
TOWN OF PALM BEACH COMPREHENSIVE PLAN AND ZONING CODE REGULATIONS RELATED TO PLANNED UNIT DEVELOPMENTS (PUDs)

TOWN OF PALM BEACH COMPREHENSIVE PLAN

POLICY 2.2 Development orders shall be issued by the Town only for new residential development or redevelopment that is consistent with the Future Land Use Map and associated Future Land Use Designations set forth in the following policies.

2.2.1 Single-Family Residential – Intended to accommodate and preserve estates and single-family residential development at a maximum density of four dwelling units per gross Palm Beach acre (40,000 square feet) and a maximum height of two stories. Appropriate uses include single-family dwellings, residential PUD's as set forth in Policies 11.1.1 and 11.1.4, cluster development, public uses and facilities, public and private schools, private group uses, group homes and foster care facilities, and essential services.

2.2.2 Multi-Family Moderate Density – Intended to accommodate and preserve residential development at a maximum density of six dwelling units per gross Palm Beach acre (40,000 square feet) and a maximum height of two stories. Appropriate uses include single-family, two-family, townhouses and multi-family dwellings; residential PUD's as set forth in Policy 11.1.2; mixed-use PUD's as set forth in Policy 11.1.3; public uses and facilities; public and private schools; private group uses; group homes and foster care facilities; and essential services.

2.2.3 Multi-Family High Density – Intended to accommodate residential development at a maximum density of 13 dwelling units per gross Palm Beach acre (40,000 square feet) and, under limited circumstances, a maximum height of five stories. Appropriate uses include single-family, two-family, townhouses and multi-family dwellings; residential PUD's as set forth in Policy 11.1.2; mixed-use PUD's as set forth in Policy 11.1.3; hotel and motel uses up to 26 rooms per gross Palm Beach acre (40,000 square feet) and associated accessory commercial uses (hotel and motel rooms are considered to be equivalent to 0.5 dwelling units); timesharing uses up to nine units per gross Palm Beach acre (40,000 square feet); public uses and facilities; public and private schools; private group uses; group homes and foster care facilities; and essential services.

POLICY 2.3 Development orders shall be issued by the Town only for new non-residential development or redevelopment that is consistent with the Future Land Use Map and descriptions and intensities of land use as set forth in the following policies.

2.3.7 Approved PUD – Intended to recognize existing or previously approved PUD's and provide for new PUD's within the density limits of the land use category in which they are located prior to approval of the PUD. PUD densities shall not exceed 13 dwelling units per gross Palm Beach acre.

OBJECTIVE 11 Provide for Planned Unit Developments, and other innovative regulations and techniques that will assist the Town in maintaining its high standards, quality of life, and appropriate mix and location

of land use types and structures; and, in ensuring that new development is compatible with existing surrounding properties.

POLICY 11.1 The following types of Planned Unit Developments shall be allowed in the Town:

11.1.1 Single-family PUD's located within the Single Family Residential Land Use Category not exceeding four dwelling units per gross Palm Beach acre.

11.1.2 Mixed residential development located within the Multi-Family Moderate or Multifamily High Density Land Use Categories, not exceeding the maximum density allowable within the Land Use Category.

11.1.3 Mixed-use development within the Multi-Family Moderate Density or Multi-Family High Density Land Use Categories, allowing for a mix of residential uses not exceeding the maximum allowable density within the Land Use Category and nonresidential development not exceeding 20% of the gross floor area of the PUD. The following equivalencies shall be used in determining the intensity of the nonresidential components: Land Use Type Unit of Measurement Equivalence to One Dwelling Unit of Gross Density Hotels, motels or similar transient facilities Number of bedrooms Two bedrooms Principal Commercial Uses Total floor area 750 square feet Accessory Commercial Uses Total floor area 1,500 square feet Page I - 34 Other Nonresidential Uses Total floor area 1,000 square feet.

11.1.4 In order to encourage preservation of historic residential structures, such single-family structures may be permitted to be converted through a historic preservation PUD to contain multiple residential units, within the confines of the existing structure, provided the density does not exceed four dwelling units per gross Palm Beach acre.

CHAPTER 134, ZONING CODE

ARTICLE V. PLANNED UNIT DEVELOPMENT PROCEDURE

DIVISION 1. GENERALLY

Sec. 134-476. Purpose.

