



AGENDA
VILLAGE COUNCIL AND PLANNING & ZONING BOARD
JOINT WORKSHOP SESSION
VILLAGE HALL COUNCIL CHAMBERS
226 CYPRESS LANE
FEBRUARY 13, 2025
5:30 PM

COUNCIL/BOARD MEMBERS

- Mayor Bev Smith
- Vice Mayor Patti Waller
- Council Member Joni Brinkman
- Mayor Pro Tem Kim Schmitz
- Council Member Gary Ready
- Chairman Johnnie Tieche
- Vice Chair Richard Hughes
- Board Member Kim Gehrman
- Board Member Brenda Browning
- Board Member Marta Padron
- Board Member Peter Braun
- Board Member Ralph Lashells
- Board Member Ralph Wiles, Jr.
- Board Member Fabiana DesRosiers

ADMINISTRATION

- Village Manager Michael Bornstein
- Asst Village Manager Kim Glas-Castro
- Village Clerk Kimberly Wynn
- Village Attorney Christy Goddeau
- Director of PZB Iramis Cabrera

If a person decides to appeal any decision made by this Board concerning any considered matter, they will need a record of the proceedings. For such purposes, they may need to ensure that a verbatim record of the proceedings is available. The recording includes the testimony and evidence upon which the appeal is to be based.

CALL TO ORDER

ROLL CALL

ORDER OF BUSINESS

1. **Discuss Updates to the Land Development Regulation in a Joint Workshop with the Village Council, Planning & Zoning Board and CRA**
Staff: Iramis Cabrera, PZB Director

PUBLIC COMMENT

ADJOURNMENT

**NEXT MEETING
TBD**

Village of Palm Springs

Title VI/Nondiscrimination Policy

I. Policy Statement:

The Village of Palm Springs values diversity and welcomes input from all interested parties, regardless of cultural identity, background, or income level. Moreover, the Village believes the best programs and services result from careful consideration of the needs of all its communities and when those communities are involved in the decision-making process. The Village does not tolerate discrimination in any of its programs, services, or activities. Pursuant to Title VI of the Civil Rights Act of 1964 and other federal and state authorities, the Village will not exclude from participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age, disability, religion, or family status.

II. Persons with Disabilities:

Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA) and related federal and state laws and regulations forbid discrimination against those who have disabilities. These laws require federal-aid recipients and other government entities to take affirmative steps to reasonably accommodate those with disabilities and ensure that their needs are equitably represented.

The Village will make every effort to ensure that its facilities, programs, services, and activities are accessible to those with disabilities. The Village will also make every effort to ensure that its advisory committees, public involvement activities and all other programs, services and activities include representation by communities with disabilities and disability service groups.

The Village encourages the public to report any facility, program, service, or activity that appears inaccessible to those who are disabled. Also, the Village will provide reasonable accommodation to individuals with disabilities who wish to participate in public involvement events or who require special assistance to access facilities, programs, services, or activities. Because providing reasonable accommodation may require outside assistance, the Village asks that requests be made at least three (3) business days prior to the need for accommodation. Questions, concerns, comments, or requests for accommodation should be made to the Village ADA Officer:

Name: Ashley Saingilus, Human Resources Director
Address: 226 Cypress Lane, Palm Springs, FL 33461
Email: asaingilus@vpsfl.org
Phone: (561) 584-8200 Ext. 8421

III. Complaint Procedures:

The Village has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discrimination when found. Any person who believes that he or she has been subjected to discrimination based upon race, color, national origin, sex, religion, age, disability or family status in any Village program, service or activity may file a complaint with the Village Title VI/Nondiscrimination Coordinator:

Name: Janette Piedra, Human Resources Manager
Address: 226 Cypress Lane, Palm Springs, FL 33461
Email: jpiedra@vpsfl.org
Phone: (561) 584-8200 Ext. 8422



Village of Palm Springs

Executive Brief

AGENDA DATE: February 13, 2025

DEPARTMENT: Planning, Zoning & Building

ITEM #1: Village Joint Workshop - Village Council, Planning & Zoning Board & CRA - Land Development Regulation Update

SUMMARY: The Village of Palm Springs adopted a Vision Plan in August 2023 and Evaluation and Appraisal Report (EAR)-based amendments to its Comprehensive Plan in 2024 (changes to comply with Florida law and implement the new Vision). The Village is required to update the Land Development Code (LDC) within one year of the adopted Comprehensive Plan. The Village developed a Technical Advisory Committee to guide the LDC updates, encourage public participation, and vet the draft document before the Village Council review.

This workshop aims to provide an overview of the recommended Code of Ordinances changes and gather input from the Joint Committee and the public before the scheduled Public Hearings in March/April 2025.

FISCAL IMPACT:

This discussion item has no direct fiscal impact.

ATTACHMENTS:

1. Proposed Code Amendments - Vision/EAR-Based Amendments
2. Land Development Code Technical Committee Member List

Chapter 1 – General Provisions

Amendments related to Policies FLU 1.1.5, FLU 2.3.3, HOU 1.6.5, and HOU 1.6.7.

Sec. 1-2. – Definitions and rules of construction. [add the following definitions]

Affordable (housing). As used in chapter 34, article VI, division 7, subdivision XXI, meaning that monthly rents or monthly mortgage payments including taxes, insurance, and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for the households categorized as extremely-low-income persons, very-low-income persons, low-income persons, or moderate-income persons.

Affordable Housing Project. As used in chapter 34, article VI, division 7, subdivision XXI, a development where at least 40 percent of the residential units in a proposed multifamily development are rental units that, for a period of at least 30 years, are affordable.

Highest Currently Allowed Density. As used in chapter 34, article VI, division 7, subdivision XXI, the highest number of residential units per acre allowed as established by the adopted Village of Palm Springs Comprehensive Plan, currently nineteen (19) units per gross acre. Highest Currently Allowed Density does not include densities to which a specific development may be entitled or the density of any development that has received any bonus, special exception, agreement to resolve a claim, variance, or as otherwise provided as an incentive for development or recognized as a non-conforming or grandfathered use.

Highest Currently Allowed Floor Area Ratio. As used in chapter 34, article VI, division 7, subdivision XXI, the highest floor area ratio allowed as established by the adopted Village of Palm Springs Comprehensive Plan, currently 1.5 FAR. Highest currently allowed floor area ratio does not include the floor area ratio of any specific development that has received any bonus, special exception, agreement to resolve a claim, variance, waiver, or as otherwise provided as an incentive for development or recognized as a non-conforming or grandfathered use.

Highest Currently Allowed Height. As used in chapter 34, article VI, division 7, subdivision XXI, the higher of either three (3) stories, or a currently allowed commercial or residential building's height within one (1) mile of the proposed affordable housing project as determined by reference to the maximum heights allowed per the Property Development Regulations of the RS, RM, CN, CG, MU, or CR zoning districts as applicable. Highest currently allowed height shall not include any height awarded to any development project as a bonus, special exception, agreement to resolve a claim, variance, waiver, or allowed as a non-conforming or grandfathered use. However, if the proposed development is adjacent to, on two (2) or more sides, a parcel zoned for

single-family residential use that is within a single-family residential development with at least twenty-five (25) contiguous single-family homes, the Village may restrict the height of the proposed development to one hundred fifty (150) percent of the tallest building on any property adjacent to the proposed development, the highest currently allowed height for the property provided in the Village's land development regulations, or three (3) stories, whichever is higher. For the purposes of this paragraph, the term "adjacent to" means those properties sharing more than one (1) point of a property line, but does not include properties separated by a public road.

Live Local Act. As used in chapter 34, article VI, division 7, subdivision XXI, referring specifically to the 2023 Senate Bill 102, signed by the Governor of Florida on March 29, 2023, effective July 1, 2023, as modified by the 2024 Senate Bill 328, signed by the Governor of Florida on May 16, 2024, and codified as to municipalities within F.S. §166.04151.

Mixed-Use Affordable Housing Project. As used in chapter 34, article VI, division 7, subdivision XXI, a tract of land or building or structure with two (2) or more different uses to include affordable housing as defined by F.S. §166.04151(7) and uses permitted and limited in the underlying zoning districts. To qualify as an affordable mixed-use affordable housing project, sixty-five (65) percent of the total square footage of the development must be residential (lobby, service areas and amenity areas exclusively serving the residential uses shall be considered residential square footage). Thirty-five (35) percent of the total square footage of the development must be non-residential.

