

PLANNED UNIT DEVELOPMENT, ADDITION TO  
PALM BEACH COUNTY ZONING RESOLUTION

INTENT

The intent and purpose of this section is to provide an alternative means of land development and to provide design latitude for the site planner. Further, it is meant to provide opportunity and encourage cooperative efforts by small volume builders and developers.

UNIT DEVELOPMENT PLAN

A plan, designed to be executed as a unit, and to be recorded as a plat of record. Its principal use to be for residential purposes in accordance with the requirements of this ordinance, even though the use of the land, the location of the buildings to be erected on the area involved in the plan, and the yards and open spaces provided in the plan, do not conform in certain respects to the regulations specified for the district or districts in which the UNIT DEVELOPMENT is proposed to be located. The plan is submitted and approved in accordance with the procedures for approval of subdivision plats.

CONDITIONAL USES AND REQUIREMENTS

Conditional uses defined herein, including accessory buildings and uses, are permitted in the districts indicated in Paragraph B, subject to the provisions herein.

- A. A conditional use is one which is likely or liable, but not certain to occur and which is not inappropriate to the principal uses of the district in which it may be located. When, after review of an application and public hearing thereon, the Zoning Commission finds that the proposed use or uses are consistent with the general plan and in the public interest, a unit development plan, including accessory buildings, may be permitted.
- B. A unit development plan may be permitted as a conditional use in the A-1, R-1AA, R-1A, R-1 and R-2 zoning districts in accordance with the following criteria:
  - 1. The tract of land proposed shall have a minimum area of 100 acres for a Unit Development Plan which contains single-family, two-family, multi-family and/or hotel and motel structures, individually or collectively, and commercial uses; or a minimum of 20 acres for a Unit Development Plan which contains only single-family, only two-family or mixed multi-family structure types and no commercial uses.

CONDITIONAL USES AND REQUIREMENTS (CONTD.)

B. (Contd.)

2. The following residential uses: single-family dwellings, two-family dwellings and multi-family dwellings are permitted either on separate lots or in a group or groups in accordance with the following maximum densities in the following zoning districts (maximum densities in dwelling units per acre).

TABLE #1

Overall Densities in Dwelling Units Per Acre

| <u>District</u> | <u>Single-Family</u> | <u>Two-Family</u> | <u>Multi-Family<br/>1 or 2 Story</u> | <u>Multi-Family<br/>Over 2 Stories</u> |
|-----------------|----------------------|-------------------|--------------------------------------|--|
| A-1             | 5.8                  | 5.8               | 8.7                                  | 12.44                                  |
| R-1AA           | 5.8                  | 6.7               | 10.88                                | 12.44                                  |
| R-1A            | 5.8                  | 7.25              | 10.88                                | 14.5                                   |
| R-1             | 7.25                 | 7.9               | 12.44                                | 21.77                                  |
| R-2             | 8.7                  | 8.7               | 14.5                                 | 21.77                                  |

3. Minimum floor areas shall be 700 square feet per dwelling unit for single-family and two-family. Multi-family structures see Section #6-1-2 (a through d). No minimum floor area applies to hotel or motel rooms, but each room shall be considered a dwelling unit in computing overall density.
4. Setbacks.
  - a. In the 100 acre tract buildings devoted to residential uses shall be separated by a distance based upon a dimension of five (5) feet per story per structure erected on the tract. No building shall be located closer than sixty (60) feet to the property line of the tract and any structure in excess of 12 stories shall be setback an additional five (5) feet for each additional story. No buildings shall be erected closer than sixty (60) feet to any road right-of-way passing through the tract.
  - b. In the 20 acre tract buildings devoted to residential uses shall be separated by a distance of five (5) feet per story per structure erected on the tract. No building shall be located closer than thirty (30) feet to the property line of the tract and any structure in excess

## CONDITIONAL USES AND REQUIREMENTS (CONTD.)

### B. (Contd.)

#### 4. Setbacks (Contd.)

##### b. (Contd.)

of 6 stories shall be setback an additional five (5) feet for each additional story. No buildings shall be erected closer than thirty (30) feet to any road right-of-way passing through the tract.

c. Separation of buildings shall mean the distance required based upon 5 feet per story per structure. Total clearance between two adjacent buildings shall be the total number of stories in both structures multiplied by 5 feet. Where walls of adjacent structures are not parallel, the distance measured on a straight line connecting the mid points of the 2 oblique walls may be considered as the line along which the building separation requirement is measured.

d. A story shall mean each floor level, whether used for residential, storage, parking or other accessory uses.

