



**OPEN SPACE  
A SUBCOMMITTEE OF THE LAND DEVELOPMENT REGULATION ADVISORY BOARD  
(LDRAB)**

**MINUTES OF THE MARCH 11, 2010 SUBCOMMITTEE MEETING**

**Prepared by Jon MacGillis, Zoning Director**

On Thursday **March 11, 2010**, the Open Space Subcommittee met at the Vista Center, Room VC-2E-12-Conference Room, at 2300 North Jog Road, West Palm Beach, Florida. The meeting convened at 2:07 p.m.

First Meeting of the Open Space Subcommittee

**A. Attendance:**

**LDRAB Members: Ray Puzzitiello**

**Industry: Kevin Ratterree, Chris Roog, Collene Walter, Ron Last, Garry Cuthbertson, Renee Williams, Bill Megrath**

**County Staff: Jon MacGillis, Barbara P. Nau, Maryann Kwok, Jan Wiegand, Ann Deveaux, Richard Gathright**

**B. Minutes**

**Part A of Agenda**

Barbara P. Nau called the meeting to order at 2:07 p.m. and requested each person in attendance to introduce themselves.

The Committee did not select a Chair or Vice Chair since only one regular LDRAB Member was in attendance. This agenda item will be placed on the next meeting. Barbara P. acted as Chair for this first meeting.

There were no additions, substitutions or deletions to the Agenda.

Motion to adopt agenda was made by Kevin Ratterree and second by Ray Puzzitiello.

**Part B of Agenda**

Barbara P. explained that this was the first meeting of the Open Space Committee and the goal today is to simply identify what the Committee's mission and goals will be over the next couple meetings. She explained that there was a previous LDRAB Subcommittee in 2009 that dealt briefly with the topic of open space in their discussion and minor amendments were made to the ULDC to address the recommendations of the Committee. Several of the



Committee Members who participated in that discussion confirmed that minor changes were made to ULDC in 2009.

Barbara P. went on to explain that the Comp Plan and ULDC have several definitions (Attachment A) for open space which include a list of uses/features that qualify for open space credit. She stated that the LWDD canals are currently not included in the ULDC definition and apparently that was an issue with a GL application last year and partially promoted the need for staff to consider revisiting the definition. In prior zoning codes the LWDD canals were included in open space, however, in 2003 they were removed. Staff is unclear in our research why canals were removed.

Barbara turned the discussion over to the Committee Members. Kevin Ratterree began the discussion by referring to a handout (Attachment B) he prepared to list all the definitions in ULDC in various Articles for "open space". He said that developers dedicate land area to the County, in this case canals, and based on current ULDC open space definition do not get credit for the land. He stated that a code amendment to the open space definition was made in 2003, removing canals. He spoke with Mr. Bill Whiteford, who was Zoning Director at the time to see if he recalled why the definition for open space was modified. Kevin stated that Mr. Whiteford could not recall if there was a rationale for doing so.

Maryann Kwok, clarified that we need to be cognitive to the fact there are different definitions for open space in the Comp Plan and ULDC relative to different provisions of the code. She handed out a revised Open Space definition from the Comp Plan and went on to read it to the Committee. She said the Committee needs to consider if their goal in this discussion is to simply focus on adding LWDD back into the "open space" definition or take a broader look at "open space" vs. "useable open space." Jon MacGillis agreed and said that this is an important point Maryann raised since in many of our new developments we need to be considering other uses or features on site (balconies, courtyards, etc) that are urban areas that do not get credit for a "useable open space" for uses not listed in current definition.

Chris Roog asked how does staff differentiate between "open space" and "useable open space" Jon MacGillis stated that in various provisions in the ULDC for example PUD will clarify that in order to be considered useable typically there are performance standards. A lake that has a pond with a walkway, fountains, gazebo, etc could be given credit as "useable".

Jon MacGillis said that as part of this Committee's discussion we need input from both Planning and LWDD. The Comp Plan has several definitions and Planning staff has updated or created new definitions sometimes relative to a specific policy (WFH), however, the ULDC definitions are not modified. This

can result in conflicts on interpretation of the intent of "open space" based on its' specific application to a specific type of development.