Chapter 34 – Land Development, Article VI – Land Use, Division 1 – Generally

Amendments related to Policies FLU 1.2.6, FLU 1.2.7, and FLU 1.2.8.

Sec. 34-574. - Purpose and effect.

- (a) The purpose of this article is to implement the village comprehensive development plan, with amendments, in conformance with applicable state planning legislation and requirements, and promote the health, safety and general welfare of present and future populations of the village by:
- (1) Giving effect to goals, objectives and plan recommendations (policies) established in the village comprehensive development plan;
 - (2) Dividing the village into zoning districts according to the use of land and buildings, and the intensity of uses, including bulk and height;
 - (3) Regulating and restricting the location and use of buildings, structures and land for residential, commercial, governmental, institutional, recreation, open space and other uses;
 - (4) Establishing regulations which protect the residents of the village by providing standards to control the amount of impervious surface area and open space within developments;
 - (5) Protecting natural features and resources from adverse environmental impacts;
 - (6) Controlling and regulating growth and development in the village by concentrating development in areas where adequate community facilities and services can be provided;
 - (7) Securing safety from fires, floods, natural disasters and other dangers;
 - (8) Providing adequate privacy, light and air;
 - (9) Making adequate provision for utilities, parks and other public requirements;
 - (10) Preventing overcrowding of land, and protecting property owners from adverse impacts on adjoining developments; ~~and~~
 - (11) Protecting the tax base by facilitating cost-effective development and the most appropriate use of land in the village- ;
 - (12) Encouraging a mix of uses that promote the Village's desire to make goods and services accessible to residents;

(13) Promoting a diversified economy;

(14) Encouraging the revitalization of the CRAs; and

(15) Encouraging the establishment of strong commercial corridors.

- (b) In interpreting and applying the provisions of this article, such provisions are not intended to interfere with, abrogate or annul any easement, covenant or other agreement between parties. Where this article imposes greater restrictions and regulations upon the land, buildings, premises or water, the provisions of this article shall control.

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Chapter 34 – Land Development, Article VI – Land Use, Division 6 – District Regulations, Subdivision I – In General

Amendments related to general cleanup and Policy FLU 2.3.14

Sec. 34-721. - Establishment of land development districts.

In order to classify, regulate and restrict the use of land, water, buildings and structures, the height and bulk of buildings and structures, the area of yards and other open spaces about buildings and the intensity of land use; to promote the orderly growth and development of the village; and to implement the village comprehensive development plan, the village is divided into the following five eight land development districts:

- (1) RS residential single-family district.
- (2) RM residential multiple-family district.
- (3) CN commercial neighborhood district.
- (4) CG commercial general district.
- (5) G government district.
- (6) LI light industrial district.
- (7) MU mixed use district.
- (8) CR commercial renewal district.

Chapter 34 – Land Development, Article VI – Land Use, Division 6 – District Regulations, Subdivision III – RM Residential Multiple-Family

Amendments related to general cleanup and Policy FLU 2.1.3

Sec. 34-761. - Purpose.

It is the purpose of the RM residential multiple-family land development district to provide an emphasis on multiple-family residences, while preserving and protecting the residential character of the village. A clustering of units and a variety of housing design and styles is encouraged in the RM district, while maintaining an appropriate density that will complement the surrounding development in the village. In considering the compatibility of neighboring residential uses, wherever possible, medium-density residential projects should serve as buffers between higher and lower intensity residential uses to achieve an orderly land use transition. The gross density shall not exceed 5.8 dwelling units per acre for single-family detached dwelling developments. Gross density shall not exceed 19.0 dwelling units per acre for attached multiple-family developments, such as apartments and condominiums, and planned developments.

Sec. 34-767. - Property development regulations for planned developments.

Property development regulations for planned developments in the RM residential multiple-family land development district shall be as set forth in ~~subdivision IX~~ division 7 of this ~~division~~ article.

Chapter 34 – Land Development, Article VI – Land Use, Division 6 – District Regulations, Subdivision IV – CN Commercial Neighborhood

Amendments related to general cleanup and Policies FLU 1.1.5, FLU 2.3.3, and HOU 1.6.5

Sec. 34-792. - Permitted uses.

Permitted uses within the CN commercial neighborhood land development district shall be limited to the following:

- (1) Professional offices.
- (2) Business offices.
- (3) Medical and dental offices.
- (4) Retail sales and services such as pharmacies, florists, camera and photo supplies and studios, delicatessens for takeout only, clothing stores, sale of videos and video accessories (excluding adult entertainment), card and gift stores, coin laundries and dry cleaning, shoe stores (including repair), music stores, sporting goods, pet shops and similar shops.
- (5) Galleries and fine art studios, excluding adult entertainment establishments.
- (6) Multifamily and mixed-use residential meeting the requirements of, and in compliance with, section 166.04151, F.S., as may be amended over time, for affordable housing.

Chapter 34 – Land Development, Article VI – Land Use, Division 6 – District Regulations, Subdivision VI – G Government

Amendments related to Policy FLU 2.1.3

Sec. 34-851. - Purpose.

It is the purpose of the G government land development district to provide a district which essentially maps and identifies real property that is presently owned and used by a governmental entity, including local, state or federal government units. It is not the intent of the G district to be applied to land that is used by governmental entities on an easement or leased basis, if title to the land is in private ownership. It is not the intent of this subdivision to classify all land owned by government into the G district, but only those lands particularly and peculiarly related to the public welfare. Wherever feasible, the planning and siting of recreational uses within G districts should consider their beneficial function as buffers between neighboring higher and lower intensity residential uses.

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Chapter 34 – Land Development, Article VI – Land Use, Division 6 – District Regulations, Subdivision VII – LI Light Industrial

Amendments related to Policies FLU 1.1.5, FLU 2.3.3, and HOU 1.6.5

Sec. 34-859. - Permitted uses.

Permitted uses within the LI light industrial land development district shall be limited to the following:

- (1) Light industrial uses which do not process/store flammable materials.
- (2) Professional offices.
- (3) Business offices.
- (4) Public uses and facilities.
- (5) Public utilities.
- (6) Self-storage units.
- (7) Warehouse.
- (8) Showroom/warehouse.
- (9) Industrial planned developments.
- (10) Mixed-use residential meeting the requirements of, and in compliance with, section 166.04151, F.S., as may be amended over time, for affordable housing.

Chapter 34 – Land Development, Article VI – Land Use, Division 6 – District Regulations, Subdivision VIII – MU Mixed Use

Amendments related to Policies FLU 1.1.5, FLU 2.3.3, FLU 2.3.9, FLU 3.1.4, and HOU 1.6.5

Sec. 34-870. - Purpose.

It is the purpose of the MU Mixed Use land development district to provide lands within the village for the development of mixed use developments. Similar to single-use planned developments, the intent of this section is to provide for planned developments with a mix of uses and to allow greater flexibility in design and development standards relative to specific dimensional regulations, to encourage ingenuity and creativity in site design while preserving open space to serve recreational, scenic and other public service purposes, and to ensure compatibility of new development with the surrounding area and within the proposed development. MU Mixed Use districts shall be promoted, where appropriate, in the Lake Worth Road and Congress Avenue Community Redevelopment Areas subdistricts. In addition to the following requirements, mixed use projects shall adhere to section 34-1062, objectives of a planned development.

Sec. 34-871. - Permitted uses.

Permitted uses within the MU Mixed Use land development district may include any use(s) permissible in the RS, RM, CN, CG, or IL land development districts, subject to a finding of compatibility with the other uses within the MU district and adjacent uses in the surrounding area. Multifamily and mixed-use residential meeting the requirements of, and in compliance with, section 166.04151, F.S., as may be amended over time, for affordable housing are also permitted uses. A complementary mix of uses should generate synergy and convenience that enhances the physical space and creates a vibrant environment.

- (1) The proposed mix of uses shall be compatible with the character and use (existing and future) of the surrounding properties in function; hours of operation; type and amount of traffic to be generated; building location, mass, height and setback.
- (2) It shall be demonstrated that the proposed mix of uses does not have a detrimental impact on surrounding properties based on:
 - a. The degree of noise, odor, visual, or other potential nuisance factors generated by the uses use; and
 - b. The effect on the amount and flow of unmitigated traffic within the vicinity of the proposed mixed use project.