- (a) The purpose of planned unit development regulations is to:
 - (1) Encourage flexibility in the design and development of land in order to promote its most appropriate use;
 - (2) Facilitate the adequate and economical provision of streets, utilities and public spaces; and
 - (3) Preserve the natural and scenic qualities of open areas.
- (b) The procedure is intended to permit diversification in the location of structures and improve circulation facilities and other site qualities while ensuring adequate standards relating to public health, safety and welfare and morals both in the use and occupancy of buildings and facilities in planned groups.
- (c) In addition to subsections (a) and (b) of this section, PUD-4 historical preservation-residential development is intended to preserve structures and premises of significant historical or architectural value to the town by allowing for low-density residential development at a density calculated on the area of the entire property, excluding the area of property required by the town to be assigned to the historical structure. Structures and/or premises listed in the national record or in any historical report recognized by the town council may be considered significant for the purposes of this article. In addition, the town council may declare any other structure and/or premises to be of historical or architectural significance.

Sec. 134-477. District regulations.

The requirements and regulations for a PUD district are contained in division 14 of article VI of this chapter.

Sec. 134-478. Town council approval for permitted use and special exception use; review by planning and zoning commission; hearing; site plan review of application.

- (a) A planned unit development, when a permitted use, shall be subject to the approval of the town council after a review and report by the planning and zoning commission and after a public hearing is held by the town council in accordance with law.
- (b) A planned unit development, when a special exception use, shall be subject to the approval of the town council after a review and report by the planning and zoning commission and after a public hearing is held by the town council in accordance with law. The review by the planning and zoning commission shall be to make findings pursuant to sections 134-227 through 134-233 and other applicable sections of this chapter and to make recommendations thereon.
- (c) Every application for approval of a planned unit development shall require concurrent site plan review in accordance with article III of this chapter.

Sec. 134-531. Application.

In order to provide an expeditious method for processing a plan for a planned unit development, under the terms of this chapter, it is declared to be in the public interest that all procedures with respect to the approval or disapproval of a plan for a planned unit development, and the continuing administration thereof, shall be consistent with the following:

- (1) An application for tentative approval of the plan for a planned unit development shall be filed by or on behalf of the landowner with the building official.
- (2) The following information shall be submitted with the application:
 - a. The location and size of the site and the nature of the landowner's interest in the land proposed to be developed.
 - b. The density of land use to be allocated to parts of the site to be developed.
 - c. The location and size of any common open space and the form or organization proposed to own and maintain any common open space.
 - d. The use and the approximate height, bulk and location of buildings and other structures.
 - e. The feasibility of proposals for the disposition of sanitary waste and stormwater.
 - f. The substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements or grants for public utilities.
 - g. The provisions for parking of vehicles and the location and width of proposed streets and public ways.
 - h. The required modifications in the town land use regulations otherwise applicable to the subject property.
 - i. For plans that call for development over a period of years, a schedule showing the proposed times within which application for final approval of all sections of the planned unit development are intended to be filed.
 - j. For PUD-4, a complete description of the historical and/or architecturally significant structures and/or premises and provisions for their preservation. The portion of the property to be devoted to the preservation shall be delineated.
- (3) The application for tentative approval of a planned unit development shall include a written statement by the landowner or any other entity having a cognizable interest in the land, setting forth the reasons why, in his opinion, a planned unit development would be in the public interest and would be consistent with the town's statement of purposes on planned unit development.

(Ord. No. 2-74, § 7.31, 3-26-74; Ord. No. 5-78, § 13, 3-31-78)

Sec. 134-532. Public hearings.

- (a) Upon submission of a complete planned unit development application, the planning and zoning commission shall hear said application within 60 days of the application being deemed complete by the director of the planning, zoning and building department or designee. A public hearing on the planned unit development application shall then be held by the planning and zoning commission and town council after public notice is given in accordance with law. A copy of the PUD application shall be mailed to the owners of the property and the property immediately adjacent thereto and across the street therefrom and to all property owners within 300 feet from any part of the subject property at the address shown on the county property appraiser's tax records, together with a notice from

the director or designee advising the date, time and location of the hearing on such application before the planning and zoning commission and town council. Such list of property owners, together with a notification map, shall be provided by the applicant and shall be certified by the applicant as being true and accurate. The applicant shall be required to mail the application to the property owners within notification area within five days of submittal of the application to the town. No application shall be heard less than ten days after the first publication notice as provided in this section and 15 days after the mailing to property owners directly affected, and all applications will be heard at regular meetings of the town council unless otherwise ordered by the town council.

- (b) Tentative approval of a plan shall not qualify a plat of the planned unit development for recording or authorize development or issuance of any building permits. A plan which has been given tentative approval as submitted or which has been given tentative approval with conditions that have been accepted by the landowner, and provided that the landowner has not defaulted or violated any of the conditions of the tentative approval, shall not be modified, revoked or otherwise impaired by action of the town pending an application for final approval, without the consent of the landowner, provided an application for final approval is filed or, for development over a period of years, provided applications are filed within the periods of time specified in the resolution granting tentative approval.
- (c) If a plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon part or all of the plan and shall so notify the town council in writing, or if the landowner shall fail to file application for final approval within the required period of time, as the case may be, tentative approval shall be deemed to be revoked, and all that portion of the area included in the plan for which final approval has not been given shall be subject to the sections of this chapter applicable thereto, as they may be amended from time to time, and such shall be noted on the zoning map in the office of the town clerk and in the records of the town clerk.