Collene Walter elaborated on how the definition of open spaces has been interpreted and enforced over the years. She noted that the current definition does not even include a "golf course", however, historically it did.

Jon MacGillis suggested that staff prepare an excel spread sheet listing all the definitions in the Comp Plan and ULDC, what uses are included under each and the application of the definition in terms of Article provisions. For example, ERM might have a definition in Article 14 relative to open space but they might differ from Article 3, PUD.

The Committee agreed that looking at the definitions and having a clear understanding of their application in the code was the next step for the Committee to consider in their discussion.

Barbara confirmed the next Subcommittee Meeting was scheduled for Thursday, April 1, 2010, at 2:00 to 3:00. She asked if this date and time was good for all committee members. Ann Deveaux will contact each member next week to confirm their attendance.

The meeting adjourned at 3:10 pm.

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ULDC

47. **Nursing or Convalescent Facility** - for the purposes of Art. 4, an establishment where care is offered or provided for three or more persons suffering from illness, other than a contagious disease, sociopathic or psychopathic behavior which is not of sufficient severity to require hospital attention, or for three or more persons requiring further institutional care after being discharged from a hospital, other than a mental hospital. Patients usually require domiciliary care in addition to nursing care.

O. **Terms defined herein or referenced Article shall have the following meanings:**

1. **"O" Horizon** - for the purposes of Art. 15, the layer of organic matter on the surface of a mineral soil. This soil layer consists of decaying plant residues.
2. **Objectionable Odor** - An objectionable odor is defined as any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance, in accordance with Rule 62-210 F.A.C. [Ord. 2006-004]
3. **Obstruction to Air Navigation** - for the purposes of Art. 16, any existing or proposed manmade object or object of natural growth or terrain that exceeds the standards contained in this Article, and contained in 14 CFR ss. 77.21, 77.23, 77.25, 77.28, and 77.29.
4. **Off-Peak Season** - for the purposes of Art. 12, the time from June 1 through August 15, inclusive.
5. **Off-Site Improvements** - improvements constructed outside of the boundaries of the project which are required as a part of a development approval.
6. **Office** - for the purposes of Art. 13, a building used primarily for conducting the affairs of or the administration of a business, organization profession, service, industry or similar activity.
7. **Office, Business or Professional** - for the purposes of Art. 4, an establishment providing executive, management, administrative, or professional services, but not involving medical or dental services or the sale of merchandise, except as an incidental use. Typical uses include property and financial management firms, employment agencies (other than day labor), travel agencies, advertising agencies, secretarial and telephone services, contract post offices; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; and business offices of private companies, utility companies, public agencies, and trade associations.
8. **Office of Industrial Nature** - an establishment providing executive, management, or administrative support, but not involving medical or dental services, the sale of merchandise, or professional services (business or professional offices). Typical uses involve corporate headquarters or other similar offices whose function does not include frequent visits by the public or the provision of services.
9. **Official Zoning Map** - the official map upon which the boundaries of each district are designated and established as approved and adopted by the governing body, made a part of the official public records of PBC, and shall be the final authority as to the zoning status of land and water areas, buildings, and other structures in the unincorporated area of PBC and incorporated into this Code by reference.
10. **Onsite** - within the boundaries of a facility location, property or site including sites separated by public or private R-O-W.
11. **Onsite Sewage Treatment and Disposal System (OSTDS)** - for the purposes of Art. 15, as defined by Rule 64E-6, F.A.C.
12. **One-foot Drawdown Contour** - for the purposes of Art. 14, the locus of points around a well or wellfield where the free water elevation is lowered by one foot due to a specified pumping rate of the well or wellfield.
- 13. **Open Space** - unbuilt land reserved for, or shown on the approved site plan or PDP, as one or more of the following uses: preservation, conservation, wetlands, well site dedicated to PBCWUD, passive recreation, greenway, landscaping, landscape buffer, and water management tracts. In the AGR district, open space shall also include unbuilt land use for bona fide agriculture uses.
14. **Open to the Public** - see Park, Open to the Public.
15. **Operating Permit** - for the purposes of Art. 14, means the permit required of certain activities under Art. 14.B.7, Wellfield Protection.
16. **Ordinary High Water (OHW)** - for areas with an established control elevation, the control elevation will be the OHW. For areas without an established control elevation, the wet season water table prior to the excavation activity will be OHW.
17. **Ordinary Maintenance or Repair** - for the purposes of Art. 9, any work for which a building permit is not required by law, where the purpose and effect of such work is to correct any physical deterioration or damage of an improvement, or any part thereof by restoring it, as nearly as practical, to its appearance prior to the occurrence of such deterioration or damage.

