

TO: DEVELOPMENT REVIEW OFFICER AGENCIES

FROM: WHITNEY CARROLL, EXECUTIVE DIRECTOR
PLANNING, ZONING AND BUILDING DEPARTMENT

PREPARED BY: ZONING DIVISION

SUBJECT: DEVELOPMENT APPLICATIONS PURSUANT TO SECTION
163.2525, FLORIDA STATUTES (INFILL REDEVELOPMENT
ACT)

PPM #: ZO-O-076

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ISSUE DATE
09/03/2026

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EFFECTIVE DATE
05/21/2026 (Per SB 1434)

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PURPOSE:

On May 21, 2026, Governor Ron DeSantis signed Senate Bill 1434 (the “Infill Redevelopment Act” or the “Act”) into law. The Act created Section 163.2525, Florida Statutes (F.S. § 163.2525), which preempts certain local land development regulations for environmentally impacted “qualifying parcels” and requires Local Governments to administratively approve compliant applications for residential development that comply with the Act without further action by the governing body.

This PPM establishes the procedures and expectations governing the County’s administrative review and approval of development applications submitted pursuant to the Act as required by F.S. § 163.2525.

This PPM is intended to facilitate timely and consistent implementation of the Act while preserving those areas of local review and regulatory authority expressly recognized by the Legislature. Nothing contained herein shall be construed to impose substantive requirements beyond those authorized by F.S. § 163.2525.

UPDATES:

Future updates to this PPM are the responsibility of the Assistant Development Director, under the authority of the Executive Director of the Planning, Zoning and Building Department.

AUTHORITY:

Proposed development of a qualifying property pursuant to the Act will be reviewed and processed administratively pursuant to ULDC Art. 2, Application Processes and Procedures, and supplementary application processes and procedures established in this PPM.

APPLICABILITY:

This PPM applies exclusively to development applications submitted pursuant to F.S. § 163.2525. The procedures established herein are intended solely to implement the administrative review process required by State law for qualifying parcels seeking approval under the Act.

Applicants seeking approval under the Act bear the burden of demonstrating that the subject property qualifies for administrative approval under the criteria established by F.S. § 163.2525. Because eligibility under the Act is dependent upon satisfaction of multiple Statutory requirements, Applicants are expected to provide sufficient documentation and information to allow the County to verify compliance with the Act's provisions.

Nothing in this PPM shall be construed to create any substantive entitlement beyond those established by F.S. § 163.2525.

PROCEDURE:

I. Pre-Application Conference (PAC) – Applicants are required to participate in a PAC with County Staff prior to submitting the formal administrative application submittal per ULDC Art. 2.A.5.A, Pre-Application Conference (PAC). Statements made during a PAC are nonbinding and do not constitute a determination of eligibility under the Act.

II. Administrative Application. – Applicants are required to submit the administrative application on the dates established on the Annual Zoning Calendar and applicable fees at time of application.

III. Required Application Documents – To be found sufficient, applications submitted pursuant to the Act shall include all required documents for the Administrative process and a Full DRO application request as described by ULDC Article 2 and the Zoning Technical Manual. In addition the application shall include the following supplementary information and documents:

A. Justification Statement

In addition to the requirements pursuant to ULDC Art. 2.A.6.A.1, Justification Statement, the Applicant shall identify in the Justification Statement how the property satisfies each requirement of the Act, which includes compliance with F.S. § 163.2525(8), adjacent owner's statutory option to purchase.

B. Environmental Eligibility Documentation

Documentation demonstrating that the property constitutes "environmentally impacted land" under F.S. § 163.2525(3)(d), including either:

- A Phase II Environmental Site Assessment demonstrates that contaminants or pollutants have been detected above applicable Local, State, or Federal residential cleanup target levels. The report shall identify the cleanup target levels utilized and provide sufficient supporting information to allow the County to determine eligibility under F.S. § 163.2525(3)(d); or
- Brownfield Documentation establishing that any portion of the property is located within a brownfield area designated pursuant to F.S. § 376.80.