Sec. 34-872. Property Development Regulations.

The following property development regulations shall be in effect for the MU Mixed Use land development district:

- (1) Minimum acreage: One acre.
- (2) Setbacks: Setbacks from perimeter property boundaries shall be determined based upon the proposed use(s) within the Mixed Use development and the existing (or future) adjacent use. Similar uses (i.e. residential to residential) shall require a 15-foot setback. Different uses (i.e. residential to commercial) shall require a 30-foot setback.
- (3) Maximum building height: Building height should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents/business owners and patrons in adjacent buildings. Maximum building height is 75 feet. Any proposed building exceeding 35 feet in height shall be at the discretion of the Village Council considering the following:
 - a. The proposed uses of the structure;
 - b. The bulk, mass, and context of adjacent structures or proposed structures;
 - c. The compatibility with adjacent existing or proposed uses;
 - d. The relationship to the adjoining uses and the surrounding development; and
 - e. The provision of open space in the proposed project.
- (4) Maximum building floor area ratio: ~~Per applicable land use designation(s)~~ Calculated by assigning each non-residential use and its maximum permissible floor area ratio a percentage of the total site area, with the overall total maximum floor area ratio not to exceed 1.0.
- (5) Site-Specific Standards: Development of the subject property shall be governed by the provisions of the ordinance rezoning the property to MU, approving the proposed site plan and any waivers or conditions of approval therein.
- (6) Regulation of Component Uses:
 - a. Residential uses shall not exceed fifty percent (50%) of the total site area. When calculating the residential composition for a mixed-use project, common areas such as lobbies, stairwells, service

areas and amenity areas exclusively serving the residential uses shall be considered part of the residential use.

b. Mixed use developments with a commercial use component must meet the regulations as set forth in subdivision IV and/or subdivision V of this division, according to the type(s) of commercial use proposed.

c. Mixed use developments with an industrial use component must meet the regulations as set forth in subdivision VII of this division, must demonstrate on the site plan that all industrial use components are fully enclosed, and must provide a noise study and demonstrate that it meets the requirements of section 34-1382.

Sec. 34-874. Performance standards.

- (1) Minimum design requirements. Design standards can transform the image of the village. Specific design-base criteria applied throughout the community can help achieve stated objectives.

Every site-specific condition cannot be anticipated. The stated design requirements are minimum development standards established to promote consistency and quality, and need to be interpreted in light of particular site-specific circumstances or conditions.

Standards:

- (a) Sidewalks on both sides of a street or primary driveway, interconnected with other pedestrian-ways and/or providing access to each building.
- (b) Consolidation of smaller parcels into a larger, unified development project.
- (c) Consolidation of driveways to eliminate curb cuts, with reciprocal easements for access; provision of access from secondary streets and alleys.
- (d) Shared parking arrangements to reduce impervious surfaces and promote efficient use of facilities.
- (e) Provision of sufficient parking to avoid on-street parking, unless designed with on-street spaces.
- (f) Pedestrian-scale street lighting along sidewalks and pedestrian-ways.
- (g) Aggregation of open space to create common areas of sufficient size for passive/leisure activities.

- (h) Continuity of sidewalks and pathways where disconnects occur; and provision of sidewalks to usable open spaces, recreation amenities or public facilities.
 - (i) Residential setbacks that allows for a green, semi-private planting area between the sidewalk and house(s).
 - (j) Promote streetscape where feasible, with maintenance agreements assigning responsibility to adjacent properties.
 - (k) Create bus waiting areas for safety, for school busses or mass transit, as may be applicable.
 - (l) Building setbacks or setbacks to respect existing scale and massing of adjacent neighborhoods and promote compatibility.
 - (m) Provisions of original, self-confident building design, and prohibition of metal buildings.
 - ~~(n) Buffers between differing uses to include a masonry wall and landscaping to promote compatibility. Interconnectivity between different uses within the development and between adjacent properties.~~
 - (o) Adequate vehicular circulation, traffic maintenance and/or operational measures that does not negatively impact existing roadway conditions, including avoidance of dead-end streets and t-style turnarounds.
- (2) Development standards.
- (a) Mixed use developments shall meet all applicable regulations and requirements set forth in this article, and others set forth in the code including, but not limited to, division 9 development standards, section 62-42 location and screening of commercial containers, and article III landscaping.
 - (b) In the layout and design of the proposed mixed use development, the applicant shall consider, and the village shall review for, the provision of adequate light and air, traffic circulation, drainage patterns, pedestrian safety, emergency vehicle access and all other provisions normally provided for by the area and dimension regulations.
 - (c) Mixed use developments containing any commercial component(s) must meet the requirements of subdivision IV CN commercial neighborhood and/or subdivision V CG commercial general, except for those Property Development Regulations listed in section 34-796 or section 34-826 that

conflict with the Mixed-Use District Property Development Regulations listed in section 34-872.

(d) Mixed use developments containing any industrial component(s) must:

- i. Meet the requirements of subdivision VII LI light industrial, except for those Property Development Regulations listed in section 34-863 that conflict with the Mixed-Use District Property Development Regulations listed in section 34-872; and
- ii. Demonstrate on the site plan that all industrial uses are fully enclosed; and
- iii. Provide as part of the development application a noise study meeting the requirements of section 34-1382 Noise and Vibration.

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Chapter 34 – Land Development, Article VI – Land Use, Division 6 – District Regulations, Subdivision IX – CR Commercial Renewal

Amendments related to Policy FLU 2.3.14

Subdivision IX. CR Commercial Renewal

Sec. 34-878.1 Purpose.

The purpose of the CR Commercial Renewal land development district is to incentivize redevelopment of underutilized lands assigned the Village Commercial Renewal Future Land Use along primary commercial corridors within the Village. Similar to MU mixed use developments, the intent of this section is to provide for planned developments with a single use or mix of uses and to allow greater flexibility in design and development standards relative to specific dimensional regulations; to encourage ingenuity and creativity in site design while preserving open space to serve recreational, scenic and other public service purposes; and to ensure compatibility of new and re-development with the surrounding area and within the proposed development. CR Commercial Renewal districts shall be promoted, where appropriate, in the Lake Worth Road and Congress Avenue Community Redevelopment Areas subdistricts. In addition to the following requirements, commercial renewal projects shall adhere to section 34-1062, objectives of a planned development.

Sec. 34-878.2. Permitted uses.

Permitted uses within the CR Commercial Renewal land development district may include any use(s) permissible in the RS, RM, CN, CG, or IL land development districts, subject to a finding of compatibility with the other uses within the CR district and adjacent uses in the surrounding area. Multifamily and mixed-use residential meeting the requirements of, and in compliance with, section 166.04151, F.S., as may be amended over time, for affordable housing are also permitted uses. Residential uses shall only be permitted as part of a mixed-use project. In the case of mixed-use projects, a complementary mix of uses should generate synergy and convenience that enhances the physical space and creates a vibrant environment. Mixed-use projects shall comply with the following requirements:

- (1) The proposed mix of uses shall be compatible with the character and use (existing and future) of the surrounding properties in function; hours of operation; type and amount of traffic to be generated; building location, mass, height and setback.
- (2) It shall be demonstrated that the proposed mix of uses does not have a detrimental impact on surrounding properties based on:

- a. The degree of noise, odor, visual, or other potential nuisance factors generated by the uses use; and
- b. The effect on the amount and flow of unmitigated traffic within the vicinity of the proposed mixed-use project.

Sec. 34-878.3. Property Development Regulations.