Attachment A



11. **Upland Reclamation Area** - land area preserved or re-established around the perimeter of an excavated area created to ensure useable end-use of the land.
  12. **Upland Reclamation Planting** - installation of vegetation to re-establish plant and animal habitats.
  13. **Urban Infill** - for the purposes of Art. 12, the development of vacant parcels in otherwise built-up areas where public facilities such as sewer systems, roads, schools, and recreation areas are already in place and the average residential density is at least five dwelling units per acre, the average non-residential intensity is at least a floor area ratio of 1.0 and vacant developable land does not constitute more than ten percent of the area.
  14. **Urban Redevelopment** - for the purposes of Art. 12, demolition and reconstruction or substantial improvement of existing buildings or infrastructure within urban infill areas or existing urban service areas.
  15. **Urban Service Area (USA)** - that portion of PBC as designated by the Plan.
  16. **Urban Service Area, Existing** - for the purposes of Art. 12, an area defined and mapped in a local government comprehensive plan that is a built-up area where public facilities and services such as sewage treatment systems, roads, schools, and recreation areas are already in place.
  17. **Usable Open Space** - an area such as a park, square, plaza or courtyard, accessible to the public and used for passive or active recreation or gatherings. Credit shall not be given for any indoor spaces, road R-O-Ws, building setback areas, lakes and other water bodies, drainage or retention areas, impervious surface courts (tennis, basketball, handball, etc.), swimming pools, sidewalks, parking lots, and other impervious surfaces or any pervious green area not intended for passive or active recreation or gatherings.
  18. **Usable Open Space for WHP** - a common area such as a park, square, plaza or courtyard, accessible to the public and used for passive or active recreation or gatherings. Credit shall not be given for any indoor spaces, road R-O-W's, building setback areas, lakes or other water bodies, drainage or retention areas, parking lots, and other impervious surfaces or any pervious green area not intended for passive or active recreation. [Ord. 2006-055]
  19. **Use** - any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.
  20. **Use, Accessory** - a permitted use that is customarily associated with the principal use and clearly incidental to the principal use and is subordinate in area, extent, or purpose to and serves only the principal use.
  21. **Use, Principal** - the primary and major purpose for which land or building is used as allowed by the applicable zoning district.
  22. **Utility** -
    - a. Government or franchised provider of water, sewer, electric, gas, phone, cable television, or similar service.
    - b. For the purposes of Art. 14, a public utility, power company or telephone company which serves the general public.
  23. **Utility Easement** - see Easement.
  24. **Utility, Minor** - for the purposes of Art. 4, mechanical equipment associated with utility distribution, collection, or transmission networks, required by their nature to be relatively dispersed throughout their service area other than electric generation and transmission facilities. Typical uses include gas and water regulators, electrical distribution substations, sewage lift stations, telephone exchange buildings, and communication substations. [Ord. 2006-004]
  25. **Utility Runway** - for the purposes of Art. 16, a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
- V. **Terms defined herein or referenced Article shall have the following meanings:**
1. **Vacant Lot** - for the purposes of Art. 7, any tract or parcel of land upon which a home has been demolished and which has not been redeveloped. For the purposes of this definition only, redevelopment means the construction of a home. [Ord. 2005-002]
  2. **Vacant Residential Parcel** - any undeveloped parcel of land or property, including any parcel or property with an approved development order, possessing either a residential designation by the FLUA of the Plan or a residential zoning designation consistent with the underlying Future Land Use designation.
  3. **Valid** - for the purposes of Art. 13, Impact Fees, a development order or other authorization which was legally issued, and that has not expired, lapsed, or been abandoned, revoked, or canceled; or is not subject to such by the passage of time or the conduct of the owner or developer, and on which or