The County may request reasonable supplemental documentation necessary to verify environmental eligibility. The submission of environmental documentation pursuant to this PPM shall not constitute approval of remediation activities or a determination regarding compliance with other environmental laws.

C. Adjacent Parcel Analysis

Applicants shall submit an adjacent parcel analysis sufficient to demonstrate compliance with the adjacency requirements of the Act. The analysis shall:

- Identify all parcels adjacent to the qualifying parcel, including parcels separated only by roadways, railroads, rights-of-way, or easements, consistent with the Statutory definition of “adjacent to.”
- Identify the boundaries of the sites or boundaries of the approved developments (i.e., Planned Unit Developments) adjacent to the qualifying parcels.
- Identify the jurisdiction, zoning district, existing use, residential uses authorized by the applicable zoning district and/or approved Development Order, the approval process applicable to such approved residential uses, and whether additional discretionary approval was required to establish the residential use.
- Identify the future land use designation and density along with the built density for the sites and parcels adjacent to the qualifying parcel.
- Confirm that adjacent parcels relied upon for eligibility and density calculations are located within the same jurisdiction as the qualifying parcel.

Because adjacency determinations affect multiple provisions of the Act, Applicants shall identify and explain the factual basis for all conclusions regarding the applicability of F.S. § 163.2525(7) and (8). This shall include identifying whether adjacent parcels contain Single Family (SF), Zero Lot Line (ZLL) Home, Townhouse, or Multifamily uses, Places of Worship, recreational facilities, or other uses relevant to determining whether a qualifying parcel is adjacent to SF or ZLL Homes, or Townhouses on all sides for buffer purposes, or adjacent to SF or ZLL Homes on all sides for recreational facility requirements.

Applicants shall provide a narrative explaining the methodology used to determine adjacency and the basis for all conclusions reached under the Act. Because adjacency determinations may affect eligibility, density calculations, development standards (“intensity” per the Act), buffer requirements, impact fee obligations, and adjacent Property Owner notice and purchase rights, the County reserves the right to require additional information reasonably necessary to evaluate compliance with F.S. § 163.2525, and to independently determine whether the Statutory adjacency requirements have been satisfied.

Where F.S. § 163.2525 imposes conditions precedent to development approval, including requirements relating to recreational facility notices and adjacent Property Owner purchase rights sent by certified mail per ULDC Art. 3.E.3.a, Courtesy Notice, administrative approval shall not become effective until such Statutory conditions have been satisfied.

D. Utility Ownership Certification

A certification identifying whether the parcel has been owned by a public utility within the fifteen years preceding May 21, 2026. Supporting title documentation may be required.

E. Urban Service Area Boundary Analysis

Documentation establishing that the parcel is located within the Urban Service Area.

F. Recreational Facilities Documentation

If applicable, documentation addressing:

- Existence of recreational facilities;
- Period of non-operation;
- Proposed notices sent to the adjacent parcels and Property Owners;
- Proposed impact fee calculations; and,
- Applicability of adjacent Property Owner purchase rights.

G. Buffer Analysis

If applicable, documentation establishing whether the parcel is adjacent to SF or ZLL Homes,

or Townhouses on all sides.

IV. Conversion of Existing Applications – Applicants with pending applications may elect to proceed pursuant to the Act. Applicants seeking conversion shall submit:

A. Written Election

A written letter to the Zoning Director requesting to proceed with the request pursuant to F.S. § 163.2525.

B. Withdrawal of Application Requests

Applicants shall withdraw any application requests no longer necessary under the Act, including but not limited to: Comprehensive Plan amendments, Official Zoning Map Amendments, or Development Order Amendments.