Sec. 134-533. Grant or denial.

- (a) The town council shall, within 60 days following the conclusion of the public hearing for tentative approval of a planned unit development, by written resolution either (i) grant tentative approval of the plan as submitted, (ii) grant tentative approval subject to specified conditions not included in the plan as submitted, or (iii) deny tentative approval to the plan. Failure of the town council to so act within such period shall be deemed to be a grant of tentative approval of the plan as submitted.
- (b) If tentative approval is granted, other than by lapse of time, either of the plan as submitted or of the plan with conditions, the town council shall, as part of its resolution, specify the drawings, specifications and form of performance bond that shall accompany an application for final approval.
- (c) If tentative approval is granted subject to conditions, the landowner shall, if he finds such conditions to be unacceptable, within 45 days after receiving a copy of the written resolution of the town council, notify the town council of his refusal to accept the conditions.
- (d) If the landowner refuses to accept all the conditions, the town council shall be deemed to have denied tentative approval of the plan.
- (e) If the landowner does not, within such period, notify the town council of his acceptance of or his refusal to accept all the conditions, tentative approval of the plan, with all the conditions, shall stand as granted.
- (f) Nothing contained in this section shall prevent the town council and the landowner from mutually agreeing to a change in such conditions, and the town council may, at the request of the landowner,

extend the time during which the landowner shall notify the town council of his acceptance or refusal to accept the conditions.

- (g) The grant or denial of tentative approval by written resolution shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and the resolution shall set forth with particularity in which respects the plan would or would not be in the public interest, including but not limited to findings of fact and conclusions on the following:
 - (1) In what respects the plan is or is not consistent with the purpose of a planned unit development, as expressed in section 134-476.
 - (2) The extent to which the plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are not deemed to be in the public interests.
 - (3) The purpose, location and amount of the common open space in the planned unit development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of development.
 - (4) The physical design of the plan and the manner in which the design does or does not make adequate provision for public services, provide adequate control over vehicular traffic and further the amenities of light and air, recreation and visual enjoyment.
 - (5) The relationship, beneficial or adverse, of the proposed planned unit development to the neighborhood in which it is proposed to be established.
 - (6) For a plan that proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interest of the public and of the residents and owners of the planned unit development in the integrity of the plan.
 - (7) The historical or architectural significance of any structure and/or premises and the adequacy of provisions for its preservation.
- (h) If a plan is granted tentative approval, with or without conditions, the town council shall set forth in the written resolution the time within which an application for final approval of the plan shall be filed or, for a plan that provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. The time so established between grant of tentative approval and application for final approval shall not be less than three months and, for developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than six months. Nothing contained in this subsection shall be construed to limit a landowner from the presentation of any application for final approval earlier than the time period set forth in this subsection.

(Ord. No. 2-74, § 7.33, 3-26-74; Ord. No. 5-78, § 13, 3-31-78)

Sec. 134-534. Status of plan after tentative approval.

- (a) Within five working days after the adoption of the written resolution provided for in section 134-533, it shall be certified by the town clerk and shall be filed in his office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, the approval shall be noted on the zoning map maintained in the office of the town clerk.

- (b) Tentative approval of a plan shall not qualify a plat of the planned unit development for recording or authorize development or issuance of any building permits. A plan which has been given tentative approval as submitted or which has been given tentative approval with conditions that have been accepted by the landowner, and provided that the landowner has not defaulted or violated any of the conditions of the tentative approval, shall not be modified, revoked or otherwise impaired by action of the town pending an application for final approval, without the consent of the landowner, provided an application for final approval is filed or, for development over a period of years, provided applications are filed within the periods of time specified in the resolution granting tentative approval.
- (c) If a plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon part or all of the plan and shall so notify the town council in writing, or if the landowner shall fail to file application for final approval within the required period of time, as the case may be, tentative approval shall be deemed to be revoked, and all that portion of the area included in the plan for which final approval has not been given shall be subject to the sections of this chapter applicable thereto, as they may be amended from time to time, and such shall be noted on the zoning map in the office of the town clerk and in the records of the town clerk.

(Ord. No. 2-74, § 7.34, 3-26-74)

Subdivision III. Final Approval

Sec. 134-561. Application.

