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ORDINANCE 4, 2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, AMENDING CHAPTER 78. LAND DEVELOPMENT REGULATIONS. AT SECTION 78-57. TARGETED EXPEDITED PERMITTING PROGRAM. BY REPEALING SUBSECTIONS (a), (b), AND (c), READOPTING SAME, AS REVISED, AND BY ADOPTING NEW SUBSECTION (d); FURTHER AMENDING CHAPTER 78. BY ADOPTING NEW SECTION 78-59. WORKFORCE AND AFFORDABLE HOUSING PROGRAM; FURTHER AMENDING CHAPTER 78. AT SECTION 78-99. EXEMPTIONS AND CREDITS. BY REPEALING SUBSECTIONS (b), (c), AND (d), READOPTING SAME, AS REVISED, AND BY ADOPTING NEW SUBSECTION (e); FURTHER AMENDING CHAPTER 78. AT SECTION 78-141. RESIDENTIAL ZONING DISTRICT REGULATIONS. BY AMENDING TABLE 10: PROPERTY DEVELOPMENT REGULATIONS—RESIDENTIAL ZONING DISTRICTS AND BY ADOPTING NEW NOTE 11 TO TABLE 10; FURTHER AMENDING CHAPTER 78. AT SECTION 78-154. PUD—PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT. BY REPEALING SUBSECTIONS (g)(1), (g)(2), AND (g)(4), READOPTING SAME, AS REVISED, AND BY AMENDING TABLE 13: PUD RESIDENTIAL DENSITY LIMITS; FURTHER AMENDING CHAPTER 78. AT SECTION 78-155. PCD—PLANNED COMMUNITY DEVELOPMENT OVERLAY DISTRICT (PCD). BY REPEALING SUBSECTIONS (e)(1) AND (g), READOPTING SAME, AS REVISED, AND BY AMENDING TABLE 15: MAXIMUM RESIDENTIAL DENSITY IN PCDS; FURTHER AMENDING CHAPTER 78. AT SECTION 78-157. MXD—MIXED USE DEVELOPMENT DISTRICT. BY REPEALING SUBSECTION (a) AND READOPTING SAME, AS REVISED; FURTHER AMENDING CHAPTER 78. AT SECTION 78-159. PERMITTED USES, MINOR AND MAJOR CONDITIONAL USES, AND PROHIBITED USES. BY ADOPTING NEW SUBSECTION (j)(78) AND AMENDING TABLE 21: PERMITTED, CONDITIONAL, AND PROHIBITED USE CHART; FURTHER AMENDING CHAPTER 78. AT SECTION 78-181. USES. BY REPEALING SUBSECTION (c)(8), READOPTING SAME, AS REVISED, AND BY ADOPTING NEW SUBSECTION (c)(9); FURTHER AMENDING CHAPTER 78. AT SECTION 78-222. TRANSIT ORIENTED DEVELOPMENT (TOD) OVERLAY DISTRICT. BY REPEALING SUBSECTION (f)(5), AND READOPTING SAME, AS REVISED; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 78. LAND DEVELOPMENT. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

1           **WHEREAS**, the City Council of the City of Palm Beach Gardens has determined  
2 that various sections of Chapter 78 of the City's Code of Ordinances need to be amended  
3 to provide for consistency and implementation of the City's Workforce Housing Program,  
4 as adopted by Resolution 66, 2020; and

5  
6           **WHEREAS**, this Ordinance was reviewed by the Planning, Zoning, and Appeals  
7 Board, sitting as the Local Planning Agency, at a public hearing on April 11, 2023, and  
8 the Board recommended approval by a vote of 5 to 2; and

9  
10           **WHEREAS**, the City Council deems approval of this Ordinance to be in the best  
11 interests of the health, safety, and welfare of the residents and citizens of the City of Palm  
12 Beach Gardens and the public at large.

13  
14  
15           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**  
16 **OF PALM BEACH GARDENS, FLORIDA, that:**

17  
18           **SECTION 1.** Chapter 78. Land Development of the Code of Ordinances of the  
19 City of Palm Beach Gardens, Florida, is hereby amended at Section 78-57. - Targeted  
20 expedited permitting program. by repealing subsections (a), (b), and (c), and readopting  
21 same, as revised; and re-lettering previous subsection (c) as new subsection (d);  
22 providing that Section 78-57. shall hereafter read as follows:

23  
24           **Sec. 78-57. - Targeted expedited permitting program.**

25  
26 (a) *Purpose and intent.* The targeted expedited permitting program provides qualifying  
27 projects an efficient process to resolve issues in a timely manner through face-to-  
28 face meetings with a city representative without sacrificing any requirements  
29 established in this chapter. The targeted expedited permitting program is available to  
30 the following:

31  
32           1. qualifying companies that are expanding operations or moving into the city so that  
33 value-added employment may be created at a faster pace.

34  
35           2. Workforce and/or affordable housing projects.

36  
37 (b) *Applicability for qualifying companies.* The city shall utilize the following qualification  
38 criteria when determining whether a company qualifies for the targeted expedited  
39 permitting program:

40  
41           (1) The company must fall into one (1) of the following industry clusters:

- 42           a. Medical and pharmaceutical;  
43           b. Aerospace and engineering;  
44           c. Information technology;  
45           d. Business and financial services;  
46           e. Education;

- 1 f. Research and development; and  
 2 g. Any other industry cluster or company headquarters approved by the city  
 3 council.  
 4

- 5 (2) The company must demonstrate the capability to create at least fifty (50) new  
 6 positions in the City of Palm Beach Gardens within the first two (2) years of  
 7 operation; or expand its operation within the city as a result of creating at  
 8 least fifty (50) new positions in the two years prior to the issuance of the  
 9 certificate of occupancy for the new facilities; or a combination thereof.  
 10  
 11 (3) Positions created must be considered value-added employment based on  
 12 the average wages and/or compensation paid by the employer. Value-added  
 13 employment is defined when the average compensation package of positions  
 14 created is at least ten (10) percent higher than the current per capita income  
 15 level in the city.  
 16  
 17 (4) Companies must pass the city's financial due diligence process to establish  
 18 solvency and credibility prior to acceptance into the program. Due diligence  
 19 reports (1) may include a Dun & Bradstreet report or other such reports as  
 20 deemed necessary by the city, and (2) must be reviewed by the city manager,  
 21 growth management administrator, and/or finance administrator for the city.  
 22  
 23 (5) Notwithstanding the criteria above, a company may qualify for the targeted  
 24 expedited permitting program if the company is a sanctioned project by the  
 25 State of Florida or other officially sanctioned economic development  
 26 organization (OTTED, Enterprise Florida, or Business Development Board of  
 27 Palm Beach County).  
 28

29 (c) Applicability for workforce and/or affordable housing projects. The city shall utilize  
 30 the eligibility criteria as specified in Section 78-59. when determining whether a  
 31 proposed workforce and/or affordable housing project qualifies for the targeted  
 32 expedited permitting program.  
 33