The following property development regulations shall be in effect for the MU Mixed Use land development district:

- (1) Minimum acreage: Three (3) acres.
- (2) Setbacks: Setbacks from perimeter property boundaries shall be determined based upon the proposed use(s) within the Commercial Renewal development and the existing (or future) adjacent use. Similar uses (i.e. residential to residential) shall require a fifteen (15) foot setback. Different uses (i.e. residential to commercial) shall require a thirty (30) foot setback.
- (3) Maximum building height: Building height should respect adjacent properties by being located to minimize disruption of the privacy and outdoor activities of residents/business owners and patrons in adjacent buildings. Buildings may be up to four (4) stories or forty-eight (48) feet by right, except that a parking structure component may not be counted against the building height subject to approval by the Village Council. Any proposed building exceeding four (4) stories or forty-eight (48) feet in height, exclusive of parking structure component, shall be at the discretion of the Village Council considering the provision of amenities as outlined in section 34-878.6 "Building height".
- (4) Maximum building floor area ratio: 1.5 FAR inclusive of all uses, except that a parking structure component may not be counted toward overall FAR subject to approval by the Village Council.
- (5) Site-Specific Standards: Development of the subject property shall be governed by the provisions of the ordinance rezoning the property to CR, approving the proposed site plan and any waivers or conditions of approval therein.
- (6) Regulation of Component Uses:
 - a. Residential uses shall not exceed fifty percent (50%) of the total site area. When calculating the residential composition for a mixed-use project, common areas such as lobbies, stairwells, service

areas and amenity areas exclusively serving the residential uses shall be considered part of the residential use.

- b. Developments with a commercial use component must meet the regulations as set forth in subdivision IV and/or subdivision V of this division, according to the type(s) of commercial use proposed.
- c. Developments with an industrial use component must meet the regulations as set forth in subdivision VII of this division, must demonstrate on the site plan that all industrial use components are fully enclosed, and must provide a noise study and demonstrate that it meets the requirements of section 34-1382.

Sec. 34-878.4. Off-street parking and loading.

Off-street parking and loading requirements for the CR Commercial Renewal land development district shall be as set forth in division 8 of this article, unless granted a waiver per section 34-878.7.

Sec. 34-878.5. Performance standards.

- (1) Minimum design requirements. Design standards can transform the image of the village. Specific design-based criteria applied throughout the community can help achieve stated objectives.

Every site-specific condition cannot be anticipated. The stated design requirements are minimum development standards established to promote consistency and quality, and need to be interpreted in light of particular site-specific circumstances or conditions.

Standards:

- (a) Sidewalks on both sides of a street or primary driveway, interconnected with other pedestrian-ways and/or providing access to each building.
- (b) Consolidation of smaller parcels into a larger, unified development project.
- (c) Consolidation of driveways to eliminate curb cuts, with reciprocal easements for access; provision of access from secondary streets and alleys.
- (d) Shared parking arrangements to reduce impervious surfaces and promote efficient use of facilities.

- (e) Provision of sufficient parking to avoid on-street parking, unless designed with on-street spaces.
- (f) Pedestrian-scale street lighting along sidewalks and pedestrian-ways.
- (g) Aggregation of open space to create common areas of sufficient size for passive/leisure activities.
- (h) Continuity of sidewalks and pathways where disconnects occur; and provision of sidewalks to usable open spaces, recreation amenities or public facilities.
- (i) Residential setbacks that allows for a green, semi-private planting area between the sidewalk and house(s).
- (j) Promote streetscape where feasible, with maintenance agreements assigning responsibility to adjacent properties.
- (k) Create bus waiting areas for safety, for school buses or mass transit, as may be applicable.
- (l) Building setbacks or setbacks to respect existing scale and massing of adjacent neighborhoods and promote compatibility.
- (m) Provisions of original, self-confident building design, and prohibition of metal buildings.
- (n) Interconnectivity between different uses within the development and between adjacent properties.
- (o) Adequate vehicular circulation, traffic maintenance and/or operational measures that does not negatively impact existing roadway conditions, including avoidance of dead-end streets and t-style turnarounds.
- (2) Development standards.
 - (a) CR developments shall meet all applicable regulations and requirements set forth in this article, and others set forth in the code including, but not limited to, division 9 development standards, section 62-42 location and screening of commercial containers, and article III landscaping.
 - (b) In the layout and design of the proposed CR development, the applicant shall consider, and the Village shall review for, the provision of adequate light and air, traffic circulation, drainage

patterns, pedestrian safety, emergency vehicle access and all other provisions normally provided for by the area and dimension regulations.

(c) Developments containing any commercial component(s) must meet the requirements of subdivision IV CN commercial neighborhood and/or subdivision V CG commercial general, except for those Property Development Regulations listed in section 34-796 or section 34-826 that conflict with the Commercial Renewal District Property Development Regulations listed in section 34-878.3.

(d) Developments containing any industrial component(s) must:

i. Meet the requirements of subdivision VII LI light industrial, except for those Property Development Regulations listed in section 34-863 that conflict with the Commercial Renewal District Property Development Regulations listed in section 34-878.3; and

ii. Demonstrate on the site plan that all industrial uses are fully enclosed; and

iii. Provide as part of the development application a noise study meeting the requirements of section 34-1382 Noise and Vibration.

Sec. 34-878.6. Building height.

As specified in section 34-878.3, CR developments may be built to four (4) stories or forty-eight (48) feet by right. Additional building height beyond four (4) stories or forty-eight (48) feet may be approved at the discretion of the Village Council for projects that incorporate at least three (3) of the following amenity types meeting the requirements specified below. Projects proposing additional building height shall further demonstrate that the additional height will not adversely impact adjacent properties and that appropriate stepbacks are provided as building height increases.

(1) Job creation. The applicant shall demonstrate the number of planned permanent full-time positions with pay above the median area wage to be offered by a business operated within the proposed development.

(2) Public gathering space. The development shall include a permanent publicly-accessible gathering space such as an open plaza area, including landscaping, seating, and shade trees or shade structures. Such public gathering space shall be incorporated into the site plan for the development.

- (3) Public art. The development shall include a professionally-designed work of art that is accessible to the public and incorporated into the site plan or landscape plan for the development. The value of the work of art shall be at least one percent (1%) of the vertical construction cost of the development.
- (4) Additional landscaping. The development landscape plan shall include additional landscaping features beyond the requirements of Article III of this chapter, such as increased native plantings, additional shade trees, and shade tree specimens with larger height, canopy spread, and caliper measurement.
- (5) Advanced stormwater management. The development shall provide additional advanced stormwater management techniques, which may include nature-based or green stormwater infrastructure, to provide additional on-site stormwater treatment and/or storage.
- (6) Advanced architectural features. The development shall include additional architectural design elements such as cornices, flower boxes, bay windows, decorative molding, or balconies.
- (7) Other amenities proposed by the developer with Village Council approval.

Sec. 34-878.7. Waivers.

- (1) The use of innovative and creative techniques and concepts may require one or more waivers from the strict interpretation of the Village Land Development Code and applicable code provisions related to lot size, frontages, setbacks, lot coverage, parking, design standards, and other requirements, may be granted according to the provision of additional amenities and shall be demonstrated to be in harmony with the purpose, and objectives of the comprehensive plan land use designation and the performance standards of this subdivision. Waivers may not be requested from density and intensity limitations.
- (2) Waivers may be granted by the Village Council, following an advisory recommendation by the land development board. All requests for waivers shall be identified on the site plan and shall accompany an application for site plan approval of a CR development.
- (3) Requests for waivers shall be submitted in writing and shall address each of the following criteria as applicable to the proposed development:
 - a. The request is in harmony with and is consistent with the purpose and intent of the Village's Comprehensive Plan and Land

Development Code and such waiver will not be injurious to the area involved or otherwise detrimental to the public health, safety and welfare.

- b. The request is in harmony with the functional and context classification of the fronting roadway.
- c. The request results from innovative and/or architectural design in which other minimum standards are exceeded.
- d. The request demonstrates that granting of the waiver will result in preservation of valuable natural resources, including drainage and recharge areas, natural areas, etc.
- e. The request demonstrates public benefits to be derived, including but not limited to such benefits as dedication of rights-of-way, extensions of pedestrian linkages outside of the project boundaries, preservation of open areas and use of desirable architectural, building, and site design techniques.
- f. The request provides sufficient screening and buffering to screen adjacent uses from adverse impacts caused by the granting of a waiver.
- g. The result is compatible with existing and potential land uses and structures adjacent to the development site.
- h. Waiver requests from minimum common amenity area requirements shall further demonstrate that adequate recreation area is available on the immediate vicinity of the proposed development.
- i. Economic hardship may not be used to justify waivers.

Sec. 34-878.8. Supplemental regulations.

In addition to the following requirements, other supplemental regulations for the CR Commercial Renewal land development district shall be as set forth in division 7 of this article.