- (a) An application for final approval of a planned unit development may be for all the land included in a plan or the extent set forth in the tentative approval for a section thereof. The application shall be made to the director of planning, zoning and building or designee. The application shall include such drawings, specifications, covenants, easements, conditions and form of performance bond as were set forth by written resolution of the town council at the time tentative approval. A public hearing on an application for final approval of the plan or part thereof shall not be required, provided the plan, or the part thereof submitted for final approval, is in substantial compliance with the plan theretofore given tentative approval. The town council shall find that any changes to the tentative plan shall not be in contravention to the public's best interests.
- (b) When the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof and as required by the resolution of tentative approval, the town council shall, within 45 days of such filing, grant such plan final approval.

(Ord. No. 2-74, § 7.35, 3-26-74; Ord. No. 1-84, § 5, 3-1-84; Ord. No. 26-10, § 7, 12-15-10)

Sec. 134-562. Refusal to grant for variations in tentatively approved plan.

- (a) If the final plan for a planned unit development as submitted contains variations from the plan given tentative approval, the town council may, after a meeting with the landowner, refuse to grant final approval and shall, within 45 days from the filing of application for final approval, so advise the landowner in writing of the refusal, setting forth in the notice the reasons why one or more of the variations are not in the public interest.
- (b) If refusal occurs, the landowner may:
 - (1) File his application for final approval without the variations objected to by the town council on or before the last day of the time within which he was authorized by the resolution granting

tentative approval to file for final approval, or within 30 days from the date he received notice, whichever date shall last occur;

- (2) Treat the refusal as a denial of final approval; or
 - (3) File a written request with the town council that it hold a public hearing on his application for final approval. Any such public hearing shall follow the procedure for tentative approval and shall be held during the next annual public hearing period starting with October.
- (c) Within 45 days after the conclusion of the hearing, the town council shall by resolution either grant final approval to the plan or deny final approval to the plan. The grant or denial of final approval of the plan shall, in cases arising under this subsection, be in the form and contain the findings required for a resolution on an application for tentative approval set forth in section 134-532.

(Ord. No. 2-74, § 7.35, 3-26-74; Ord. No. 1-84, § 5, 3-1-84; Ord. No. 1-04, § 39, 3-9-04)Sec. 134-563. Certification; filing of record plat; modification before completion of development.

- (a) A plan for a planned unit development or any part thereof that has been given final approval by the town council shall be so certified without delay by the town clerk, and a record plat may be filed on record forthwith in the office of the county clerk in accordance with F.S. ch. 177 before any development shall take place in accordance therewith. Upon the filing on record of the plan, all other ordinances and subdivision regulations otherwise applicable to the land included in the plan shall cease to apply thereto.
- (b) Pending completion within five years of the planned unit development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of the plan or part thereof, as finally approved, shall be made nor shall it be impaired by act of the town, except with the consent of the landowner.

(Ord. No. 2-74, § 7.35, 3-26-74; Ord. No. 1-84, § 5, 3-1-84)

Sec. 134-564. Abandonment; termination.

If a plan for a planned unit development or section thereof is given final approval and thereafter the landowner shall abandon the plan or the section thereof that has been finally approved and shall so notify the town council in writing or if the landowner shall fail to commence the planned unit development within 18 months, such final approval shall terminate and be deemed null and void unless such time period is extended by the town upon written request of the landowner.

(Ord. No. 2-74, § 7.35, 3-26-74; Ord. No. 1-84, § 5, 3-1-84)

Subdivision II. Permitted Uses

Sec. 134-616. Districts where permitted.

Planned unit developments are a permitted use within PUD-A, PUD-B and PUD-C districts as indicated on the Amended Zoning Map of the Town of Palm Beach, Florida, adopted by reference and made a part of this chapter.

(Ord. No. 2-74, § 7.41, 3-26-74; Ord. No. 7-78, § 4, 5-9-78)

Sec. 134-617. Compliance.

When developed as a permitted use within PUD-A, PUD-B or PUD-C district, planned unit developments shall conform to the regulations in this subdivision, other pertinent sections of this chapter and the principles set forth in the comprehensive plan of the town.

(Ord. No. 2-74, § 7.42, 3-26-74)

Sec. 134-618. Minimum area.

Minimum area requirements for permitted use planned unit developments are as follows:

- (1) PUD-A, mixed use district, 25 contiguous acres undivided by any public right-of-way or easement.
- (2) PUD-B, residential mix district, 15 contiguous acres undivided by any public right-of-way or easement.
- (3) PUD-C, residential mix district, four contiguous acres undivided by any public right-of-way or easement.

(Ord. No. 2-74, § 7.421, 3-26-74)Sec. 134-619. Open space.