C. Revised Application in accordance with the Act

Applicants shall submit the following revised application documents noted here, and may be requested to supplement with items listed in Part III as applicable and any fees will be credited/refunded, as applicable:

- Act narrative or Justification Statement;
- Because the request is revised, an agreement that the final decision will restart in accordance with ULDC Art. 2.C.4.A, Review.
- Zoning Plans
- Supporting studies, as necessary;
- Document matrix with the following information:
 - All previously submitted materials proposed to remain part of the administrative record;
 - All previously submitted materials that have been superseded or withdrawn;
 - All revised documents submitted in replacement of prior materials; and,
 - Any limitations or qualifications applicable to documents being carried forward, including requests to use documents with outdated or inaccurate references to prior applications, with a written justification as to why the specific references in the documents will not create confusion for the reviewer or the public.

Applicants electing to proceed pursuant to F.S. § 163.2525, using materials previously submitted in connection with legislative or other non-Act development applications shall be responsible for ensuring that all materials incorporated into the administrative application accurately reflect the proposed Act approval process.

Because development applications processed through traditional land use procedures frequently contain narratives, studies, reports, plans, and analyses that reference Comprehensive Plan amendments, Official Zoning Map Amendments, Planned Development approvals, legislative or quasi-judicial findings, public hearings, governing body actions, or other approval mechanisms that may no longer be applicable under the Act, Applicants seeking to convert an existing application shall clearly identify which previously submitted materials remain in effect and which materials have been superseded, revised, withdrawn, or are otherwise no longer applicable.

The County shall not be responsible for independently reviewing the entirety of prior application materials to reconcile inconsistencies among previously submitted documents or to determine which portions of the record remain operative following an Applicant's election

to proceed under the Act. The burden of identifying and clarifying the governing application materials shall rest solely with the Applicant.

The Applicant may request to use a specific previously submitted study or report that contains inapplicable references. However, the County shall retain sole discretion to require the Applicant to update this supporting documentation where Staff determines that the continued inclusion of such references within the document could reasonably create confusion regarding the basis for approval, the scope of the approved development, the assumptions underlying technical analyses, or the governing application materials.

Any ambiguity regarding whether a previously submitted document remains operative shall be construed against inclusion of such document within the Act administrative application unless the Applicant expressly identifies the document as being carried forward and confirms that the document remains accurate and applicable to the proposed Act approval.

Applicants shall certify that the materials identified as submitted documents accurately describe the development proposed for approval under the Act and that, to the best of the Applicant's knowledge, such materials are internally consistent and suitable for administrative review. The County reserves the right to require supplemental information or revisions where Staff determines that conflicting or outdated application materials impair the County's ability to evaluate compliance with F.S. § 163.2525.

The purpose of these requirements is to ensure the creation of a clear and manageable administrative application, facilitate future interpretation and implementation of approved development entitlements, avoid confusion arising from superseded legislative or quasi-judicial application materials, and provide transparency to the public regarding the documents that form the basis of the County's administrative approval under the Act.

D. Administrative Memorandum

County Staff may prepare an internal memorandum documenting:

- The Applicant's election to proceed under the Act;
- Withdrawal of legislative or quasi-judicial components;
- Continuing administrative applications; and,
- Governing application materials.

V. Administrative Review Criteria – Upon sufficiency, the DRO shall conduct an administrative review to verify whether the application demonstrates eligibility under F.S. § 163.2525, in addition to the following standards and criteria:

- a. Eligibility review shall include consideration of:
- Environmental qualifications;
 - Parcel size;
 - Adjacency requirements;
 - County eligibility;
 - Statutory exclusions;
 - Density limitations;
 - Development standards limitations;
 - Applicability of buffer requirements;
 - Open Space Analysis, if a Planned Development
 - Applicability of recreational facility provisions; and, but not limited to,
 - Completeness of required application materials.

A determination of eligibility under the Act shall not constitute approval of construction

permits or other approvals independently required by law.

b. Density Determinations – Density shall not exceed:

- The average density of all adjacent zoning districts within the same jurisdiction allowing residential uses Permitted by Right; or
- 25 dwelling units per acre, whichever is lower. The Applicant shall provide calculations supporting the proposed density. The County may verify such calculations using official Planning and Zoning records.