34 ~~(e)~~(d) *Benefits.* Companies or developers that have been accepted into the targeted  
 35 expedited permitting program shall receive the following benefits:  
 36

- 37 (1) The city manager or growth management administrator shall appoint a single  
 38 point of contact at the city who shall be kept apprised of all developments  
 39 relating to the review of the project by the city's development review  
 40 committee in order to keep the project on track and provide a periodic status  
 41 report to the company's or developer's project manager; and  
 42  
 43 (2) The growth management department shall establish the necessary steps  
 44 required for project approval in a pre-application meeting, and subsequently,  
 45 prepare an itemized timetable for the project's completion of the development  
 46 review process; and

- 1 (3) The project shall receive priority at every phase of the review process by city  
2 staff, including face-to-face meetings; and  
3  
4 (4) The city's development review committee shall review and provide comments  
5 relative to the project not to exceed five (5) business days of submission of  
6 plans by the applicant for qualifying companies, and not to exceed ten (10)  
7 business days for workforce and/or affordable housing projects; and  
8  
9 (5) In the case that major issues arise at any point during the development  
10 review process, a face-to-face meeting of all concerned parties will be called  
11 within two (2) business days so that a resolution may be found in a timely  
12 and efficient manner; and.  
13

14 **SECTION 2.** Chapter 78. Land Development of the Code of Ordinances of the  
15 City of Palm Beach Gardens, Florida, is hereby amended at Section 78-59. - Reserved.  
16 by adopting a new section; providing that Section 78-59. shall hereafter read as follows:  
17

18 **Section 78-59. - Workforce and affordable housing program.**  
19

- 20 (a) Purpose and intent. The purpose and intent of this section is to implement the city's  
21 Workforce Housing Program, adopted by Resolution 66, 2020. The program  
22 serves to ensure that a variety of workforce and/or affordable housing options are  
23 provided to the residents and households of the city in the workforce and affordable  
24 income ranges. It is the intent of the regulations set forth herein to provide a variety  
25 of incentive programs for residential and non-residential developments within the  
26 city's municipal boundary. The implementation of the city's Workforce Housing  
27 Program will further enhance and maintain the city's existing character and quality  
28 of life. The provisions set forth hereinbelow are not intended to be exclusive and  
29 will not preclude the use of other available incentives and methods to promote the  
30 provision of workforce and affordable housing units.  
31  
32 (b) Definitions. The following definitions are provided for the purposes of establishing  
33 and implementing the provisions of this section.  
34

35 Accessory Dwelling Unit (ADU) means an ancillary or secondary unit that has a  
36 separate entrance, kitchen, bathroom, and sleeping area and may be provided  
37 within the principal structure, or as a separate structure on the same lot as the  
38 principle structure residential dwelling unit.  
39

40 Affordable Housing means housing for which monthly rents or monthly mortgage  
41 payments, including taxes, insurance, and utilities, do not exceed 30 percent of the  
42 area median adjusted gross annual income for Extremely Low Income, Very Low  
43 Income, and Low Income households.  
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1 Area Median Income (AMI) means the midpoint of a city or county's income  
 2 distribution. Specifically, AMI means a division of income distribution into two (2)  
 3 equal parts: one (1) half above the median and one (1) half below, as utilized by  
 4 the U.S. Census Bureau.

5  
 6 Extremely Low Income means one (1) or more natural persons or a family having a  
 7 total annual household income that does not exceed 30 percent of area median  
 8 adjusted gross annual income.

9  
 10 Low Income means one (1) or more natural persons or a family having a total annual  
 11 household income that does not exceed 80 percent of area median adjusted gross  
 12 annual income.

13  
 14 Very Low Income means one (1) or more natural persons or a family having a total  
 15 annual household income that does not exceed 50 percent of area median adjusted  
 16 gross annual income.

17  
 18 Workforce Housing means housing that is affordable to natural persons or families  
 19 having a total annual household income that does not exceed 120 percent of the area  
 20 median income, adjusted for household size. The maximum annual household  
 21 income is established by the Florida Housing Finance Corporation (FHFC) for  
 22 Palm Beach County and is updated yearly. Maximum workforce housing rents for  
 23 the applicable income categories shall be as set forth in the annual rent tables  
 24 published by FHFC.

25  
 26 (c) Location. Workforce and/or affordable housing projects are permitted throughout  
 27 the City of Palm Beach Gardens. For the purposes of implementation of the  
 28 workforce and/or affordable housing incentives set forth herein, the following  
 29 workforce housing areas are established:

- 30 1. Transit Oriented Development (TOD) District: All projects established as  
 31 within the TOD District.
- 32 2. Outside of TOD District: All lands within the corporate limits of the City of  
 33 Palm Beach Gardens that are outside of the TOD District.

34  
 35 (d) Workforce Housing Fund. A dedicated workforce housing fund is hereby  
 36 established and shall be maintained by the city in order to deposit funds collected  
 37 through the workforce and/or affordable housing program, and any other  
 38 contributions toward the fund.

- 39 1. Funds collected shall only be used toward workforce and/or affordable  
 40 housing purposes. Allowable costs may include incentives and strategies  
 41 included in the city's approved Workforce Housing Program, which may be  
 42 amended from time to time, and other strategies that are deemed  
 43 comparable and/or appropriate.
- 44 2. The city manager shall be responsible for ensuring proper supervision of  
 45 activities financed from the workforce housing fund.

(e) Incentives. The following programs are established to incentivize the construction or provision of workforce and/or affordable housing units in the City:

1. Density and height bonus. Proposed workforce and/or affordable residential projects may be eligible for potential density bonuses as specified in Table 4A below, subject to strict compliance with the provisions set forth in subsections a. through h. below:

Table 4A: Workforce and/or affordable housing density and height bonus.

<u>Density Category (1)</u>	<u>Geographical Area</u>	<u>Base Density</u>	<u>Housing Density Bonus</u>	<u>Maximum Dwelling Units Per Gross Acre with housing bonus density (2)</u>	<u>Maximum Building Height</u>
<u>Transit Oriented Development (TOD) Overlay District</u>	<u>Transit Oriented Development (TOD) Overlay District</u>	<u>Min. 15.0 du/ac</u>	<u>6.0 du/ac</u>	<u>21.0 du/ac (3)(4)</u>	<u>135 feet or 180 feet (4)</u>
<u>Residential Medium (RM)</u>	<u>Outside TOD District</u>	<u>7.0 du/ac</u>	<u>7.0 du/ac</u>	<u>14.0 du/ac (3)</u>	<u>75 feet</u>
<u>Residential High (RH)</u>	<u>Outside TOD District</u>	<u>10.0 du/ac</u>	<u>11.0 du/ac</u>	<u>21.0 du/ac (3)</u>	<u>135 feet</u>
<u>Mixed Use (MXD)</u>	<u>Outside TOD District</u>	<u>7.0 du/ac</u>	<u>14.0 du/ac</u>	<u>21.0 du/ac (3)</u>	<u>135 feet</u>

Notes: (1) As specified in the city's comprehensive plan.