In permitted use planned unit developments in the PUD-A, PUD-B and PUD-C districts, not less than 15 percent of the planned unit site areas shall be developed as common open space; vehicle access facilities and parking areas shall not be considered in calculating such common open space. In no event, however, shall the lot coverage of all structures located within a planned unit development site exceed 35 percent of the gross area included within such planned unit development site.

(Ord. No. 2-74, § 7.422, 3-26-74)

Sec. 134-620. Residential density.

Residential densities in permitted use planned unit developments shall be as follows:

- (1) PUD-A, ten units per acre; provided, however, that the planned unit development on the Breaker's Property shall be subject to the requirements of Resolution No. 6-71 and Resolution No. 9-72 of the town, as agreed to by the Flagler Systems, Inc.
- (2) PUD-B, ten units per acre.
- (3) PUD-C, six units per acre.

(Ord. No. 2-74, § 7.423, 3-26-74)

Sec. 134-621. Densities bordering estate districts.

- (a) As used in this section, the term "adjoin" is defined as having a common property line or being separated by a public right-of-way on an easement of 150 feet or less.
- (b) Where a permitted use planned unit development adjoins an R-AA large estate residential district or an R-A estate residential district, residential densities within the planned unit development shall not exceed six units per acre within 500 feet of the R-AA or R-A district, and the height of structures within 500 feet of the R-AA or R-A district shall not exceed two stories or 25 feet. When such restrictions are imposed on permitted use planned unit developments, densities may be increased

in the remainder of the development site in order that the gross density of the development may equal but not exceed the maximum density stipulated in section 134-620.

(Ord. No. 2-74, § 7.424, 3-26-74)

Sec. 134-622. Permitted land uses in PUD-A district.

The following uses shall be permitted in planned unit developments in the PUD-A district:

- (1) Any use permitted in the R-D(1) moderate density residential district and R-D(2) high density residential district; provided, however, that the maximum density for the planned unit development shall be governed by section 134-620.
- (2) Any use permitted in the C-TS, C-WA, C-OPI or C-PC commercial district; provided, however, that commercial development within the planned unit development shall, in no case, occupy more than 20 percent of the gross area of the planned unit development. For the purpose of calculating gross density, as set forth in section 134-620, the land use measurements indicated in the table in section 134-656 shall be equivalent to a dwelling unit as defined.
- (3) Hotels.
- (4) Golf courses and other uses that are customarily accessory to a principal hotel use.
- (5) Site plan review modifications for permitted and accessory uses that do not exceed 2,500 square feet may be approved administratively without Town Council review if the Director of Planning, Zoning and Building determines that such modifications will not create adverse impacts on surrounding properties or Town facilities.

(Ord. No. 2-74, § 7.425, 3-26-74; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 1-00, § 1, 2-22-00; Ord. No. 1-2020, § 1, 2-12-20)Sec. 134-623. Permitted land uses in PUD-B district.

The uses permitted in planned unit developments in the PUD-B district shall be any use permitted in the R-C, medium density district; provided, however, that the maximum density for the planned unit development shall be governed by section 134-620. Newsstands, dining rooms and personal service uses for the convenience of residents shall be permitted in such district; provided, however, that no exterior or external advertising of such facilities shall be permitted.

(Ord. No. 2-74, § 7.425, 3-26-74)

Sec. 134-624. Permitted land uses in PUD-C district.

The uses permitted in planned unit developments in the PUD-C district shall be any use permitted in the R-C, medium density district; provided, however, that the maximum density for the planned unit development shall not be governed by section 134-620.

Subdivision III. Special Exceptions

Sec. 134-651. Establishment of special exception planned unit developments.

The following special exception planned unit development districts are established and shall be subject to all applicable requirements of this article and of the district in which they are located:

PUD-1	Single-family development
PUD-2	Residential mix development
PUD-3	Mixed use development
PUD-4	Historical preservation residential development

(Ord. No. 2-74, § 7.431, 3-26-74)

Sec. 134-652. Districts where permitted.

Planned unit developments as established by this article may be permitted as special exceptions only in specifically designated districts as follows:

- (1) *PUD-1, single-family development.* Permitted only in portions of R-B districts which are in close proximity to intensive developments in an R-C, R-D(1) or R-D(2) district.
- (2) *PUD-2, residential mix development.* Permitted only in R-C, R-D(1) and R-D(2) districts.
- (3) *PUD-3, mixed use development.* Permitted only in R-C, R-D(1) and R-D(2) districts.
- (4) *PUD-4, historical preservation residential development.* Permitted only in R-AA, R-A and R-B districts.

(Ord. No. 2-74, § 7.432, 3-26-74)

Sec. 134-653. Minimum area requirements.