# COMP PLAN

## OBJECTIVE 1.3 Local-level Parks

The County shall plan for the adequate provision of Local-level Parks (ie. community and neighborhood) in the unincorporated areas by maintaining, in the Unified Land Development Code, minimum requirements for on-site park acreage in new residential developments and the provision of community parks in areas of existing deficiency that are not adequately served by other available facilities.

**Policy 1.3-a:** The County shall require a minimum of 2.5 acres of neighborhood and/or community recreation areas per 1,000 persons to be developed in conjunction with all residential development in the unincorporated area through the provisions of ULDC Article 5, as may be amended.

**Policy 1.3-b:** The County shall maintain a plan for addressing neighborhood park needs for those unincorporated areas within the Revitalization and Redevelopment Overlay. Project acquisition and development for these areas will be included in annual updates of the Capital Improvement Element (CIE) subject to the annual appropriation of funds by the BCC for such purposes.

**Policy 1.3-c:** The County shall encourage the development and operation of Local-level parks by special districts, nonprofit groups, and private interests to help meet local recreational needs. Annual Recreational Assistance Program Funds provided by the Board of County Commissioners will be included in annual updates of the CIE subject to annual appropriation of funds by the Board for such purposes.

**Policy 1.3-d:** The County shall utilize available acquisition and funding sources such as PDD civic site dedications, surplus land sales, Recreation Assistance Program, etc., to adequately provide for the Local-level park needs of current and future residents.

## → OBJECTIVE 1.4 Open Space

The County shall ensure that lands are set aside in new developments for open space, and that environmentally sensitive lands are protected for inclusion in the Countywide GLOSS.

**Policy 1.4-a:** The County shall develop planning strategies for a GLOSS network that include but are not limited to consideration of the following components:

- Conservation Areas and Preserves
- Natural Areas
- Parks and recreational facilities
- Commercial recreation areas
- Civic, cultural and educational facilities
- Lakes, blueway trails and canal systems
- Bikeways and trails
- Greenways
- Wildlife corridors
- National Scenic Trails – the Lake Okeechobee Scenic Trail and the Ocean to Lake Greenway, and
- Waterways



**Policy 1.4-b:** The ULDC shall include specific open space definitions and standards that address protection of open space, native ecosystems, and the use of native landscape buffers, consistent with the requirements of Sec. 163.3202(1), Florida Statutes.

**Policy 1.4-c:** *Policy deleted in Amendment Round 07-2*

**Policy 1.4-d:** The County shall adopt site specific management plans for resource based parks within the County's park system that include design criteria for recreational facility development and provide those means of public access to cultural and/or natural resources found on site that do not exceed recognized activity carrying capacity or use guidelines.

**Policy 1.4-e:** The County shall assist other agencies in planning passive recreational facilities within County-managed linked open spaces and greenways that will facilitate public access to parks, environmentally sensitive lands, conservation areas, and other open space resources.

**Policy 1.4-f:** The County's "Greenways and Linked Open Space System" map will be used as a guide in the park planning and design process to ensure that open space linkages are incorporated and alternative means of park access are provided for the public.

## **OBJECTIVE 1.5      Recreational & Cultural Opportunities**

The County shall develop and/or expand park facilities that allow for public access and appropriate use of recreational, cultural, natural, historic and archeological resources.

**Policy 1.5-a:** The County shall promote public access to County parks, recreational facilities, beaches, shores, and waterways through the provision and/or expansion of vehicle and bicycle parking areas, boat ramps, bikeways and pedestrian ways. All parks and recreational facilities shall utilize barrier-free design and be consistent with federal Americans with Disabilities Act requirements and other state and local building codes.

**Policy 1.5-b:** The County shall develop recreational trails and/or interpretive centers in parks with unique cultural, natural, historical or archeological resources. These facilities will provide learning experiences for County residents and also support local eco-tourism efforts.