(2) Subject to compatibility review for the overall compatibility of the proposed development with adjacent and area uses, and character of area development.

(3) PUDs and PCDs may have additional bonus density as provided in Section 78-154, Table 13, and 78-155, Table 15.

(4) See the TOD District Sec. 78-222. Additional bonus densities and heights are available for projects located within the TOD District that meet certain established criteria.

- a. Eligibility. The development regulations set forth hereinbelow shall apply to all residential projects and residential portions of mixed use projects utilizing any workforce and/or affordable housing density and/or height bonuses, or other workforce and/or affordable housing incentives. Projects seeking to utilize bonuses and/or incentives must satisfy the following eligibility criteria:

- 1                   1. Eligible projects must provide a minimum of ten (10) or more
- 2                   workforce and/or affordable dwelling units.
- 3                   2. A minimum of ten percent of the total units proposed must be
- 4                   reserved as workforce and/or affordable housing units.
- 5                   Additional units may be provided for additional fee waiver
- 6                   incentive consideration, as set forth herein.
- 7                   3. The unit mix (one-bedroom units, two-bedrooms units, etc.)
- 8                   provided as workforce and/or affordable housing dwelling
- 9                   units shall be proportionate to the mix of market-rate dwelling
- 10                  units, which shall be set forth in the development order for the
- 11                  project.
- 12                  4. Proposed units shall meet the following income qualification
- 13                  criteria:
  - 14                   i. Proposed workforce housing units shall be for
  - 15                   households earning from 80 to 120 percent of the Area
  - 16                   Median Income (AMI).
  - 17                   ii. Proposed affordable housing units shall be for
  - 18                   households earning less than 80 percent of the Area
  - 19                   Median Income (AMI).
- 20
- 21                  b. Restriction Period. The requirement to preserve the approved
- 22                  number of units as workforce and/or affordable dwelling units shall
- 23                  be maintained for the period of time corresponding to the funding
- 24                  mechanism that will be utilized for the project or a minimum of thirty
- 25                  (30) years, whichever is greater. The development order for the
- 26                  project shall establish the timing of the delivery of the workforce
- 27                  and/or affordable units in relation to the construction and completion
- 28                  of the project. The workforce and/or affordable housing restriction
- 29                  shall be set forth as a deed restriction on the property, project, and/or
- 30                  units and the content of such deed restriction must be approved by
- 31                  the city attorney, or designee. The restriction period shall commence
- 32                  upon the issuance of the first Certificate of Occupancy for the first
- 33                  workforce and/or affordable housing dwelling units in the project.
- 34
- 35                  c. Monitoring. Approved workforce and/or affordable housing rental
- 36                  projects will be required to submit an annual certification to the city,
- 37                  accompanied by a report completed by a qualified third-party
- 38                  reporting firm acceptable to the city.
  - 39                   1. The required annual certification submitted to the city shall be
  - 40                   accompanied by an affidavit, attesting to the truth and veracity
  - 41                   of the subject certification, taken under oath, signed by an
  - 42                   authorized representative of the property owner, and
  - 43                   notarized.
  - 44                   2. The certification and report shall be submitted to the city on
  - 45                   an annual basis for the duration of the restriction period.
- 46

1                   3. The report shall:

- 2                   i. Demonstrate that the workforce housing units are  
 3                   occupied by households that have an annual gross  
 4                   income that is less than the established income limit for  
 5                   the subject units, adjusted for actual household size  
 6                   (per natural persons), and that monthly rents for the  
 7                   subject units do not exceed the established rent limit  
 8                   per number of bedrooms, as published and updated  
 9                   annually by the Florida Housing Finance Corporation  
 10                   (FHFC).
- 11                   ii. Provide a narrative of the standard operating  
 12                   procedures used by the project to administer the  
 13                   workforce and/or affordable housing program within  
 14                   the project, along with the number of applications  
 15                   received, approved, and denied, and inquiries  
 16                   received.
- 17                   iii. Include a statement explaining the qualifications and  
 18                   training of the income certification reviewers.
- 19                   iv. Include a statement explaining the qualifications and  
 20                   background of the third-party reviewer.
- 21
- 22                   d. List of developments. The city's Planning and Zoning Department  
 23                   shall maintain a list of all developments that include workforce and/or  
 24                   affordable housing units.
- 25
- 26                   e. Compatibility Review. All workforce and/or affordable housing  
 27                   projects seeking a density bonus and/or additional height shall  
 28                   demonstrate compliance with the compatibility standards established  
 29                   herein.
- 30                   1. Residential Medium additional setbacks and buffering.  
 31                   Multifamily residential workforce and/or affordable housing  
 32                   projects in the Residential Medium zoning category shall  
 33                   conform with all property development standards for the  
 34                   zoning district, in addition to the standards established in this  
 35                   section, including the following:
- 36                   i. Projects may be tiered in height and massing, and shall  
 37                   provide additional setbacks according to the proposed  
 38                   tiering. Specifically, projects exceeding thirty-six (36)  
 39                   feet in height shall provide an additional foot of front,  
 40                   side, side street, and rear setback for each foot of  
 41                   height above thirty-six (36) feet for the principal  
 42                   structure.
- 43                   ii. Projects adjacent to existing single-family residential  
 44                   neighborhoods shall provide an additional setback of  
 45                   seventy-five (75) feet, in addition to the setback  
 46                   established in subsection i. above.

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- iii. Minimum landscape buffering shall be provided consistent with Sec. 78-319. Projects adjacent to residential projects shall provide enhanced buffering, as well as a perimeter wall or fence that is a minimum of six (6) feet in height.
  - iv. Projects exceeding thirty-six (36) feet in height shall be located adjacent to a minimum of one (1) arterial roadway and shall provide a minimum of one (1) point of access (ingress and egress) from an arterial roadway.
2. Residential High and Mixed Use additional setbacks and buffering. Multifamily residential workforce and/or affordable housing projects in the Residential High or Mixed Use zoning categories shall conform with all property development standards for the zoning district, in addition to the standards established in this section, including the following:
- i. Projects may be tiered in height and massing, and shall provide additional setbacks according to the proposed tiering. Specifically, projects exceeding forty-five (45) feet in height shall provide an additional foot of front, side, side street, and rear setback for each foot of height above thirty-six (36) feet for the principal structure.
  - ii. Minimum landscape buffering shall be provided consistent with Sec. 78-319. Workforce housing projects adjacent to residential projects shall provide enhanced buffering, as well as a perimeter wall or fence that is a minimum of six (6) feet in height.
  - iii. Projects exceeding forty-five (45) feet in height shall be located adjacent to a minimum of one (1) arterial roadway and shall provide a minimum of one (1) point of access (ingress and egress) from an arterial roadway.
  - iv. All projects seeking a Residential High or Mixed Use workforce housing density bonus must be located east of North Military Trail, and south of Hood Road.
  - v. Any project seeking a Residential High or Mixed Use workforce housing density bonus may not be directly adjacent to single-family residential neighborhoods.
- f. Waivers. Waivers may be requested for height, setbacks, lot coverage, and other applicable property development standards, in accordance with Sec. 78-158. - Waivers to planned development district requirements.