(1) Unified control.

- a. All land included within a CR land development district shall be owned or under the control of the applicant (whether the applicant is an individual, partnership or cooperation, or a group of individuals, partnerships or corporations), or if planned for

parcelization with multiple owners shall remain unified via the approved master development plan and development order. The application shall document unified control of the entire area within the proposed development, with provisions for cross-access, shared parking, and shared infrastructure, as may be appropriate for the subject project.

b. The CR development shall be developed in accordance with the master site plan approved by the Village, and sufficient guarantees shall be provided for adequate operation and maintenance of common facilities. The application shall provide agreements, covenants, contracts, deed restrictions or sureties acceptable to the Village.

(2) Maintenance of common areas and facilities. A program for maintenance of all common areas, including open space, parking areas, utility sites, etc., shall be submitted to the Village prior to issuance of a certificate of occupancy. The submission shall include formation of associations, agreements, contracts, deed restrictions, sureties or other legal instruments to guarantee the installation and continued maintenance of such common areas and facilities.

Sec. 34-878.9. Prohibited uses.

The following uses shall be specifically prohibited in the CR Commercial Renewal land development district:

- (1) Any use not specifically, provisionally or by reasonable implication permitted, or not permitted by special exception in the CN and CG land development districts.
- (2) Time share uses.
- (3) Theaters, outdoor.
- (4) Flea markets and swap shops.
- (5) Bottle clubs.
- (6) Adult entertainment.
- (7) Heavy industrial uses.
- (8) Dumps/recycling centers.
- (9) Junk/salvage yards.

- (10) Pawn shops.
- (11) Car washes.
- (12) Automotive repairs, minor and major.
- (13) Social service facilities.
- (14) Medical marijuana dispensaries.
- (15) Non-chartered financial institutions.

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Chapter 34 – Land Development, Article VI – Land Use, Division 7 – Supplemental District Regulations, Subdivision I – In General

Amendments related to Policies FLU 4.1.7 and FLU 4.1.8.

Sec. 34-899. Roadway Design Overlay Zones.

The Village of Palm Springs may designate segments of a roadway as a Roadway Design Overlay Zone to employ special design standards. The purpose of this designation is to develop a specific plan for a section of roadway to improve traffic flow, accommodate future growth and/or to enhance pedestrian, transit and cyclist safety. Such improvements will facilitate the achievement of the desired vision for the Village and implement the Comprehensive Plan. Roadway design overlay zones do not supersede underlying land use and zoning provisions but provide additional requirements for designated areas. Roadway design overlay zones shall be designated in accordance with the public hearing provisions of the Land Development Code. Roadway Design Overlay plans for roadways maintained by other agencies shall be developed in coordination with the Florida Department of Transportation, Palm Beach County and adjacent municipalities as applicable.

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Chapter 34 – Land Development, Article VI – Land Use, Division 7 – Supplemental District Regulations, Subdivision XXI – Reserved Affordable Housing

Amendments related to Policies FLU 1.1.5, FLU 2.3.3, HOU 1.6.5, and HOU 1.6.7.

Sec. 34-1300. Purpose and applicability.

- (a) The purpose of this subdivision is to establish rules and procedures to implement the Live Local Act, as may be amended, by allowing for qualifying affordable housing developments. The provisions of this subdivision shall be in addition to, not in lieu of, the other provisions of the Village Code of Ordinances except as specified below.
- (b) The provisions of this subdivision shall apply to any application for the development of land authorized under F.S. §166.04151(7), as may be amended, except for the following:
- (1) A proposed development within an airport-impacted area as provided in F.S. §333.03;
 - (2) A proposed development that exceeds maximum height restrictions pursuant to the Village's airport zoning regulations outlined in division 13 of the Village Land Development Code.
- (c) Should the Live Local Act, or any specific portion thereof, be repealed, the sections of this subdivision that specifically reference the repealed portion thereof, shall be immediately nullified, except that the annual certification of compliance, the covenant of deed restrictions, and the Village's right to enforce such deed restrictions, shall continue for thirty (30) years after issuance of a certificate of occupancy.

Sec. 34-1301. Development standards.

A proposed development under this subdivision is not required to obtain a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment for qualifying projects. Such proposed project must comply with all land development regulations applicable to the zoning district in which the project is proposed, except only to the extent the Live Local Act expressly preempts local regulations with respect to land use, zoning, height, density, floor area ratio, and parking as follows:

- (a) Zoning. Affordable housing projects authorized under the Live Local Act shall be permitted only in the commercial, industrial, and mixed-use zoning districts of the Village, including specifically the CN, CG, LI, MU, and CR districts.

- (b) Uses. Multifamily developments authorized under the Live Local Act that are not mixed-use residential developments shall be permitted only in mixed-use zoning districts of the Village, including specifically the MU and CR districts. Mixed-use residential developments authorized under the Live Local Act shall be permitted in any commercial, industrial, or mixed-use zoning district of the Village, including specifically the CN, CG, LI, MU, and CR districts.
- (c) Parking. Affordable housing projects must meet all parking requirements of the Village Land Development Code, except that:
- (1) The Village shall reduce required parking by at least twenty (20) percent if the following conditions apply:
- a. The proposed project is located within one-half (½) mile of a major transportation hub and is accessible to the major transportation hub by safe, pedestrian-friendly means, such as sidewalks, crosswalks, elevated pedestrian or bike paths, or other multimodal design features. A major transportation hub shall mean any transit station, whether bus, train, or light rail, which is served by public transit with a mix of other transportation options.
- b. The proposed project has available parking within six hundred (600) feet of the proposed development which may consist of options such as on-street parking, parking lots, or parking garages available for use by residents of the proposed development.
- (2) The Village shall consider a reduction in required parking for a proposed development located within one-quarter (¼) mile of a transit stop that is accessible from the development to the extent supported by appropriate documentation.
- (d) Allowed Density and Floor Area Ratio. An affordable housing project is entitled to the Highest Currently Allowed Density and 150% of the Highest Currently Allowed Floor Area Ratio, as defined in section 1-2 of this Code.
- (e) Allowed Height. An affordable housing project is entitled to the Highest Currently Allowed Height, as defined in section 1-2 of this Code. Building height shall be as defined and measured pursuant to section 1-2 of this Code.

Sec. 34-1302.1. Process for Administrative Approval of Affordable Housing Projects.

- (a) Submission. An application for administrative approval of a qualifying affordable housing project located within an eligible zoning district, shall include all of the following:

- (1) Application Fee. Payment of an application fee according to the fee schedule in effect at the time of the application;
- (2) Purchase and Sale Agreement. If the applicant is not the owner of record, then the applicant shall submit a copy of a fully executed contract or agreement to purchase the real property for the affordable housing project, which shows the dates of effectiveness and due diligence periods, though the purchase price and any financing terms may be redacted;
- (3) Application Form. Any application form required by the Village;
- (4) Project Narrative. The application shall contain a narrative which demonstrates the affordable housing project's compliance with F.S. §166.04151(7);
- (5) Site Development Plan. The application shall include a site development plan complying with division 5 of the Village Land Development Code and shall include a site data table identifying:
 - a. The number of total residential units;
 - b. The number of affordable rental units;
 - c. The number of dwelling units per acre;
 - d. The height of all proposed buildings;
 - e. A description of how the tallest building or buildings meet the highest allowed height;
 - f. Calculations demonstrating that at least forty (40) percent of the residential units are affordable rental units as defined by F.S. §420.0004(3), for a period of at least thirty (30) years; and
 - g. For any mixed-use project, calculations demonstrating that sixty-five (65) percent of the total square footage is used for residential purposes and thirty-five (35) percent of the total square footage is used for non-residential purposes.
- (6) Building Elevations and Materials. The application shall include architectural renderings and building materials for all building elevations for each proposed building;
- (7) Affidavit of Commitment. The application for an affordable housing project shall include an executed affidavit of commitment to the Live Local Act affordable housing requirements, which shall attest to:

