loading spaces at each entry into the building, excluding office access not utilized by customers for accessing storage units. [Ord. 2005-041] [Ord. 2017-007]
7.	Golf cart parking may be used pursuant to Art. 6.A.1.D.7, Golf Cart Parking [Ord. 2007-001] [Ord. 2013-001]
8.	The loading zone may be waived for a Type 2 or 3 Commercial Kennel operated as an accessory use to general retail sales. [Ord. 2006-036]
9.	Each walk-up Freestanding ATM shall require a minimum of one (1) parking space for persons with disabilities. [Ord. 2013-021]
10.	Parking may not be required for a Community Vegetable Garden subject to submittal of parking demand study and approval of a Type 1 Waiver. [Ord. 2015-031]
11.	Freestanding Unmanned Retail Structures shall require a minimum of one (1) parking space for persons with disabilities.
12.	A Type 3 CLF with more than 20 beds or a Nursing Home or Convalescent Facility with more than 20 beds shall provide at least one loading space per building unless approved as a Type 1 Waiver. [Ord. 2017-025]

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Part 9. ULDC Art. 6.A.1.D.14.b.3), Supplementary Standards, Accessory Uses and Structures, Supplementary Regulations, Accessory Uses and Structures (page 18-20, of 110, Supplement 24), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Modifying the authority from County Engineer to the DRO, on the approval of shellrock parking spaces, because Land Development does not review the materials for parking lots.
2. Add allowance for Landscape Service collocated with a nursery to use shell rock for required parking.
3. Add relocated language from Table 6.A.1.B – Minimum Off-Street Parking and Loading Requirements, which allows parking for nurseries to be shell rock as a footnote, to the location that describes uses that can have shellrock parking.
4. Add an allowance for shellrock for outdoor storage of vehicles for the operation of the business.

CHAPTER A PARKING

Section 1 General

B. Applicability

14. Design and Construction Standards

b. Construction

...

3) Paving and Drainage

a) Review and Approval by County Engineer

The drainage design for all parking areas shall be reviewed and approved by the County Engineer pursuant to Art. 11, Subdivision, Platting, and Required Improvements, prior to the issue of a development permit.

b) Materials

Unless otherwise provided in this Article, all parking lots shall be improved with either: (a) a minimum of a six inch shellrock or limerock base with a one inch hotplant mix asphaltic concrete surface; or (b) a base and surface material of equivalent durability, as certified by an engineer.

c) Impervious Surface

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- 1 All surface parking areas, grassed or otherwise, shall be considered an impervious
2 paved surface for the purpose of determining tertiary drainage system flow
3 capacity and secondary stormwater management system runoff treatment/control
4 requirements.
- 5 **d) Runoff**
6 Runoff from vehicular use areas shall be controlled and treated in accordance with
7 all applicable agency standards in effect at the time an application is submitted.
- 8 **4) Maintenance**
9 All parking lots shall be maintained in good condition to prevent any hazards, such as
10 cracked asphalt or potholes.
- 11 **a) Shell Rock**
12 The uses listed below may construct surface parking lots with shellrock or similar
13 material approved by the ~~County Engineer~~ **DRO**, *except for the required*
14 *handicapped parking space(s)*. Parking areas connected to a public street, shall
15 be paved.
- 16 (1) Agricultural uses requiring less than 20 spaces.
17 (2) Communication towers.
18 (3) Accessory uses to a bona fide agricultural use, such as farm workers quarters.
19 (4) Wholesale Nursery, Retail Nursery, Nurseries or Landscape Service
20 Collocated with a Nursery requiring less than 20 parking spaces, and the
21 Outdoor storage area of vehicles for the operation of the business.
22 *(a) Wholesale Nursery, Retail Nursery, or Landscape Service Collocatedd*
23 *with a Nursery requiring 20 or more parking spaces may construct surface*
24 *parking lots with 50 percent of the required spaces as shellrock or other*
25 *similar materials subject to Art. 6.A.1.D.14.b.4.a, Shellrock, or grassed*
26 *subject to Art. 6.A.1.D.12, Grass Parking. [Ord. 2007-010]. [Relocated*
27 **from Art. 6.A.1. Table 6.A.1.B – Minimum Off-Street Parking and**
28 **Loading Requirements]**
- 29 (5) Driveways in the RSA serving residential uses on unpaved roads.
30 (6) Uses in the C-51 Catch Basin when approved by the DRO.
- 31 **b) Wheelstops and Curbing**
32 Wheel stops or continuous curbing shall be placed two and one half feet back from
33 walls, poles, structures, pedestrian walkways and landscaped areas.
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