- 1                   g. Design. All residential workforce and/or affordable housing projects  
2 shall provide high quality architecture and landscape palettes that  
3 are compatible and harmonious with the adjacent properties and  
4 enhance the existing aesthetic character of the surrounding area.  
5 Projects shall incorporate applicable general provisions, architectural  
6 design, and other appropriate principles from the city's Design  
7 Guidelines for Non-Residential Development.  
8
- 9                   h. Construction quality. Workforce and/or affordable housing dwelling  
10 units shall be of the same construction quality and exterior design as  
11 the market-rate dwelling units, which are also being constructed  
12 within the subject development project, and shall be reasonably  
13 distributed throughout the project.  
14
- 15           2. Waiver of impact fees. As an incentive for projects providing workforce  
16 and/or affordable housing units, a developer shall be entitled to receive a  
17 partial or full waiver of impact fees that are attributable to the workforce  
18 and/or affordable housing units provided, as set forth in Section 78-99.  
19
- 20                   a. As a condition of receiving a waiver of impact fees a deed restriction  
21 in a form acceptable to the city attorney will be imposed upon the  
22 project and shall run with the land. The deed restriction will be  
23 recorded in the Official Records Book of Palm Beach County. At a  
24 minimum, said deed restriction will preserve the workforce/affordable  
25 status of such dwelling units and will require an acknowledgment by  
26 the developer that noncompliance with the approved development  
27 order may result in the placement of a lien on the property in the  
28 amount of impact fees waived.  
29
- 30           3. Waiver of building permit application fees. As an incentive for projects  
31 providing workforce and/or affordable housing units, a developer shall be  
32 entitled to receive a partial or full waiver of building permit fees, including  
33 expedited review fees, for the building permit of the residential principal  
34 structure.  
35
- 36                   a. The total amount of workforce and/or affordable housing building  
37 permit fee waivers granted pursuant to this section shall not exceed  
38 one hundred thousand dollars (\$100,000.00) per project, as provided  
39 by the city council through the conditions of approval in the  
40 development order for the project.  
41
- 42                   b. As a condition of receiving a waiver of building permit fees a deed  
43 restriction in a form acceptable to the city attorney will be imposed  
44 upon the project and shall run with the land. The deed restriction will  
45 be recorded in the Official Records Book of Palm Beach County. At  
46 a minimum, said deed restriction will preserve the

workforce/affordable status of such dwelling units and will require an acknowledgment by the developer that noncompliance with the approved development order may result in the placement of a lien on the property in the amount of building permit fees waived.

4. Expedited Review. Proposed workforce and/or affordable housing projects shall be eligible for expedited review, in accordance with the parameters and guidelines established in the city's Targeted Expedited Permitting Program, in Section 78-57.
5. Accessory Dwelling Units (ADUs). ADUs may be utilized to provide workforce and/or affordable housing units as established in Section 78-159, and are not subject to the additional requirements listed in the density bonus incentive subsection 1. above, and are not eligible for impact fee waivers, building permit application fee waivers, or expedited review.

**SECTION 3.** Chapter 78. Land Development of the Code of Ordinances of the City of Palm Beach Gardens, Florida, is hereby amended at Section 78-99. - Exemptions and credits. by repealing subsections (b), (c), and (d) and readopting same, as revised and re-lettering previous subsection (d) as new subsection (e); providing that Section 78-99. shall hereafter read as follows:

**Sec. 78-99. - Exemptions and credits.**

- (a) *Exemptions.* Exemptions from payment of impact and/or mobility fees are established below.
  - (1) *No additional demand.* Alteration or expansion of an existing building or use of land where no additional living units are created, where the use is not changed, and where no additional demand for road or multimodal projects, police, or fire protection services will be produced over and above that produced by the existing use.
  - (2) *No additional living or dwelling units.* The construction of accessory buildings or structures that will not produce additional living units over and above those located in the principal building or use of the land.
  - (3) *Replacement.* The replacement of a building, mobile home, or structure that was in place on the effective date of the ordinance from which this article derives or the replacement of a building, mobile home, or structure that was constructed subsequent thereto and for which the correct impact and/or mobility fee had been paid or otherwise provided for, with a new building, mobile home, or structure of the same use, provided that no additional impact will be produced over and above that produced by the original use of the land.

1 (4) *Public facilities.* The construction of publicly owned governmental buildings or  
2 facilities.

3  
4 (5) *Abandonments.* A use of a structure or land that has been abandoned for a  
5 period of more than five (5) years shall not be considered an existing or ongoing  
6 use for purposes of exemptions or credits. Any previous payment of impact  
7 and/or mobility fees under this article shall be credited against the appropriate  
8 impact and/or mobility fees owed as a result of the change. The burden of  
9 demonstrating the existence of a use or structure or previous payment of  
10 impact fees shall be upon the fee payer. When a use is existing, any additional  
11 fees shall be based upon the alteration to the existing use or structure.

12  
13  
14 (b) Exemptions for workforce and/or affordable housing units. As an incentive for  
15 projects providing workforce and/or affordable housing units, a developer shall be  
16 entitled to receive a partial or full waiver of impact fees and/or mobility fees  
17 attributable to the workforce and/or affordable housing units. An eligible project must  
18 satisfy the criteria set forth at Section 78-59. This waiver does not apply to any Palm  
19 Beach County impact fees that may or may not be charged by the county.

20  
21 (1) City impact fees attributable to the workforce and/or affordable housing units  
22 provided may be waived as follows:

- 23  
24 a. 10 percent of workforce or affordable units set aside: 20 percent of all city  
25 impact fees for those units.  
26 b. 15 percent of workforce or affordable units set aside: 30 percent of all city  
27 impact fees for those units.  
28 c. 20 percent of workforce or affordable units set aside: 40 percent of all city  
29 impact fees for those units.  
30 d. 25 percent of workforce or affordable units set aside: 50 percent of all city  
31 impact fees for those units.

32  
33 (2) Waiver of impact fees is not applicable to units that are not restricted as  
34 workforce or affordable housing.

35  
36 (3) To provide certainty for annual budgeting and capital improvement planning for  
37 the capital facilities, the total amount of workforce and/or affordable housing  
38 impact fee waivers granted pursuant to this section shall not exceed two  
39 hundred fifty thousand dollars (\$250,000.00) per fiscal year for any single  
40 project, without the express written approval of the city council.