Minimum area requirements for special exception planned unit developments are as follows:

- (1) *PUD-1, single-family development.* One contiguous acre undivided by any public right-of-way or easement.
- (2) *PUD-2, residential mix development.* Ten contiguous acres undivided by any public right-of-way or easement.
- (3) *PUD-3, mixed use district.* Twenty contiguous acres undivided by any public right-of-way or easement.
- (4) *PUD-4, historical preservation residential development.* One or more contiguous acres undivided by any public right-of-way or easement.

(Ord. No. 2-74, § 7.433, 3-26-74)

Sec. 134-654. Residential density.

Residential densities in special exception planned unit developments permitted under this article shall be as follows:

PUD District	Use District	Maximum Density Permitted under PUD* (units per acre)
PUD-1	R-B	4
PUD-2	R-C	6**
	R-D(1)	13**
PUD-3	R-C	6**
	R-D(1)	13**
	R-D(2)	13**
PUD-4	R-AA	$\frac{2}{3}$ **
	R-A	2**
	R-B	4**

(Ord. No. 2-74, § 7.434, 3-26-74; Ord. No. 6-81, § 6(a), 3-31-81; Ord. No. 1-03, § 7, 3-11-03; Ord. No. 1-04, § 34, 3-9-04)

Sec. 134-655. Areas of restricted density in PUD-2 or PUD-3 district.

- (a) For the purpose of this section, the term "adjoin" is defined as having a common property line or being separated by a public right-of-way of 150 feet or less.
- (b) Whenever a PUD-2 or PUD-3 planned unit development is permitted, the density restriction in subsection (c) of this section shall apply.
- (c) Where the proposed planned unit development adjoins an R-AA, R-A or R-B district, residential densities within the planned unit development shall not exceed six units per acre within 500 feet of the R-AA, R-A or R-B district, and the height of structures within 500 feet of the R-AA, R-A or R-B district shall not exceed two stories or 25 feet. When such density restrictions are imposed on planned unit developments adjoining an R-AA, R-A or R-B district, the height limit on the portion of the development over 500 feet from the R-AA, R-A or R-B district may be increased but shall not exceed five stories or 62 feet in building height.

(Ord. No. 2-74, § 7.435, 3-26-74)

Sec. 134-656. Permitted land use.

The uses permitted in planned unit developments shall be as follows:

- (1) *PUD-1.*

- a. Any use permitted in the R-AA large estate residential district, R-A estate residential district or R-B low density residential district; provided, however, that such uses are grouped in cluster development in accordance with division 5 of this article.
- b. Townhouses, subject to applicable requirements in subdivision II of division 10 of article VIII of this chapter.

(2) *PUD-2.*

- a. Any use permitted in the R-C medium density residential district.
- b. Newsstands, dining rooms and personal service uses for the convenience of residents shall be permitted in such district; provided, however, that no exterior or external advertising of such facilities shall be permitted nor shall the gross floor area devoted to such uses exceed ten percent of the gross ground floor area of buildings included within the planned unit development.

(3) *PUD-3.*

- a. Any use permitted in the R-D(1) moderate density residential district.
- b. In PUD-3 developments containing 100 or more residential dwelling units, commercial uses permitted in the C-TS, C-WA, C-OPI or C-PC commercial district may be permitted; provided, however, that any commercial development in the planned unit development shall front on a major thoroughfare and further provided that such commercial development, including its required parking area, shall not occupy more than 20 percent of the gross floor area of the planned unit development. For the purpose of calculating gross density, as set forth in section 134-620, the following land use measurements shall be equivalent to a dwelling unit as defined:

Land Use Type	Unit Measurement	Equivalence to One Dwelling Unit of Gross Density
Hotels, motels or similar places of transient occupation	Number of bedrooms	Two bedrooms
Principal commercial uses	Total floor area	750 square feet
Accessory commercial uses	Total floor area	1,500 square feet
All other nonresidential floor spaces	Total floor area	1,000 square feet

- (4) *PUD-4.* Any use permitted in the R-AA large estate residential or RD-A estate residential district, provided the uses are developed compatibly with an historical or architecturally significant structure or premises.

(Ord. No. 2-74, § 7.436, 3-26-74; Ord. No. 6-81, § 6(b), 3-31-81; Ord. No. 1-92, § 5(b), 2-3-92)

Sec. 134-657. Open space.

A minimum of 15 percent of a planned unit site area shall be developed as common open space. Parking areas and vehicle access facilities shall not be considered in calculating such common open space.

In no event, however, shall the lot coverage of all structures located within a planned unit development site exceed 35 percent of the gross area included within such planned unit development site.

(Ord. No. 2-74, § 7.437, 3-26-74; Ord. No. 5-78, § 13, 3-31-78; Ord. No. 7-79, § 16, 3-30-79; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 1-92, § 5(b), 2-3-92)

DIVISION 4. STANDARDS

Sec. 134-686. Compliance with division.