- a. A thirty-year commitment to provide a minimum of forty (40) percent of the total residential units as affordable rental units, as defined by F.S. §420.0004(3);
 - b. An acknowledgement of the Village's right to monitor and audit records for a minimum of thirty (30) years of operation;
 - c. An acknowledgement of the responsibility of the owner and operator of the affordable housing project to submit an annual certification of compliance, attested to by a certified public accountant, that the tenants residing in the designated affordable housing units meet the reported income eligibility requirements for affordable housing and that the rent charged for at least forty (40) percent of the units provide affordable rental housing as defined by F.S. §420.0004(3); and
 - d. Further acknowledge the penalties for non-compliance as set forth in this subdivision.
- (8) Any other information reasonably required by the Village that is consistent with the intent and purpose of this subdivision and the Live Local Act.
- (b) Sufficiency Review. Within ten (10) business days of receiving an application for an affordable housing project, the Village shall complete a sufficiency review of the materials submitted and respond to the applicant that the application is either complete or shall specify what items are still required. The applicant shall then provide the items required to make the application complete, which shall then begin another ten (10) business day sufficiency review period, and so on until a complete application is received. An application for building permits shall be processed in accordance with F.S. §553.792. A contract to purchase the real property for which the affordable housing project is proposed must be in full force and effect during the sufficiency review periods. If any contract expires within such time periods, then the Village shall not begin or complete the sufficiency review.
- (c) Review Procedures. The application shall comply with the site plan review procedures established in division 5 of the Village Land Development Code, except that project applications shall not be subject to public hearing requirements before the Land Development Board or the Village Council for approval of land use, zoning, density, floor area ratio, or height, as specified in F.S. §166.04151(7)(a).

Sec. 34-1302.2. Recording of Deed Restrictions, Subordination of Liens, and Annual Certification.

- (a) Covenant of Deed Restrictions. When the Village approves an affordable housing project under this subdivision, the applicant must, prior to approval of a preliminary site plan, execute and record in the public records of Palm Beach County a Covenant of Deed Restrictions running with the land with terms acceptable to, and enforceable by the Village that:
- (1) Prohibits any applicable affordable rental housing unit counting toward the minimum forty (40) percent of residential units for the development from being rented at a price exceeding the threshold for housing that is affordable as defined by F.S. §420.0004(3), or to a renter household that does not qualify as extremely-low, very-low, low, or moderate income persons as defined by F.S. §420.0004;
 - (2) Is binding on the applicant and all successors and assigns for at least thirty (30) years from the date the Village issues a certificate of occupancy, consistent with the Live Local Act;
 - (3) Acknowledges the Village's enforcement remedies, including a daily code enforcement fine for each unit that is in violation of the requirement to provide affordable rental units consisting of at least forty (40) percent of all residential units for thirty (30) years, and for failure to timely provide an annual Certification in which a certified public accountant attests to compliance with the Live Local Act;
- (b) Subordination of Liens. Any mortgage holders or holders of any other encumbrance on the property proposed for the affordable housing project must execute and record a subordination of their lien interest to such deed restrictions prior to, or simultaneously with the recording of the deed restrictions required by this section.
- (c) Annual Certification of Compliance. By no later than March 30th of each full year after a certificate of occupancy is issued, for a total of thirty (30) years from the date of the certificate of occupancy, the owner or operator of the affordable housing project shall submit to the Village Planning, Zoning and Building Director a certification in which a certified public accountant attests that the affordable housing project meets the requirements of F.S. §166.04151(7), insofar as:
- (1) At least forty (40) percent of the residential units are rented as affordable housing as defined by F.S. §420.0004(3); and
 - (2) All of the households living within the designated affordable rental units qualify as extremely-low, very-low, low, or moderate income persons as defined by F.S. §420.0004 based on their reported total annual adjusted gross household income.

Sec. 34-1302.3. Equivalent Treatment of all Dwelling Units.

As a condition of approval of any final site plan and prior to the issuance of any site or building permits for construction of the proposed affordable housing project, such project must demonstrate and commit that:

- (1) All affordable rental units and market rate dwelling units shall be located within the same structure(s); and
- (2) The exterior of the affordable rental units shall be indistinguishable from market rate dwelling units; and
- (3) All common areas and amenities shall be accessible and available to all residents, regardless of whether they reside in affordable rental units or market rate dwelling units; and
- (4) Access to the required affordable rental units shall be provided through the same principal entrance(s) and driveways utilized by all other dwelling units in the project; and
- (5) The sizes and number of bedrooms in the affordable rental units shall be proportional to the square footage and number of bedrooms in the market rate dwelling units (e.g., if twenty-five (25) percent of the market rate dwelling units consist of two-bedroom units, then twenty-five (25) percent of the affordable rental units shall also have two-bedrooms units).

Sec. 34-1302.4. Enforcement.

- (a) Violations of this subdivision and the commitment to provide affordable housing shall be subject to a fine of no less than two hundred fifty dollars (\$250) per day for each applicable affordable rental unit in violation, either because an unit is rented to an ineligible household or the unit is rented at a cost in excess of the threshold for affordable housing, and for each day the annual certification of compliance is not received by the Village by March 30th of every year, as required by this subdivision. Any violation must be cured within thirty (30) days, which the Village Council finds is a reasonable time. In addition to fines that may be assessed if the violation is not cured within thirty (30) days, the Village shall treat the development as a nonconforming use, pursuant to F.S. §166.04151(8).
- (b) The owner and operator shall be liable for and shall reimburse the Village for all costs and reasonable attorney's fees that the Village incurs in the enforcement of these provisions.
- (c) The Special Magistrate of the Village of Palm Springs, and in the Special Magistrate's absence the Code Enforcement Board, shall be authorized to

enforce the provisions of this subdivision. Any fines assessed shall become a lien on the real property in violation and on any personal property of the violator if not paid to the Village within sixty (60) days of the Order imposing fines.

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Chapter 34 – Land Development, Article VI – Land Use, Division 9 – Development Standards

Amendments related to general cleanup and Policies FLU 1.5.1, FLU 1.7.2, FLU 2.1.3, FLU 4.1.7, FLU 4.1.8, FLU 6.1.3, TM 3.1.11, TM 3.1.13, HOU 1.9.3, INF 3.4.1, and ROS 1.3.1

Sec. 34-1351. – In general.

- (a) All developments requiring site plan and/or subdivision approval shall conform to the standards in this section, in addition to all other applicable standards and requirements.
- (b) Such standards shall apply to the redevelopment of a site and the reconstruction of a building or structure in the same manner as to the initial development of a site or the initial construction of a building. Where, owing to the unique nature of a parcel or the location of existing structures on the parcel, it is impractical to reasonably apply the standards to such redevelopment or reconstruction activity, such standards may be varied, provided that the variance is the minimum necessary to allow relief and that the purpose and intent of the requirement is met.
- (c) All developments shall be reviewed to ensure that the level of service standards contained in the adopted comprehensive plan are met and will continue to be met after the impact of the development under review is realized, prior to issuance of certificate of occupancy. In addition, availability of potable water to serve the proposed development shall be verified prior to permit issuance. Where necessary, the village council may require the modification of the development project to ensure that level of service standards are maintained.
- (d) All developments shall be reviewed to ensure that the location, character and extent of each feature of the development is compatible with the natural conditions of the site. Where necessary, the village council may require the modification of the development project to ensure that natural features are adequately protected.
- (e) No development approval or final permit shall be issued for development on a site unless adequate housing has been provided for residents who will be displaced by the construction.
- (f) In reviewing any residential development designed entirely or in part for occupancy by elderly or handicapped persons, consideration shall be given to the arrangement and style of development to be compatible with the needs of

such persons, including consideration of the availability and proximity of services specifically required by such persons.

- (g) Housing for low and/or moderate income persons shall be designed so as to be compatible with the character and style of other nearby residential development.

Sec. 34-1352. - Residential developments.