1 ~~(b)~~(c) *Credit.*

2  
3 (1) *Improvements.*

- 4 a. All improvements to and/or land dedications for police protection, fire  
5 protection and EMS, parks and recreation, or public facilities required under  
6 city development approval shall be credited against impact fees up to the  
7 total of the impact fees due. A fee payer proposing credit for land dedication  
8 shall present property appraisals prepared by qualified professionals and a  
9 certified copy of the most recent assessment of the property for tax  
10 purposes to be used in determining the amount of the credit. However, the  
11 city retains the right to determine the amount to be credited by preparing  
12 engineering and construction cost estimates and/or property appraisals for  
13 those improvements and/or land dedications.
- 14 b. Fee payers claiming credits for construction and/or land dedication shall  
15 submit documentation sufficient to permit the growth management director  
16 to determine whether such credits are due and, if so, the amount of such  
17 credits.
- 18 c. In the event the cost of the improvements and/or land dedications exceed  
19 the total amount of impact fees due, the city council may, on a case-by-case  
20 basis and in the exercise of its discretion, allow the fee payer constructing  
21 such improvements and/or making such land dedications to pool impact  
22 fees for multiple developments or enter into funding agreements with other  
23 fee payers whose developments contribute to the need for such capital  
24 improvements.

25 (2) *Alteration, expansion, or replacement.* Where alteration, expansion, or  
26 replacement of a building or unit, or a change in land use or presently existing  
27 which involves an increase in the number of units or square footage or a change  
28 in use resulting in new impacts on roads or person travel demand, police, fire  
29 and EMS, parks and recreation, or public facilities for which the impact fee is  
30 assessed, credit shall be allowed as provided herein. Credit shall be given for  
31 the number of existing units or square feet based upon the existing or previous  
32 land use, and impact fees shall only be assessed on the increased level of  
33 impact resulting from such alteration, expansion, or replacement.

34 (3) *Residential buildings.* For an addition to an existing residential building in which  
35 additional living units are created, the fee payer shall provide to the city manager  
36 a certification of an architect setting forth the square footage of the existing  
37 building. For an addition to an existing residential building, the fee payer, at his  
38 or her sole option, may pay the impact fee for the addition as if it alone was a  
39 new building rather than provide the certification of an architect setting forth the  
40 square footage of the existing building.

41  
42 ~~(e)~~(d) *Failure to claim.* Exemptions or credits must be claimed by the fee payer at the  
43 time of the application for a building permit. Any exemptions or credits not so claimed  
44 shall be deemed waived by the fee payer.

45  
46 (e) *Alternative payment and credit for road impact and/or mobility fees.*

- 1 (1) *In general.* In lieu of paying all or a portion of the road impact and/or mobility  
2 fee, the fee payer may elect to construct transportation (road) improvements, or  
3 multimodal projects identified in the city's thoroughfare plan, or mobility plan,  
4 whichever is applicable. The fee payer shall submit a plan of construction, along  
5 with a certified engineer's cost estimate, to the growth management director and  
6 city engineer.
- 7 (2) *Construction standards.* All roads and multimodal projects constructed pursuant  
8 to this subsection shall comply with the requirements of the city's Code of  
9 Ordinances.
- 10 (3) *Calculation of credit.* Based on the certified cost estimate submitted and any  
11 other relevant information acquired by or provided to the city, the city engineer  
12 shall determine the amount of credit to be given and the timetable for completion  
13 of the proposed construction. The city engineer shall certify the amount of the  
14 credit to the finance director.
- 15 (4) *Costs creditable.* Credit shall be given only for the costs of plans preparation  
16 and construction.
- 17 a. *Plan preparation.* Costs of plan preparation for city road network or  
18 multimodal project construction shall be credited if approved by the city  
19 engineer and the finance director based on reasonable costs associated  
20 with the preparation of such plans.
- 21 b. *Construction costs.* Costs of construction for road impact fee credits shall  
22 include only roadway construction and all required sidewalks, striping,  
23 signage, and curbing. Only multimodal projects included in the capital  
24 improvements program are eligible for mobility fee credits. An applicant  
25 may request that the city council add multimodal projects to the capital  
26 improvements program. The multimodal projects requested for inclusion in  
27 the capital improvements program shall be based upon either the mobility  
28 plan, a bicycle, pedestrian or trails master plan, the long-range  
29 transportation plan, the transit development plan, or a multimodal plan or  
30 study accepted by the city council. On-site improvements for turn lanes,  
31 travel lanes, bike lanes, paths, sidewalks, trails, roundabouts, or traffic  
32 control devices at project entrances or immediately adjacent improvements  
33 deemed to be site related by the city engineer are not eligible for any  
34 mobility fee credit
- 35 (5) *Pooling.* In the event the cost of the improvements exceeds the total amount of  
36 road impact and/or mobility fees due, the city council may, on a case-by-case  
37 basis and in the exercise of its discretion, allow the fee payer constructing such  
38 improvements to pool impact and/or mobility fees for multiple developments or  
39 enter into funding agreements with other fee payers whose developments  
40 contribute to the need for such capital improvements.

41  
42 **SECTION 4.** Chapter 78. Land Development of the Code of Ordinances of the  
43 City of Palm Beach Gardens, Florida, is hereby amended at Section 78-141. - Residential  
44 zoning district regulations. by amending Table 10: Property Development Regulations –  
45 Residential Zoning Districts, and by adopting new Note 11 to Table 10; providing that  
46 Section 78-141. shall hereafter read as follows:

1 **Sec. 78-141. - Residential zoning district regulations.**

2  
3  
4

Table 10: Property Development Regulations—Residential Zoning Districts

Property Development Regulation	AR	AE	RR20	RR10	RE	RL-1	RL-2	RL-3	RM	RH	RMH	Note
<b>Min. Site Area</b> <b>Single-family Dwelling</b>  <b>Other permitted Uses</b>	5 Ac. 5 Ac.	2.5 Ac. 2.5 Ac.	20 Ac. 1 Ac.	10 Ac. 1 Ac.	1 Ac. 1 Ac.	15,000 Sq. Ft. 15,000 Sq. Ft.	11,000 Sq. Ft. 11,000 Sq. Ft.	6,500 Sq. Ft. 6,500 Sq. Ft.	6,500 Sq. Ft. (5)	11,000 Sq. Ft. (7)	6,000 Sq. Ft. 10,000 Sq. Ft.	(1)
Min. Lot Width (Feet)	300	200	300	300	125	100	90	65	(6)	(6)	(10)	(2)
Max. Gross Density	1 Unit/ 5 Ac.	1 Unit/ 2.5 Ac.	1 Unit/ 20 Ac.	1 Unit/ 10 Ac.	1 Unit/ 1 Ac.	2 Units/ Ac.	4 Units/ Ac.	6.7 Units/ Ac.	7 Units/ Ac.	10 Units/ Ac.	7 Units/ Ac.	(3)
Max. Lot Coverage	10%	20%	10%	10%	20%	35%	35%	35%	35%	35%	35%	
Max. Building Height	36 Ft.	36 Ft.	36 Ft.	36 Ft.	36 Ft.	36 Ft.	36 Ft.	36 Ft.	36 Ft. (11)	NMT 45 Ft. (11)	36 Ft.	
<b>Min. Building Setback (Ft.)</b>												
Front	100	50	100	100	50	35	25	25	30	(8)	25	
Side	50	40	50	50	25	>15 Ft. or 10%	>10 Ft. or 10%	>7.5 Ft. or 10%	10	(9)	7.5	(4)
Side (Facing Street)	80	50	80	80	40	20	20	20	20	(9)	15	
Rear	100	50	100	100	50	25	15	10	20	(9)	15	