1. Planned Development Density

Where a zoning district applicable to an adjacent parcel is a Planned Development that allows residential uses as of right pursuant to an approved Development Order, the density used for purposes of F.S. § 163.2525(5) shall be the gross residential density approved for the Planned Development, calculated based upon the gross acreage used to establish the approved residential density. Density shall not be recalculated based solely upon the acreage of an individual Residential Pod or other portion of the Planned Development to which residential units have been allocated.

c. Development Standards – The Applicant shall identify all adjacent parcels and the property development regulations (PDRs) and site development standards applicable thereto. The Applicant shall demonstrate compliance with the development standards applicable to adjacent parcels as required by F.S. § 163.2525(5). Pursuant to F.S. § 163.2525(5), the development standards proposed for a qualifying parcel shall comply with the standards applicable to parcels adjacent to the qualifying parcel.

The County shall evaluate the zoning districts applicable to adjacent parcels to identify generally applicable PDRs and site development standards relating to development standards. For purposes of administrative review under the Act, the County may apply PDRs and site development standards associated with adjacent residential zoning districts that are reasonably related to regulating the development standards and physical form of development, including, but not limited to:

- PDRs;
- Massing and heights of buildings;
- Existing structure setbacks;
- Floor area ratio (FAR) limitations, if applicable;
- Accessory structure requirements;
- Perimeter buffering;
- Open space; and,
- Other generally applicable dimensional standards applicable to adjacent residential parcels.

The County shall identify the specific development standards determined to be applicable to the qualifying parcel during administrative review. Such standards shall be memorialized in the final administrative approval documents and shall govern future development and permitting activities associated with the approved development.

In determining whether a development standard may be applied, the County shall consider whether application of the standard would restrict, prohibit, or otherwise limit development of the qualifying parcel below the density or development standards authorized by F.S. § 163.2525. PDRs and site development standards shall not be applied

in a manner that effectively reduces the density permitted under the Act or otherwise frustrates the intent of the Act.

Minimum lot area, lot width, and other subdivision design standards shall be evaluated in conjunction with the subdivision approval provisions of F.S. § 163.2525(6), Florida Statutes, and F.S. ch. 177. Following approval and recordation of a subdivision plat pursuant to the Act, lots lawfully created under such approval shall constitute Legal Lots of Record notwithstanding any inconsistency with otherwise applicable minimum lot dimensional requirements.

Unless otherwise expressly provided in the administrative approval documents, individual lots created pursuant to an approved Act development shall thereafter be subject to the generally applicable PDRs and site development standards identified in the approval documents, including standards relating to accessory structures, swimming pools/spas, fences and walls, and similar residential improvements, provided that such standards are not applied in a manner inconsistent with rights conferred by F.S. § 163.2525.

- d. **Chapter 177 Subdivision Review** – Subdivision applications submitted pursuant to the Act shall be reviewed for compliance with F.S. ch. 177. The County shall not utilize the subdivision review process to reduce the density or development standards authorized by F.S. § 163.2525. Applicants shall bear the burden of demonstrating legal authority to record proposed plats or replats. Nothing herein shall require the County to adjudicate private property disputes.
- e. **Architectural Design Standards** – Architectural review may be conducted only to the extent permitted by F.S. § 163.2525(9).
- f. **Concurrency Review** – The Act does not exempt Applicants from concurrency requirements as required by the Palm Beach County Comprehensive Plan and ULDC Art. 2.F, Concurrency (Adequate Public Facility Standards). Applicants shall demonstrate compliance.
- g. **Other Applicable Laws** – Nothing in this PPM shall exempt development from compliance with laws and regulations not preempted by F.S. § 163.2525, including but not limited to:
 - The Florida Building Code;
 - Applicable permitting requirements;
 - Applicable environmental permitting requirements
 - Applicable Floodplain regulations;
 - State agency approvals;
 - Federal agency approvals; and,
 - Privately enforceable restrictions, easements, or covenants.

The County's review under the Act shall not constitute a determination regarding compliance with such requirements unless otherwise expressly required by law.