- (a) The arrangement and style of site features, including structures, parking, recreational and other facilities, in any residential development shall conform to the overall character and style of nearby developments.
- (b) In the review of plans for a residential development, consideration shall be given to arranging the features of the development to enhance overall neighborhood quality. Medium-density residential uses or recreation and open space areas should serve as buffers between higher and lower intensity residential uses.
- (c) Multifamily developments shall have access to arterial or collector roads. Where such access is through a single-family neighborhood, the access shall be arranged to minimize the path of flow through the single-family area and to reduce any adverse impacts on the area. Consideration may be given to factors such as peak travel times and directions, as well as projected average daily volumes.
- (d) Multifamily developments adjacent to single-family residential areas shall provide adequate separation and buffering to reduce the visibility of the multifamily developments from the single-family development. Features of the multifamily development which are typically noisy, such as active recreation areas, air conditioner compressors and garbage dumpsters, or which involve significant activity, such as parking areas, shall not be located on any portion of a multifamily site immediately adjacent to a single-family area unless separated by a road and standard buffering or by an intervening natural area and sufficient additional buffering. (See also article III of this chapter.)
- (e) All residential subdivisions and multifamily or mixed-use residential developments shall contain active recreational areas and facilities at or exceeding the quantities required in the recreation and open space element of the adopted comprehensive plan, or shall make payments in lieu of providing such facilities. ~~Until such time as a schedule of payments is established, payments made under a recreation impact fee program shall be considered as satisfying such requirement.~~
- (f) In reviewing any residential development designed entirely or in part for occupancy by elderly or handicapped persons, consideration shall be given to

the arrangement and style of development to be compatible with the needs of such persons, including consideration of the availability and proximity of services specifically required by such persons.

- (g) Housing for low and/or moderate income persons shall be designed so as to be compatible with the character and style of other nearby residential development.

Sec. 34-1354. - Surface water management.

- (a) Drainage (surface water management) systems shall be designed so that post-development conditions shall approximate predevelopment conditions ~~to the maximum extent possible~~. Where predevelopment conditions in the surrounding area are characterized by flooding of existing uses, drainage design involving the new development ~~should~~ shall reduce existing problems to the maximum extent feasible. Where necessary, the village council may require the modification of the development project to ensure that such requirement is met.
- (b) Drainage systems ~~should~~ shall be designed so as to maintain or improve water quality ~~to the maximum extent feasible~~, and to meet applicable standards of the state and/or water management district. In addition to water quality where surface water runoff leaves the site, water quality shall be maintained in lakes and canals where surface water ultimately drains. Where necessary, the village council may require the modification of the development project to ensure that such standard is met.
- (c) Drainage shall be designed to maintain the predevelopment viability of natural areas and groundwater recharge. To the maximum extent feasible, surface water runoff ~~should~~ shall be directed to groundwater recharge and/or natural drainage areas rather than being directed to manmade canals.
- (d) The developer of a site shall be responsible for the design and construction of the drainage system so as to comply with the surface water management requirements of this section, as well as the applicable requirements of other state, regional and/or local agencies.
- (e) Based on advice from the appropriate agencies, all drainage plans shall be designed utilizing best management practices (BMPs) as established by the applicable areawide water quality plan.
- (f) Site designs shall utilize retention of natural vegetation and vegetative cover, and shall minimize impervious surfaces to the maximum extent feasible to allow maximum infiltration.

Sec. 34-1356. Natural features.

- (a) All developments shall be reviewed to ensure that the location, character and extent of each feature of the development is compatible with the natural conditions of the site, including topography and soils.
- (b) Areas identified in the adopted comprehensive plan as conservation areas or environmentally sensitive shall be preserved or protected to the maximum extent feasible. In reviewing development plans to meet such requirement, consideration will be given to the character and extent of the potential for damage to the area and the degree to which the area will be impacted by the development.
- (c) Development and land use activities shall be designed so as to prevent contamination of habitats of threatened and/or endangered species.
- (d) To the maximum extent feasible, existing natural vegetation shall be preserved as buffer areas to protect conservation areas or environmentally sensitive areas identified by the comprehensive plan.
- (e) All verified, delineated wetlands not permitted for mitigation by SFWMD shall be protected via an upland buffer that is a minimum average 25 feet from the delineated wetland edge and at no point less than 10 feet from the delineated wetland edge. Native vegetation contained within the upland buffer shall be protected from development activities, and areas within the upland buffer not comprised of native vegetation shall be planted with appropriate native vegetation. No primary or accessory structures may be constructed within the upland buffer.
- f) All manmade and natural waterbodies shall be protected via a waterbody protection buffer extending ten (10) feet landward from the mean high water line of the waterbody. No development shall be permitted within the waterbody protection buffer, except for the following types as permitted by the Florida Department of Environmental Protection, the South Florida Water Management District, and/or the Lake Worth Drainage District as applicable:
 - i. Interpretive walks, docks, or decking, including decking for non-residential uses subject to approval by the Village Council;
 - ii. Stormwater detention areas or other improvements for water quality;
 - iii. Native and/or other ecologically appropriate landscaping;
 - iv. Riprap; or
 - v. Unpaved, stabilized parking areas.

Sec. 34-1359. - Traffic circulation.

- (a) All development projects shall be reviewed to determine impact on the public street and highway systems serving the village. Where necessary, the village council may require the modification of the development project to ensure that impacts are reduced to the maximum extent feasible.
- (b) All development projects shall be designed and arranged to maximize the flow of on-site traffic. On-site circulation facilities shall be arranged to prevent traffic from stacking up on the adjacent public streets while waiting to enter the property. On-site traffic circulation and parking facilities shall be designed so as to limit conflicts between on-site vehicular and pedestrian traffic. Where necessary, the village council may require the modification of the development project to ensure that on-site traffic circulation impacts are reduced to the maximum extent feasible.
- (c) Ingress and egress from any development shall be regulated so as to prevent unnecessary conflicts with traffic on adjacent streets. The Access management, including the number and spacing of entrances and median openings for divided streets, shall be as specified by the agency having maintenance responsibility for the street. The Village shall consult F.A.C. 14-97.003 (Access Control Classification System and Access Management Standards) during site plan review for properties fronting State Highway System roadways: SR 882/Forest Hill Boulevard, SR 802/Lake Worth Road, SR 809/S Military Trail, and SR 807/S Congress Avenue. Where there are no other standards, the following provisions shall apply:

Width of Row (in feet)	Spacing for Entrances (in feet)	Median Openings (in feet)
Under 50	50	100
50-80	100	200
80 or more	125	250

- (d) Where On the Village’s jurisdictional roadways, where the width of the parcel is less than the spacing required, or where the location of the parcel with respect to adjacent parcels with entrance locations prevents the normal allocation of an entrance to the parcel, one entrance may be permitted, provided, it is arranged to be jointly shared with an adjoining parcel either immediately or at such future time as the adjoining parcel is developed or redeveloped. Where any parcel is developed or redeveloped and adjoins a parcel which is restricted as to access, the on-site traffic circulation shall be designed so as to provide access to the adjoining parcel either through an on-site connection or the joint use of an

entrance. Exceptions for connections to roadways under other government jurisdiction shall be coordinated with the applicable government agency.

- (e) Entrances shall be arranged to maximize the distance between the entrance and intersecting streets. Median openings and entrances shall be located so that left turning traffic does not impede traffic at intersections of public streets or at major entrances to a development from a public street. Entrances shall not be more than 30 feet in width, provided that an entrance for a commercial land use may not be less than 40 feet in width where a single commercial parcel has only one entrance from the street in question.
- (f) Outparcels included in the arrangement of a commercial development shall be accessed only from within the development itself and shall have no separate access from the adjacent street system.
- (g) Adequate sight distance shall be preserved by restricting the location of buildings, structures, walls, plantings, parking areas or other visual obstructions from an area adjacent to the intersection between two streets or the intersection of a driveway entrance and a street. The following standards shall apply to the maintenance of sight triangles:
 - (1) Where two streets intersect, the sight triangle shall include the area encompassed by a line along the edge of pavement of each street extending 30 feet from the point of intersection and a line connecting the ends of the other two lines opposite the point of such intersection.
 - (2) Where a street and a driveway intersect, the sight triangle shall include the area encompassed by a line along the edge of pavement of each roadway extending 15 feet from the point of intersection and a line connecting the ends of the other two lines opposite the point of such intersection.
 - (3) Within the sight triangle, no vegetation, sign or other structure may be permitted, except where unobstructed cross visibility is maintained at a level between 30 inches above average street level and six feet above average street level.
 - (4) The village council may require additional restrictions to preserve sight distance where the grade of the streets, angle of intersection or other factors vary from normal conditions.
- (h) Any development for which a site plan is required shall provide safe and secure parking for bicycles, as follows:

Use	Spaces Required
Multifamily or residential PUD	One per unit

Office or commercial PUD	One per 1,500 gross square feet
Other commercial	One per 1,000 gross square feet