5 **Notes:**

- 6 (1) SFD= Single-family Dwelling.
- 7 (2) Lot width measured from front building setback line.
- 8 (3) Density is two units per acre in the density reduction land use overlay district for RL-1, RL-2, and RL-3 zoning districts.
- 9 (4) Side yard setback is the number of feet indicated or 10 percent of lot width, whichever is greater. This note shall not apply to the AR and AE zoning districts.
- 10 (5) Minimum of 7,500 square feet for the first two-family unit, and a minimum of 5,150 square feet for each additional unit.
- 11 (6) Minimum of 90 feet for single-family dwelling, minimum of 100 feet for any multifamily dwelling.
- 12 (7) Minimum of 7,500 square feet for the first dwelling unit, and a minimum of 3,278 square feet for each additional unit.
- 13 (8) Thirty feet plus one foot for each foot of building height greater than 36 feet.
- 14 (9) Twenty feet plus one foot for each foot of building height greater than 36 feet.
- 15
- 16
- 17
- 18
- 19

- (10) Forty feet for a mobile home, 80 feet for any other permitted use.
- (11) For additional height associated with a workforce housing density bonus, see Section 78-59, Table 4A. Such developments shall be subject to compatibility standards as set forth in 78-59.

**SECTION 5.** Chapter 78. Land Development of the Code of Ordinances of the City of Palm Beach Gardens, Florida, is hereby amended at Section 78-154 - PUD—Planned unit development overlay district. by repealing subsections (g)(1), (g)(2), and (g)(4), and readopting same as revised, and amending Table 13: PUD Residential Density Limits; providing that Section 78-154. shall hereafter read as follows:

**Sec. 78-154. - PUD—Planned unit development overlay district.**

(a) through (f) (These subsections shall remain in full force and effect as previously adopted.)

(g) *Density.* The density permitted in a PUD district shall not exceed the allowable density permitted in the comprehensive plan. Residential densities permitted in a PUD shall comply with the standards provided below.

- (1) Residential PUD. Residential PUDs may comprise a mixture of residential dwelling unit types, limited to the maximum density ~~indicated set forth~~ in Table 13, notwithstanding additional density bonuses as applicable in other sections of this code. The city council may approve the following bonus densities for areas developed as PUDs, as indicated in Table 13.

Table 13: PUD Residential Density Limits

<i>Density Category (1)</i>	<u>Maximum Base Density</u>	<u>Density Bonus</u>	<u>Maximum Dwelling Units Per Gross Acre with PUD bonus density</u>
<u>Residential Low (RL)</u>	<u>4.0 du/ac</u>	<u>1.0 du/ac</u>	<u>5.0 du/ac</u>
<u>Residential Medium (RM)</u>	<u>7.0 du/ac</u>	<u>2.0 du/ac</u>	<u>9.0 du/ac</u>
<u>Residential High (RH)</u>	<u>10.0 du a/c</u>	<u>2.0 du/ac</u>	<u>12.0 du/ac</u>

Note: (1) Density categories as established by comprehensive plan.

1 (2) ~~Density bonus. In high density residential land use areas, as designated in~~  
2 ~~the comprehensive plan, the city council may approve a density bonus of up~~  
3 ~~to 3.0 dwelling units per acre in PUDs. The density bonus may be allowed in~~  
4 ~~development order applications which propose to construct affordable~~  
5 ~~housing as defined in the city's comprehensive plan. The city council may~~  
6 ~~allow an increase in the total gross density for PUDs to an absolute maximum~~  
7 ~~of 15.0 dwelling units per acre. However, in no case shall the net density~~  
8 ~~exceed 15.0 dwelling units per acre. Net density shall be defined as the total~~  
9 ~~number of dwelling units divided by the total number of acres in the site plan.~~  
10 ~~See Section 78-59.~~

11  
12 (3) (This subsection shall remain in full force and effect as previously adopted.)

13  
14 (4) Mixed use PUD.

15  
16 a. Establishment. Planned unit developments with an underlying mixed use  
17 future land use plan designation or more than one underlying future land  
18 use plan designation may be approved by the city council. Mixed use  
19 PUDs shall include a minimum of three types of land uses and shall be  
20 planned for a diversification of uses, structures, and open spaces in a  
21 manner compatible with surrounding land uses and development patterns.  
22 A single use shall not occupy more than 60 percent of the site area  
23 proposed for a mixed use PUD.

24  
25 b. Specific requirements. Requirements applicable to mixed use PUDs are  
26 established in section 78-157.

27  
28 c. ~~Density bonus. In mixed use land use areas, as designated in the~~  
29 ~~comprehensive plan, the city council may approve a density bonus of up~~  
30 ~~to 3.0 dwelling units per acre in PUDs. The density bonus may be allowed~~  
31 ~~in development order applications that propose to construct affordable or~~  
32 ~~workforce housing as defined in the city's comprehensive plan. See~~  
33 ~~Section 78-59.~~

34  
35 (g) (5) through (14) (These subsections shall remain in full force and effect as  
36 previously adopted.)

37  
38 (h) through (i) (These subsections shall remain in full force and effect as previously  
39 adopted.)

40  
41 **SECTION 6.** Chapter 78. Land Development of the Code of Ordinances of the  
42 City of Palm Beach Gardens, Florida, is hereby amended at Section 78-155. - PCD—  
43 Planned community development overlay district (PCD). by repealing subsection (e)(1)  
44 and (g), and readopting same as revised, and amending Table 15: Maximum Residential  
45 Density in PCDs; providing that Section 78-155. shall hereafter read as follows:  
46

1 **Sec. 78-155 - PCD—Planned community development overlay district (PCD).**  
2

3 (a) through (d) (These subsections shall remain in full force and effect as previously  
4 adopted.)  
5

6 (e) *Permitted uses.* Unless otherwise established by a PCD development order, the  
7 uses permitted in the PCD district shall be governed by the uses permitted in the  
8 underlying zoning district. The density permitted in a PCD shall not exceed the  
9 allowable density permitted in the comprehensive plan, based upon the standards  
10 listed below.  
11

- 12 (1) Residential. Some mixtures of residential types of dwelling units are permitted  
13 and encouraged, limited to the maximum density indicated set forth in Table  
14 13, notwithstanding additional density bonuses as applicable in other sections  
15 of this code. The city council may approve the following bonus densities for  
16 areas developed as PCDs, as indicated in Table 15.  
17  
18