**Policy 1.5-c:** The County shall continue to develop, and, where appropriate, provide funding for other public agencies to develop additional recreational and cultural facilities that are available to the public on a nondiscriminatory use basis.

**Policy 1.5-d:** The Palm Beach Cultural Council shall be responsible for maintaining and implementing the Comprehensive Cultural Plan for Palm Beach County.



*CURRENT ULDC DEFINITION OF OPEN SPACE (Article 1 of ULDC):*

**Unbuilt land reserved for, or shown on the approved site plan or PDP, as one or more of the following uses: preservation, conservation, wetlands, well site dedicated to PBCWUD, passive recreation, greenway, landscaping, landscape buffer, and water management tracts. In the AGR district, open space shall include unbuilt land use for bona fide agricultural uses.**

Preservation not defined with exception of applying Article 9 of ULDC (historic preservation), but not defined in context of open space.

Conservation not defined.

Wetlands is defined as, "any persistent or intermittent water body or area characterized by the dominance of those submerged or transitional wetland species listed in the Chapter 17-301, F.A.C. or located within or up to three miles directly offshore of PBC. Dominance shall be defined in accordance with Chapter 17-301, F.A.C. and shall be determined in the appropriate plant stratum (canopy, sub canopy, or ground cover) as outlined in Chapter 17-301, F.A.C.

Well site is not defined, but outlined in TAPO (Turnpike Acquiifer Protection Overlay) provisions of Article 3 of ULDC. Generally a 40\*30 site located adjacent to roadway system for maintenance of well site.

Passive recreation not defined in Article 1 of ULDC. Article 4 of the ULDC defines a passive park as, "public or private outdoor recreation area relying on a natural or man-made resource base and developed with a low intensity of impact on the land. Typical uses include trail systems, wildlife management and demonstration areas for historical, cultural, scientific, educational or other purposes that relate to the natural qualities of the area, and support facilities for such activities."

Greenway is defined as, "multi-purpose open space corridors of private and public lands, which may be located within a public street, an edge area, a landscape buffer, or an easement, and may contain pedestrian paths, bicycle facilities, jogging paths, equestrian paths and fitness trails. Greenways are employed to provide usable open space close to residential areas, and provide alternative access ways connecting a variety of uses, such as residential areas, parks, school, cultural facilities and employment centers. Greenways also provide aquifer recharge, preserve unique features or historic or archaeological sites, and can link urban rural areas."

Landscaping is defined as, "Landscaping - any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) or nonliving landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials). Landscaping may include the preservation and incorporation of existing trees, vegetation, or ecosystems into site development."

From Kevin Ratterree 3-11-10  
①

Attachment B



Landscape buffer is defined as, "Landscape Buffer - a continuous area of land which is required by Art. 7, Landscaping, to be set aside along the perimeter of a lot or parcel in which existing native vegetation, relocated native vegetation, and landscaping is used to provide a transition between and to reduce the negative environmental, aesthetic, compatibility and other impacts of one use upon another."

Water management tract is defined as, "for the purposes of Art. 11, a parcel of land under single ownership, identified and created as a single unit on a plat or other instrument of record, established for the purpose of delineating a complete facility or unified area to be utilized for detention, retention, or groundwater recharge of stormwater runoff prior to discharge from a development site."

### *Open Space Standards for Residential Development*

Table 3.E.2.C. (PUD Land Use Mix) establishes a minimum open space requirement of 40% of lands within a PUD be set aside for open space purposes. This table goes on to state that, "Calculation of open space may include recreation pod, civic pod and open space areas within residential." Required recreation area is .006 acres per unit and civic area is 2% of PUD acreage.

#### WHP Standard: 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 30 percent open space**, provided the project incorporates common usable open space areas as defined in Article 1, Usable Open Space for WHP.

Usable Open Space for WHP is defined as, "a common area such as a park, square, plaza or courtyard, accessible to the public and used for passive or active recreation or gatherings. Credit shall not be given for any indoor spaces, road R-O-W's, building setback areas, lakes or other water bodies, drainage or retention areas, parking lots, and other impervious surfaces or any pervious green area not intended for passive or active recreation."