The town council shall approve the planned unit development only if it finds that the planned unit development satisfies all of the standards in this division.

(Ord. No. 2-74, § 7.50, 3-26-74)

Sec. 134-687. General standards.

- (a) The planned unit development shall be consistent with the regulations governing planned unit developments as set forth within division 3 of this article.
- (b) The planned unit development plan shall be consistent with the Palm Beach Comprehensive Plan.
- (c) The planned unit development shall provide for an effective and unified treatment of the development possibilities on the project site making appropriate provision for the preservation of scenic features and amenities of the site and the surrounding areas.
- (d) The planned unit development shall be planned and developed to harmonize with any existing or proposed development in the area surrounding the project site.

(Ord. No. 2-74, § 7.51, 3-26-74)

Sec. 134-688. Design standards.

- (a) In a planned unit development, all buildings in the layout and design shall be an integral part of the development and shall have convenient access to and from adjacent uses and blocks.
- (b) Individual buildings shall be related to each other in design, masses, materials, placement and connections to provide a visually and physically integrated development.
- (c) Treatment of the sides and rear of all buildings within the planned unit development group shall be comparable in amenity and appearance to the treatment given to street frontage of these same buildings.
- (d) The design of buildings and the parking facilities shall take advantage of the natural features, topography of the project site, where appropriate.
- (e) All building walls shall be so oriented as to ensure adequate light and air exposures to the room within.
- (f) All buildings shall be arranged so as to avoid undue exposure to concentrated loading or parking facilities wherever possible and shall be so oriented as to preserve visual and audible privacy between adjacent buildings.
- (g) All buildings shall be arranged so as to be accessible to emergency vehicles.

(Ord. No. 2-74, § 7.52, 3-26-74)

Sec. 134-689. Landscape design standards.

- (a) In a planned unit development, landscape treatment for plazas, roads, paths, service and parking areas shall be designed as an integral part of a coordinated landscape design for the entire project area.
- (b) Primary landscape treatment shall consist of shrubs, ground cover, and shade trees and shall combine with appropriate walks and street surfaces to provide an attractive development pattern. Landscape materials selected should be appropriate to local growing conditions.
- (c) Whenever appropriate, existing trees shall be conserved and integrated into the landscape design plan.
- (d) All streets bordering the project area shall be planted at appropriate intervals with street trees.

(Ord. No. 2-74, § 7.53, 3-26-74; Ord. No. 5-78, § 19, 3-31-78)Sec. 134-690. Circulation system design standards.

- (a) In a planned unit development, there shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space.
- (b) Roads, pedestrian walks and open space shall be designed as integral parts of an overall site design. They shall be properly related to existing and proposed buildings and appropriately landscaped.
- (c) Buildings and vehicular circulation with open spaces shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.
- (d) Landscaped, paved and comfortably graded pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas and adjacent buildings.
- (e) Materials and design of paving, lighting fixtures, retaining walls, fences, curbs, benches, etc., shall be of good appearance, easily maintained and indicative of their function.

(Ord. No. 2-74, § 7.54, 3-26-74)

Sec. 134-691. Parking and loading design standards.

- (a) In a planned unit development, parking facilities shall be landscaped and screened from public view to the extent necessary to eliminate unsightliness and monotony of parked cars.
- (b) Pedestrian connections between areas and buildings shall be via special pedestrian walkways and/or elevators.
- (c) Parking facilities shall be designed with careful regard to orderly arrangement, landscaping, ease of access, and shall be developed as an integral part of an overall site design.
- (d) Any above grade loading facility should be screened from public view to the extent necessary to eliminate unsightliness.
- (e) Parking and loading facilities shall be provided in accordance with divisions 2 and 3 of article IX of this chapter.

(Ord. No. 2-74, § 7.55, 3-26-74)

DIVISION 14. PUD PLANNED UNIT DEVELOPMENT DISTRICT

Sec. 134-1391. Purpose.

The purpose of a PUD planned unit development district is to:

- (1) Encourage flexibility in the design and development of land in order to encourage its most appropriate use;
- (2) Facilitate the adequate and economic provision of streets, utilities and public spaces; and
- (3) Preserve the natural and scenic qualities of open areas.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93)

Sec. 134-1392. Procedure for approval of planned unit development.

The procedure and requirements for approval of a planned unit development is in article V of this chapter.

Sec. 134-1393. Permitted uses.

The permitted uses in the PUD planned unit development district are as follows:

- (1) Planned unit development, as provided in article V of this chapter.
- (2) Golf course.
- (3) Single-family dwellings.
- (4) Essential services.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 16-2012, § 8, 12-12-12)

Sec. 134-1394. Accessory uses.