Table 15: Maximum Residential Density in PCDs

<i>Density Category (1)</i>	<i>Maximum Base Density</i>	<i>Density Bonus</i>	<i>Maximum Dwelling Units Per Gross Acre with bonus density</i>
<u>Residential Low (RL)</u>	<u>4.0</u>	<u>1.0 du/ac</u>	<u>5.0 du/ac</u>
<u>Residential Medium (RM)</u>	<u>7.0</u>	<u>2.0 du/ac</u>	<u>9.0 du/ac</u>
<u>Residential High (RH)</u>	<u>10.0</u>	<u>2.0 du/ac</u>	<u>12.0 du/ac</u>

19 *Note:* (1) Density categories as established by comprehensive plan.  
20

- 21 (2) (This subsection shall remain in full force and effect as previously adopted.)  
22

23 (f) (This subsection shall remain in full force and effect as previously adopted.)  
24

25 (g) *Density bonus.* ~~In high density residential land use areas, as designated in the~~  
26 ~~comprehensive plan, the city council may approve a density bonus of up to 3.0~~  
27 ~~dwelling units per acre in PCDs. The density bonus may be allowed in~~  
28 ~~development order applications which propose to construct affordable housing~~  
29 ~~as defined in the city's comprehensive plan. The city council may allow an~~  
30 ~~increase in the total gross density for PCDs to an absolute maximum 15.0~~  
31 ~~dwelling units per acre. However, in no case shall density the net density exceed~~  
32 ~~15.0 dwelling units per acre. Net density shall be defined as the total number of~~  
33 ~~dwelling units divided by the total number of acres in the site plan. See Section~~  
34 78-59.

1 (h) through (s) (These subsections shall remain in full force and effect as previously  
2 adopted.)  
3

4 **SECTION 7.** Chapter 78. Land Development of the Code of Ordinances of the  
5 City of Palm Beach Gardens, Florida, is hereby amended at Section 78-157. - MXD—  
6 Mixed use development district. by repealing subsection (a) and readopting same as  
7 revised; providing that Section 78-157. shall hereafter read as follows:  
8

9 **Sec. 78-157. - MXD—Mixed use development district.**

10  
11 (a) *Purpose and intent.* The purpose and intent of the mixed use district (MXD) are to  
12 encourage infill and redevelopment opportunities through the vertical and horizontal  
13 integration of complementary residential and nonresidential uses to achieve the  
14 following:  
15

- 16 (1) Provide a sense of place;
- 17  
18 (2) Provide and encourage workforce and/or affordable housing, as specified in  
19 Section 78-59;
- 20  
21 (3) Establish a roadway network that disperses traffic, provides pedestrian  
22 amenities, and supports a sense of community;
- 23  
24 (4) Establish an overall architectural design;
- 25  
26 (5) Limit urban sprawl;
- 27  
28 (6) Utilize existing public resources such as central utility and drainage systems,  
29 roads, and similar public services;
- 30  
31 (7) Provide or enhance pedestrian- and bicycle-oriented amenities;
- 32  
33 (8) Encourage preservation of environmentally sensitive sites;
- 34  
35 (9) Reduce overall number of vehicle trips;
- 36  
37 (10) Provide neighborhood- and community-serving commercial uses and  
38 employment opportunities;
- 39  
40 (11) Utilize proper site planning techniques to allow mixed uses to congregate; and  
41  
42 (12) Utilize a comprehensive approach to planning and development of large sites.  
43

44 (b) through (l) (These subsections shall remain in full force and effect as previously  
45 adopted.)  
46

1 **SECTION 8.** Chapter 78. Land Development of the Code of Ordinances of the  
 2 City of Palm Beach Gardens, Florida, is hereby amended at Section 78-159. - Permitted  
 3 uses, minor and major conditional uses, and prohibited uses. by adopting new subsection  
 4 (j)(78) and amending Table 21: Permitted, Conditional, and Prohibited Use Chart;  
 5 providing that Section 78-159. shall hereafter read as follows:  
 6

7 **Sec. 78-159. - Permitted uses, minor and major conditional uses, and prohibited**  
 8 **uses.**  
 9

10 (a) through (i) (These subsections shall remain in full force and effect as previously  
 11 adopted.)  
 12

13 **Table 21: Permitted, Conditional, and Prohibited Use Chart**

	AR	AE	RE	RR10	RR20	RL1	RL2	RL3	RM	RH	RMH	PO	CN	CGI	CG2	CR	M1	M1A	M2	P&I	CONS	PDA	Note
<b>RESIDENTIAL</b>																							
<u>Accessory Dwelling Unit (ADU) for Workforce Housing</u>	P	P	P	P	P																		78

14 (j) *Additional Standards.* The following standards apply to specific uses as indicated in  
 15 the “Note” column of Table 21.  
 16

17 (1) through (77) (These subsections shall remain in full force and effect as  
 18 previously adopted.)  
 19

20 (78) Accessory Dwelling Unit (ADU) for workforce and/or affordable housing  
 21 means an ancillary or secondary unit that has a separate entrance, kitchen,  
 22 bathroom, and sleeping area and may be provided within the principal structure,  
 23 or as a separate structure on the same lot as the principal structure residential  
 24 dwelling unit. ADUs shall be subject to the following development regulations:

- 25 1. Number. Only one (1) ADU per residential lot shall be permitted. ADUs  
 26 shall not be counted toward gross or net density calculations for these  
 27 projects.
- 28 2. Size. The ADU shall not exceed the total square footage of the principal  
 29 structure.
- 30 3. Height. The maximum height shall be restricted to two (2) stories or thirty-  
 31 sex (36) feet in height, and shall not exceed the height of the principal  
 32 structure.
- 33 4. Setback. The ADU shall meet the required setbacks for principal structures.
- 34 5. Design. The ADU shall be architecturally compatible with the principal  
 35 dwelling unit on a lot.
- 36 6. Access. Reasonable and convenient access shall be provided to the ADU.  
 37  
 38

- 1           7. Parking. Parking shall be provided for the ADU at a rate of one (1) parking  
 2           space per bedroom, in addition to the required parking for the principal  
 3           structure.

4  
 5           **SECTION 9.** Chapter 78. Land Development of the Code of Ordinances of the City  
 6 of Palm Beach Gardens, Florida, is hereby amended at Section 78-181. - Uses. by  
 7 repealing subsection (c)(8), readopting same as revised and re-lettering previous  
 8 subsection (c)(8) as new subsection (c)(9); providing that Section 78-181. shall hereafter  
 9 read as follows:

10  
 11 **Sec. 78-181. - Uses.**

12  
 13           A building, structure, premise, or land shall not be used or occupied except in  
 14 conformity with this chapter. A building or structure, or part thereof, shall not be erected,  
 15 constructed, reconstructed, moved, or altered except in conformity with this chapter.