Alternative thought process....define what open space is not, such as:

What open space is not: (1) land under roadways and roadway curbing; (2) impervious areas associated with gate houses; (3) area within individual residential lots; (4) \_\_\_\_\_; (5) \_\_\_\_\_?



Decorative pavers shall be provided at the development entrances and incorporated into recreational areas. [Ord. 2006-055]

- f. **Fountains**  
A minimum of one fountain shall be located in the main or largest lake or water body. [Ord. 2006-055]
- g. **Benches or play structures**  
Benches or play structures shall be provided in usable open space areas and along pedestrian pathways. [Ord. 2006-055]
- h. **Interspersed Housing**  
WFH units shall be interspersed with market rate units within a pod. [Ord. 2006-055]
- i. **Pedestrian Circulation System**  
An interconnected pedestrian sidewalk, path or trail system shall be provided linking pods to recreational amenities within the development. [Ord. 2008-037]

**C. Thresholds**

**1. Thresholds**

Projects that meet or exceed the acreage threshold indicated in Table 3.E.2.C., PUD Thresholds may be submitted and reviewed as a PUD. [Ord. 2006-004]

**Table 3.E.2.C –PUD Minimum Thresholds**

	AGR	RR	LR1	LR2	LR3	MR5	HR8	HR12	HR18
MIN	40 (80/20)	100	5	5	5	5	3	3	3
	250 (60/40)								

**2. Land Use Mix**

Table 3.E.2.C, PUD Land Use Mix, indicates the minimum and maximum percentage of each land use allowed in a PUD.

**Table 3.E.2.C - PUD Land Use Mix**

	Res.	Civic <sup>1</sup>	Comm.	Rec.	OS <sup>2</sup>	Preserve Area	Dev. Area
MIN	60%	2%	-	.006 sf/unit	40%	80/20 AGR – 80%	-
						60//40 AGR – 60%	
MAX	-	65%	1%	-	-	-	80/20 AGR –25% <sup>3</sup>
							60/40 AGR – 40%
[Ord. 2006-004] [Ord. 2008-037]							
<b>Notes</b>							
1. Civic sites less than 1.5 acres in size shall be designated as private, and shall only be required in CCRT areas unless waived by the BCC. [Ord. 2008-037]							
2. Calculation of open space may include recreation pods, civic pod and open space areas within residential. [Ord. 2006-004]							
3. See 80/20 option exception.							

**3. Land Use Calculation**

The calculation for the mix of land uses shall be based on the gross acreage of the PUD. Neighborhood parks, water management tracts and local roads, which are internal to a residential pod rather than a separate pod or tract may be credited toward the minimum residential land area requirement in Table 3.E.2.C, PUD Land Use Mix.

**a. AGR Exceptions**

In the AGR FLU designations, the required land use mix shall be based on the gross acreage of the development portion of the PUD only. [Ord. 2006-004]

**4. Other Land Uses**

The acreage for open space tracts, water management tracts, R-O-W, shall be provided on the master plan.



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 30 percent open space, provided the project incorporates common usable open space areas as defined in Article 1, 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; and, [Ord. 2006-055]
- 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]

**E. 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 shall be approved by the County Administrator, or designee. Off-site options may be accommodated in municipalities located within Palm Beach County. [Ord. 2006-055]

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

Building permits shall be issued for a minimum of 50-percent of the required WHP units to be constructed off-site prior to the issuance of the first CO in the subject development. All off-site WHP units must receive CO prior to issuance of more than 75-percent of the CO's in the subject development. [Ord. 2006-0455]

- a. **WCRAO** – 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 the first CO in the subject development. All market rate units shall be purchased and deeded to the County or deed restricted prior to issuance of more than 75-percent of the CO's in the subject development. [Ord. 2006-055]

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**

The in-lieu payment shall be \$81,500 per unit. The payment shall be deposited in a WHP Trust Fund maintained by the PBC Department of HCD. [Ord. 2006-055]

**F. Additional Requirements for >30% Density Bonus**

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