The accessory uses in the PUD planned unit development district are accessory uses customarily incident to the permitted or approved special exception uses.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93)

Sec. 134-1395. Special exception uses.

The special exception uses require a site plan and review as provided in article III of this chapter. The special exception uses in the PUD planned unit development zoning district are as follows:

- (1) Private social, swimming, golf, tennis and yacht clubs.
- (2) Municipally owned and operated parks and recreations areas.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 16-2012, § 16, 12-12-12)

Sec. 134-1396. Lot, yard and area requirements.

In the PUD district, the schedule of lot, yard and area requirements as given in this section apply to single-family permitted uses which are not a part of a PUD application. See article V of this chapter for appropriate standards for all PUD districts.

- (1) *Lot area.* The minimum lot area is 20,000 square feet.
- (2) *Lot width.* The minimum lot width is 100 feet.
- (3) *Lot depth.* The minimum lot depth is 150 feet.
- (4) *Density.* The maximum density is two dwelling units per acre.
- (5) *Front yard.* The minimum front yard setback is 30 feet.
- (6) *Side yard.* The minimum side yard setback is 15 feet.
- (7) *Rear yard.* The minimum rear yard setback is 15 feet.
- (8) *Height and overall height.* The maximum building height is 25 feet, not to exceed two stories.
- (9) *Lot coverage.* The maximum lot coverage is 35 percent.

(Ord. No. 2-74, schedule A, 3-26-74; Ord. No. 7-79, §§ 2, 6, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(e), (f), 3-31-81; Ord. No. 7-82, § 3(e), 3-31-82; Ord. No. 2-83, §§ 3(a), (b), 2-23-83; Ord. No. 1-84, §§ 2(a)—(e), 3-1-84; Ord. No. 1-85, § 2(b)—(f), 2-11-85; Ord. No. 1-86, § 2(a), 2-10-86; Ord. No. 1-88, § 1, 2-8-88; Ord. No. 1-89, § 2(b)—(d), 2-6-89; Ord. No. 1-90, § 2(a)—(e), 2-5-90; Ord. No. 1-92, § 2(a)1, 2, 2-3-92; Ord. No. 9-93, § 2(b), 6-8-93; Ord. No. 1-94, § 2(a), 2-7-94; Ord. No. 1-96, § 8, 2-5-96; Ord. No. 1-97, § 1, 2-17-97; Ord. No. 1-98, §§ 2—4, 2-9-98; Ord. No. 2-98, §§ 1, 2, 2-27-98)

Sec. 134-1397. Supplementary district regulations.

The supplementary district regulations which may be applicable to the PUD planned unit development district are contained in article VIII of this chapter. Sec. 134-1398. Off-street parking and loading.

The off-street parking or loading requirements which may be applicable in the PUD planned unit development district are contained in article IX of this chapter.

Sec. 134-1399. Signs.

The sign regulations which may be applicable in the PUD planned unit development district are contained in article XI of this chapter.

Sec. 134-1400. Accessory structures.

Dish antennas. A dish antenna shall be an accessory structure and shall be constructed, erected or placed in compliance with all of the provisions of this chapter applicable to accessory structures. Dish antennas shall not exceed three meters in diameter. Only one dish antenna that exceeds one meter in diameter shall be permitted on each building. Such dish antenna which exceeds one meter in diameter shall not be attached to a building; shall not be closer than ten feet to any side or rear property line; shall not exceed 12 feet in height above the average grade; and, shall not be located in a required front yard, street side yard or rear street yard setback. There shall be no limit on dish antennas one meter or less in diameter and said antenna(s) may be attached or unattached to a building. If said dish antenna(s) is unattached, said antenna(s) shall not exceed 12 feet in height above the average grade, be located no closer than ten feet to any side or rear lot line; and, shall not be located in a required front yard, street side yard or rear street yard setback. All attached and unattached dish antennas in the PUD zoning districts shall be screened from public view, and private and public streets and ways; be neutral in color; and, to the maximum extent possible, compatible with the surrounding neighborhood appearance and character. In addition, no form of lettering, advertising or identification shall be allowed on any such antenna or its framework (other than the manufacturer's small identification plate). Note: One meter in the metric system of measurement equals 39.37 inches or 3.28 feet.

(Ord. No. 1-99, § 10, 4-5-99)

Sec. 134-1401. Air conditioning and generator equipment.

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in section 134-1728 and 134-1729.

(Ord. No. 1-99, § 11, 4-5-99)

Sec. 134-1402. Lot grade topography and drainage.

In the PUD, planned unit development district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in section 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.

(Ord. No. 19-2021 , § 5, 9-13-21)