- 16  
 17           (a) *Access.* Every structure erected or moved shall be located on a building site, lot,  
 18 or parcel with safe and convenient access for vehicles, pedestrians, public safety  
 19 protection, and required off-street parking, in accordance with applicable  
 20 requirements of this chapter and any related ordinances adopted by the city.  
 21 Access shall be installed in a manner acceptable to the city engineer.  
 22  
 23           (b) *Limitation on number of principal structures on lots in residential areas.* Except  
 24 as provided herein, only one principal residential structure, except for multifamily  
 25 structures and cluster developments, may be erected on any lot.  
 26  
 27           (c) *Accessory structures and uses.* An accessory use or structure is clearly  
 28 incidental and subordinate to the principal use or structure and is located on the  
 29 same lot or parcel. An accessory use may not be established unless the  
 30 principal use is present.

31  
 32           (1) through (6) (These subsections shall remain in full force and effect as  
 33 previously adopted.)

34  
 35           (7) Residential accessory uses permitted in the AR or AE zoning districts  
 36 shall include:

- 37           a. *Accessory Quarters*—A complete, separate living facility equipped with  
 38 a kitchen and provisions for sanitation and sleeping, located on the same  
 39 lot as the owner-occupied principal dwelling, subject to the following:  
 40           1) The Accessory Quarters shall be no larger than 1,000 square feet.  
 41           Additional floor area under a solid roof that is utilized as a porch,  
 42           patio, porte-cochere, carport, or garage shall not exceed 500 square  
 43           feet.  
 44           2) The Accessory Quarter shall be architecturally compatible in  
 45           character and materials with the principal dwelling.  
 46

- 3) The kitchen equipment shall be removed if the principal dwelling is no longer owner-occupied.
- 4) There shall be no separate meters for any utilities. Both the principal dwelling and the accessory dwelling shall be connected to the same utilities.
- b. Estate Kitchen—A second kitchen located within a principal Single-Family residence. Conversion to a duplex is prohibited.
- c. Guest Cottage—Accessory sleeping quarters provided for non-paying guests by the owner-occupant of the principal dwelling unit, subject to the following:
  - 1) The Guest Cottage shall be no larger than 1,000 square feet. Additional floor area under a solid roof that is utilized as a porch, patio, porte-cochere, carport, or garage shall not exceed 500 square feet.
  - 2) The Guest Cottage shall be architecturally compatible in character and materials with the principal dwelling.
  - 3) There shall be no kitchen or cooking facilities in a guest cottage.
  - 4) There shall be no separate meters for any utilities. Both, the principal dwelling and the guest cottage shall be connected to the same utilities.

(8) Workforce and/or affordable housing Accessory Dwelling Units (ADUs). See Section 78-159, Table 21: Permitted, Conditional, and Prohibited Use Chart, and corresponding Note 78 to Table 21.

~~(8)~~(9) Detached accessory structures in the AR zoning district shall have a side yard and rear yard setback of 25 feet. Detached accessory structures in the AE zoning district shall have a side yard and rear yard setback of 5 feet. Detached accessory structures may not be located within an established easement or required landscape buffer.

**SECTION 10.** Chapter 78. Land Development of the Code of Ordinances of the City of Palm Beach Gardens, Florida, is hereby amended at Section 78-222. - Transit Oriented Development (TOD) Overlay District. by repealing subsection (f)(5), readopting same as revised; providing that Section 78-222. shall hereafter read as follows:

**Sec. 78-222. - Transit oriented development (TOD) overlay district.**

(a) through (e) (These subsections shall remain in full force and effect as previously adopted.)

(f) *Site development guidelines*

(1) through (4) shall remain in full force and effect as previously adopted.

1 (5) Setbacks. Setbacks for projects within the TOD District may be established for  
2 MXD and non-mixed use projects in accordance with the project's Design  
3 Guidelines approved by the city council pursuant to Section 78-157 (e).  
4

5 (6) through (8) (These subsections shall remain in full force and effect as previously  
6 adopted.)  
7

8 **SECTION 11.** All Ordinances or parts of Ordinances in conflict be and the same are  
9 hereby repealed.  
10

11 **SECTION 12.** Should any section or provision of this Ordinance or any portion  
12 thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction  
13 to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.  
14

15 **SECTION 13.** Specific authority is hereby granted to codify this Ordinance.  
16

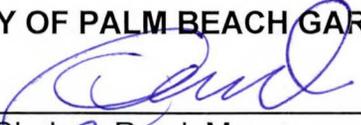
17 **SECTION 14.** This Ordinance shall become effective immediately upon adoption.  
18  
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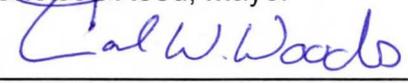
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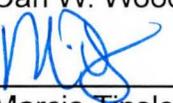
1 PASSED this 4<sup>th</sup> day of May, 2023, upon first reading.

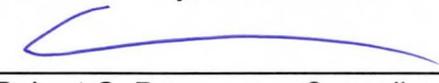
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3 PASSED AND ADOPTED this 1<sup>st</sup> day of June, 2023, upon  
4 second and final reading.

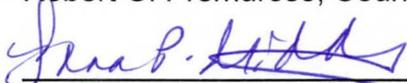
5  
6  
7 CITY OF PALM BEACH GARDENS FOR AGAINST ABSENT

8  
9 BY:  \_\_\_\_\_ ✓ \_\_\_\_\_  
10 Chelsea Reed, Mayor

11  \_\_\_\_\_ ✓ \_\_\_\_\_  
12 Carl W. Woods, Vice Mayor

13  \_\_\_\_\_ ✓ \_\_\_\_\_  
14 Marcie Tinsley, Councilmember

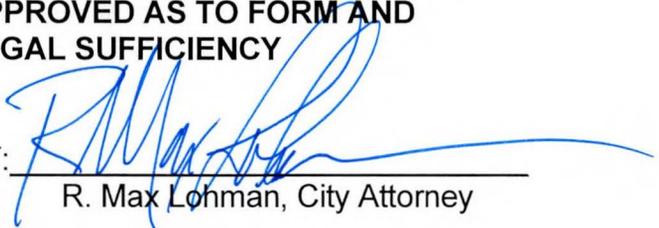
15  
16  \_\_\_\_\_ ✓ \_\_\_\_\_  
17 Robert G. Premuroso, Councilmember

18  
19  \_\_\_\_\_ ✓ \_\_\_\_\_  
20 Dana P. Middleton, Councilmember  
21  
22  
23

24  
25 **ATTEST:**

26  
27  
28 BY:  \_\_\_\_\_  
29 Patricia Snider, CMC, City Clerk  
30

31  
32 **APPROVED AS TO FORM AND**  
33 **LEGAL SUFFICIENCY**

34  
35  
36 BY:  \_\_\_\_\_  
37 R. Max Lohman, City Attorney  
38

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