5. A minimum of two (2) parking spaces per dwelling unit shall be provided. Each parking space must contain at least 200 square feet of area and be convenient to the residential use. No parking spaces on or within road right-of-way are permitted to be included in determining the required number of spaces.

6. A maximum area, which may be devoted to a neighborhood shopping center, including its required off-street parking area, shall not exceed 2% of the entire tract area, provided that the minimum tract area is 100 acres. The area designated for business use shall not front on any street or roadway on the perimeter of the tract, but shall be centrally located within the Unit Development Area to serve the residents of the development.

a. Local business uses in Section 8-C-1A limited commercial are permitted on the tract of land delineated on the Unit Development Plan map.

b. No commercial structure or its paved accessory area shall be erected closer than fifty (50) feet to a residential structure or area.

c. No commercial structure or its paved accessory area shall be located closer than sixty (60) feet to a street right-of-way on the perimeter of the Unit Development Plan tract; or to a through road bisecting the tract.

d. One parking space shall be provided for each one-hundred (100) feet of retail floor area in the center. Each parking space must contain a minimum of two hundred (200) square feet. All parking areas shall be hard surfaced.

## CONDITIONAL USES AND REQUIREMENTS (CONTD.)

### B. (Contd.)

7. A maintenance association, legally constituted, to provide proper maintenance for all required services shall be established by the developer.
8. No residential or commercial construction permits shall be issued until the approved Master Plan and the final plat for the phase to be developed is recorded as a plat of record.

## PROTECTIVE COVENANTS

Protective covenants, running with the land, shall be a part of the required plat and shall be recorded so as to preserve the uses of land as indicated by the plan; to maintain architectural control of the design of the structures; and to provide for the establishment of a Maintenance Association and its dissolution in the event of annexation by a municipality, at the discretion of the association. The Maintenance Association shall be the administrative body of the development unit and shall exercise architectural control after it has been organized and established rules, regulations and procedures. Provision shall be made for rights of appeal and arbitration, if and when such action may become necessary.

## PLANNED UNIT DEVELOPMENT IMPROVEMENTS

The following site improvements shall be provided by the developer:

1. Streets
2. Water Service System
3. Sewerage System
4. Drainage
5. Solid Waste Disposal
6. Sidewalks and/or access paths

## STANDARDS AND CRITERIA FOR IMPROVEMENTS

### 1. Streets

Streets shall be classified according to the Trafficways Plan of Palm Beach County upon its adoption by the Area Planning Board. Until such time a classification must be certified by the Technical Coordinating Committee of the Palm Beach County Urban Transportation Study.

The street standards shall be those established by the County Engineering Department with respect to cross sections, materials and installation standards. Minimum right-of-way widths shall be as required by the Trafficways Plan.

## STANDARDS & CRITERIA FOR IMPROVEMENTS (CONTD.)

### 2. Water Service System

Water systems must be installed in accordance with County and State standards.

### 3. Sewerage System

Sewerage systems must be installed in accordance with County and State standards. The physical plant and pipe system shall be so designed as to be acceptable to, and compatible with, a larger system; or convertible to a portion of an overall system for sewage collection and treatment for the entire urbanizing portion of the county.

### 4. Drainage

Provision for proper drainage must conform to County Engineering Departments standards and specifications and the standards of the Drainage District in which the Unit Development Plan is located.

### 5. Solid Waste Disposal

Plans for solid waste disposal shall conform to, and be approved by the County Health Department.

### 6. Sidewalks and/or Access Paths

Paved sidewalks when required shall be installed to the specifications of the County Engineering Department.

## PROCEDURES

### Step 1. Submission of Preliminary Master Plan & Application

A. Preliminary Master Plan on the entire tract must be submitted to the Zoning Director with an application for a Public Hearing to be held by the Zoning Commission. The plan shall consist of the following items and contain the listed information:

Item 1. Location Map (which may be prepared by indicating the data by notations on available maps) showing:

a. Name and location of development;

b. Any thoroughfares related to the development;

PROCEDURES (CONTD.)