- VI. Administrative Approval** – F.S. § 163.2525(9) provides that a proposed development of a qualifying parcel that complies with the requirements of the Act: “must be administratively approved, and no further action by the governing body of a local government is required.” The County recognizes that the administrative approval process established by F.S. § 163.2525 replaces discretionary legislative or quasi-judicial approval processes that would otherwise apply

to comparable development applications. Accordingly, the County's review shall be limited to determining whether the Applicant has demonstrated compliance with the requirements expressly set forth in F.S. § 163.2525 and other requirements expressly preserved by the Act. Administrative approval under this PPM shall be issued by the DRO and will follow already established policies and timeframes as promulgated. Administrative approval shall constitute final administrative action of the County with respect to the Applicant's entitlement to proceed under F.S. § 163.2525, subject to compliance with any ministerial permitting requirements independently applicable under Federal law, State law, or Local Government regulations not preempted by the Act. In evaluating an application submitted pursuant to F.S. § 163.2525, the County shall determine whether the Applicant has demonstrated that:

1. The subject property constitutes a qualifying parcel under F.S. § 163.2525;
2. The proposed density complies with F.S. § 163.2525(5);
3. The proposed development standards comply with F.S. § 163.2525(5);
4. The subdivision application, if applicable, satisfies the requirements of F.S. ch. 177;
5. Any buffer requirements imposed by F.S. § 163.2525(7) have been satisfied;
6. Any recreational facility requirements imposed by F.S. § 163.2525(8), including notice requirements and applicable waiting periods, have been satisfied;
7. The proposed development complies with any generally applicable architectural regulations permitted under F.S. § 163.2525(9); and,
8. The Applicant has established consistency with applicable concurrency requirements at such time as would be required for comparable residential development within the County.

If the County determines that an application satisfies the requirements of F.S. § 163.2525, administrative approval shall be granted. If the County determines that an application does not satisfy the requirements of F.S. § 163.2525, the County shall provide the Applicant with written notice identifying the specific Statutory requirement or requirements that have not been demonstrated. The Applicant shall be afforded a reasonable opportunity to submit supplemental information addressing the identified deficiencies prior to the issuance of a final determination of ineligibility.

Administrative approval under F.S. § 163.2525 shall not constitute:

- Approval of construction plans;
- Issuance of Building Permits;
- Approval of environmental remediation activities;
- Approval of Floodplain map revisions;
- Approval of utility connections;
- Resolution of private property disputes;
- Adjudication of title issues; or,
- Waiver of permits or approvals independently required under Federal law, State law, or Local Government regulations not preempted by F.S. § 163.2525.

Nothing in this Policy shall be construed to exempt development approved under F.S. § 163.2525 from compliance with the Florida Building Code, applicable concurrency requirements, F.S. ch. 177, or other requirements expressly preserved by the Act.

Any substantial modification to a development previously approved pursuant to F.S. § 163.2525 that affects density, development standards, subdivision configuration, eligibility under the Act, or compliance with Statutory requirements shall require administrative review to determine whether the modified proposal continues to satisfy the requirements of F.S. § 163.2525.

- VII. Determinations of Ineligibility** – If County Staff determine that an application fails to satisfy the requirements of F.S. § 163.2525, Staff shall provide written notice identifying the basis for the determination.

Applicants may submit additional information addressing identified deficiencies.

- VIII. Appeals** – Applicants aggrieved by a determination of ineligibility may appeal to the Hearing Officer pursuant to ULDC Art. 2.A.14.C.2.b, Administrative DO. Nothing herein shall limit any rights otherwise available under Florida law.

- IX. Severability** – If any portion of this PPM is determined invalid, the remaining provisions shall remain in effect.

- X. Administrative Approval** – This PPM shall take effect immediately upon adoption and shall apply to all development applications submitted pursuant to F.S. § 163.2525.

**WHITNEY CARROLL, ESQ., AICP
PLANNING, ZONING AND BUILDING
EXECUTIVE DIRECTOR**