Step 1.            Submission of Preliminary Master Plan & Application (Contd.)

Item 1.            (Contd.)

- c. Existing elementary and high schools, parks, and playgrounds available for serving the area proposed to be developed, and other community facilities;
- d. Title, scale, north point, date.

Item 2.            Preliminary Master Plan drawn to a horizontal scale of 200 feet or less to the inch, and containing:

- a. The proposed name of the development;
- b. Sufficient information to accurately locate the plat. (Reference may be made to existing streets or plats. If there are none lying within a reasonable distance of the proposed subdivision, a vicinity plat on a small scale map should accompany the preliminary plat);
- c. The boundary lines of the tract to be developed, accurate in scale and bearing;
- d. The location widths, and other dimensions of all existing or platted streets and other important features such as railroad lines, water courses, and exceptional topography within and contiguous to the tract to be subdivided.
- e. Existing sanitary sewers, storm drains, and culverts within the tract and immediately adjacent thereto;
- f. The location of the commercial areas, proposed streets, park residential areas, showing acres and structure types or densities or locations of structures and intended uses and number of dwelling units; and commercial areas when permitted;
- g. All parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the purpose indicated;
- h. North-point and scale.

PROCEDURES (CONTD.)

Step 1. Submission of Preliminary Master Plan & Application (Contd.)

Item 3. Statement containing the following:

The protective covenants or private restrictions to be incorporated in the plat of the development, or become covenants in the deeds for lots.

Step 2. Public Hearing

If the Conditional Use is granted by the Zoning Commission, the applicant will be notified by the Director of Zoning of the time and place to meet with the Review Committee.

Step 3. Preliminary Master Plan Review

The Review Committee shall make an examination of the Preliminary Master Plan to determine compliance with the requirements of this ordinance and the regulations of the departments and agencies concerned. Within a reasonable time following the meeting with the Review Committee on the Preliminary Master Plan, the Zoning Director shall notify the applicant in writing that the Committee has approved the Preliminary Master Plan and accepted it as the Final Master Plan and is ready to receive the Final Plat, or will advise the applicant of any further changes in the Preliminary Master Plan which are desired or should have consideration before approval and acceptance will be given.

Step 4. Final Plat Submission

The Final Plat of the development shall be filed within 6 months of approval by the Zoning Commission or Conditional Use shall become null and void. The Final Plat shall contain the following area allocations, conform to the following and adhere to the principles and standards of design as required by the Palm Beach County Engineering Department, Health Department and the State Plat Law:

- A. The Final Plat may include all or only a part of the approved Master Plan. The filing fee shall be as determined by the Board of County Commissioners
- B. The following basic information shall be shown:
  - 1. Name of the development and the name of the larger development or tract of which it forms a part, if part of a larger development; and source of title;

PROCEDURES (CONTD.)

Step 4. Final Plat Submission (Contd.)

B. (Contd.)

2. Names of the developer and the engineer or surveyor;
3. The boundaries of the tract with accurate distances and bearings (which should be determined by an accurate survey in the fields, which must be balanced and closed);
4. Street lines of all existing or recorded streets, intersecting, crossing or contiguous to the development (which should be accurately tied to the lines of the development by distances and bearings);
5. The accurate location and description of all monuments;
6. The length and bearing of the lines of all lots, streets, alleys, and easements as laid out, length of arc, points of curvature, radii, and tangent bearings in the case of curved lines (the system of lengths and bearings should be balanced so as to be consistent throughout and consistent with the distance and bearings of the boundary lines)
7. The location and intended use of buildings, structures or any improvements thereon, with parcel numbers and areas shown in square feet, provided that if lots are to be included, the layout of lots, lot numbers and dimensions shall be shown.
8. The accurate outline of all property that is offered for dedication for public use, with the purpose indicated thereon, and of all property that may be reserved by covenant for the common use of the property owners in the subdivision;
9. Private restrictions, maintenance covenants as follows:
  - (a) Private Restrictions.
  - (b) Maintenance Covenants
    1. In order that all required improvements shall be maintained properly, the developer or subdivider shall establish an Association, Corporation or Trusteeship or organization of like nature, which shall perform the necessary functions to accomplish this purpose. A copy of the Agreement establishing such organization must accompany the proposed plan and Preliminary Plat.



PROCEDURES (CONTD.)

Step 4. Final Plat Submission (Contd.)

B. (Contd.)

9. (b) Maintenance Covenants (Contd.)

2. The association agreement, corporation charter or by-laws of the trust agreement shall contain the following elements:

- (a) Purpose;
- (b) Parties to the agreement which shall include the owners of all lots and/or parcels in the tract area;
- (c) Method of electing officers and directors;
- (d) Administrators duties and responsibilities;
- (e) Method of paying into the association maintenance fund;
- (f) Disbursement procedures for administrative purposes;
- (g) Continuance of the Association;
- (h) Dissolution of association and disposition of any surplus funds;
- (i) Penalty for failure to abide by the rules and by-laws of the Association;
- (j) Any other provisions desired by the developer or subdivider.

10. North-point, scale, and date (whether the north point is magnetic or true north shall be indicated);

11. A certificate of a licensed engineer or surveyor to the effect that the plat represents a survey made by him, that all of the monuments shown thereon actually exist, and that their positions are as shown.

C. When the Final Plat is submitted to the Zoning Commission, it shall be accompanied by one of the following:

1. A certificate by a qualified professional engineer registered in the State of Florida that all improvements and installations for the development required for its approval have been made or installed in accordance with specifications; or

PROCEDURES (CONTD.)

Step 4.      Final Plat Submission (Contd.)

C. When the Final Plat is submitted to the Zoning Commission, it shall be accompanied by one of the following (Contd.):

2. A bond which shall:

- (a) Run to the County Commission;
- (b) Be in amount to complete the improvements and installations in compliance with this ordinance for that portion of the development included in the Final Plat;
- (c) Be with surety satisfactory to the County Commission, and
- (d) Specify the time for the completion of the improvements and installations.

Step 5.      Final Plat Approval

A. Within a reasonable time after application for approval of the Final Plat the Zoning Commission shall approve or disapprove it. If the Zoning Commission approves, it shall affix its seal upon the Plat, together with the certifying signature of its Chairman and Vice-Chairman. If it disapproves, it shall set forth the reasons for such disapproval in its own records and provide the applicant with a copy.

B. The bond referred to in Item 2 of Paragraph C above, will be released only upon the submission of an engineer's certificate as described in Item 1 of Paragraph C.

PROCEDURE FOR MODIFICATION OR CHANGES IN APPROVED MASTER PLAN

No changes or modification of an approved Master Plan is permitted, except by following the procedures for approval of a new Master Plan.

## TYPE "A"

## TYPE "B"

|   |  |  |
|---|--|--|
| Minimum Tract Acreage   | 100 Acres  | 20 Acres   |
| Business Acreage  | 2%   | 0  |
| Structure Types   | Can Be Mixed   | Cannot Be Mixed  |
| Building Separation   | 5'/Story/Structure   | 5'/Story/Structure   |
| Parking, Residential  | 2 Spaces/Unit  | 2 Spaces/Unit  |
| Parking, Business   | 1 Space/100' Gross Fl.Ar.  | 0  |
| Perimeter Setback   | 60'  | 30'  |
| Setback from R/W  | 60'  | 30'  |
| Minimum Floor Area:<br>Multi-Family<br>Dwelling Units, One or Two-Family<br>Hotel/Motel Units | See Sect. #6-1-2 (a-d)<br>700 Sq. Ft./Unit<br>None                                 | See Sect. #6-1-2 (a-d)<br>700 Sq. Ft./Unit<br>-                                    |
| Separation Between Res. & Comm.   | 50'  | -  |
| Types of Business   | Same Sec. 8-C-1A   | 0  |
| Allowable Res. Density  | Table #1   | Table #1   |
| Height of Structure   | Not limited except when<br>proposed development<br>is in airport approach<br>zone. | Not limited except when<br>proposed development<br>is in airport approach<br>zone. |