- (i) On-site pedestrian circulation shall be shown for any project requiring approval of a site plan. All major buildings shall be connected by exclusive pedestrian walkways, and connections shall be provided between pedestrian destinations on the site and adjacent sidewalks and pedestrian ways. Sidewalks or substitute pedestrian ways shall be provided along all arterial or collector streets adjacent to the site.
- (j) Where bus stops and shelters are provided, they shall be located so as to be convenient to the buildings on-site and to the pedestrian walkway system for any site adjacent to an existing bus route. Bus stops and shelters shall be subject to the approval of the traffic engineer under chapter 74, and shall conform to the standards of the county transit agency (~~CoTran~~) (Palm Tran). This subsection shall apply to bus shelters not located on public rights-of-way, and shall not apply to any shelter established by ~~CoTran~~ Palm Tran.
- (k) Traffic circulation facilities shall reflect the existing street network, as well as the future street network shown on the future traffic circulation map contained in the adopted comprehensive plan and the thoroughfare right-of-way protection map, established by county ordinance.
- (l) In order to reduce the need for sequential trips on primary roadways serving the Village, the Village finds that vehicular and pedestrian cross-access between adjacent properties should be required where appropriate and feasible.
All adjacent RM, CN, CG, LI, G, MU, or CR district properties fronting arterial or major collector roadways shall provide a cross-access drive and pedestrian access way to allow circulation between sites. This requirement shall also apply to a building site that abuts an existing developed property unless the Village Council finds that this would be impractical. Property owners shall:
 1. Record an easement in the public records of Palm Beach County allowing cross access to and from the adjacent properties;
 2. Agree that any pre-existing driveways provided for access in the interim shall be closed and eliminated after construction of a joint-use driveway, if utilized; and
 3. Record a joint maintenance agreement in the public records of Palm Beach County defining maintenance responsibilities of

property owners that share the cross-access system and any joint-use driveway.

Where abutting properties are in different ownership and not part of an overall development plan, cooperation between the various owners in development of a unified access and circulation system is encouraged. Only the building site(s) under consideration for development approval shall be subject to the requirements of this criterion. Abutting properties shall not be required to provide cross-access and circulation until they are developed or redeveloped.

Sec. 34-1366. Building design guidelines.

These guidelines are intended to help ensure compatibility and secure a high quality of environment, regarding livability, visual interest, identity and sense of place in Palm Springs' commercial and multifamily districts by providing guidance for the design of new buildings. These guidelines are intended to focus on the characteristics of architectural compatibility and leave individual property owners and developers the maximum flexibility to build to meet their own needs and objectives.

- (1) General design.
 - a. General design. Buildings shall be designed to be compatible with the surrounding environment, both manmade and natural, with particular attention to adjacent residential uses, if any. A building shall provide a positive impact on the surrounding environment.
 - b. Visible façades. All building facades visible from public rights-of-way and adjacent properties shall be designed to create a harmonious effect with its surroundings. This should not be construed as creating look-alike buildings. Harmony shall be achieved through the proper use of scale, proportions, form, materials, texture, and color.
 - c. Unity of character and design. Buildings or structures which are part of an existing or future complex shall have a unity of character and design.
 - d. Design character. The design character of buildings shall be such that it is aesthetically pleasing and without cluttered forms having no apparent system of organization.
 - e. Building materials and color. Building materials and color selection shall achieve visual order through the consistent use of compatible color palettes.

- f. Building elevations. All building elevations shall be treated equally as if all sides were the front of the building. This requirement includes but is not limited to architectural elements, facade treatment, and landscaping.
- (2) Building forms and colors. Buildings and structures which use symbolic forms and colors, with the exception of those features protected by F.S. § ~~553.79(20)(a)~~ 553.79(24)(a), and which have a negative impact on the visual environment of the area, as determined by the land development director, land development board, or village council, shall not be permitted.
- (3) Architectural detail. Architectural design shall prohibit large expanses of blank walls with limited or no windows or architectural embellishments. Building massing should be varied to break up long unadorned expanses of façade and to create visual interest through shade and shadow. Exterior facades should incorporate vertical treatments and elements to break up the horizontal wall, visually reduce the massive bulk and the uniform appearance.
- (4) Building scale and height. In general, building should relate in scale and proportion primarily to other adjacent buildings and secondarily to other buildings in the area. Buildings of different sizes can be made architecturally compatible through skillful design that might include transitional massing element, cornice lines and other treatments to coordinate the line of the lower building to the taller one.
- (5) Roof treatments.
- a. Roof design treatments and features should be incorporated to provide interest and an appropriate sense of scale and mass. Rooflines should include changes in roof edge treatment and/or parapet treatment. Sufficient variation should be provided to provide noticeable change in apparent roof height from the dominant roof height.
- b. Gabled, hipped and shed roof types most frequently used in residential settings, should be accompanied with dormers, deep eaves, overhangs, and changes in pitch orientation to reduce building bulk.
- (6) Roof overhangs. Unless specifically designed otherwise, roof overhangs including mansard roof overhangs shall wrap around the building so that there is visual continuity around the entire building.

- (7) Roof penetrations. All penetrations, except for chimneys, but including plumbing vents, exhaust ventre, pipes and flues, must be located on the least visible side and painted to match the sloped roof.
- (8) Mechanical equipment screening. The highest portion of mechanical equipment, such as backflow preventers, meters and valves for public utilities operations, satellite antennas, heating and ventilating, air-conditioning, or other utility hardware on roofs, ground, or buildings shall be installed at or below the lowest elevation or level of screening materials. Materials used for screening purposes shall be compatible with the architectural style, color, and materials of the principal building. This equipment shall be located so as not to be visible from any street or adjoining property. Landscape screening must include a dense planting or earth berming or both.
- (9) Gutters and down spouts. Gutters and down spouts shall be painted to match the surface to which they are attached. Gutters and down spouts may, however, be painted in such a way so as to become a design element if the color is consistent with the color scheme of the building.
- (10) Service yards, storage yards, and loading docks. All refuse and waste containers, recycling or compacting containers, dumpsters, oil tanks, bottled gas tanks, service yards, storage yards, and loading docks shall be located in the rear or side yard. All such service equipment and service areas shall be screened from view from any street or adjoining property by means of a wall, landscaping, or other methods approved by the city council.
- (11) Mailboxes. Mailboxes, including special drop boxes, may be clustered within buildings, grouped under a kiosk, or individually freestanding. In all cases, the design and installation of mailboxes shall comply with the standards listed below.
 - a. Approval. Mail boxes shall be approved by the land development director, land development board or village council and the U.S. Postal Service as to size, type, and location.
 - b. Design and landscaping. Mail boxes shall be landscaped consistent with and architecturally compatible to the development.
- (12) Applicability. These building design guidelines shall apply to all infill projects, to all new construction projects for nonresidential uses in excess of 3,000 square feet of the gross floor area of the structure and to all multi-family residential projects comprised of more than six dwelling units.

Renovation construction projects are encouraged to comply with these standards.

Sec. 34-1367. Green building incentives.

The Village of Palm Springs acknowledges the critical role of conserving natural resources in maintaining the overall health of the local environment. To support this commitment, the Village offers incentives for Green Development that minimize environmental impacts, enhance energy and water efficiency, and promote the health and well-being of residents.

- 1) Eligibility: To qualify for green building incentives, projects must meet one or more of the following criteria:
 - a) Achieve a minimum certification level equivalent to LEED Silver, as administered by the U.S. Green Building Council (USGBC); to Green Globes, as administered by the Green Building Initiative (GBI); or similar;
 - b) Demonstrate compliance with ENERGY STAR performance standards;
 - c) Demonstrate water efficiency and waste reduction measures that align with guidelines from the WaterSense Program (administered by the EPA) or equivalent local standards; and/or
 - d) Utilize innovative natural processes to manage stormwater.
- 2) Incentives: As part of the site plan review process, eligible developers may request one or more of the following incentives, which will be reviewed and considered by the Village Council:
 - a. Expedited permitting;
 - b. Reduction of minimum setbacks;
 - c. Increase of maximum building height; and/or
 - d. Reduced open space requirements.

Sec. 34-1368. Beach Way Congestion Management Roadway Design Overlay Zone.

This section establishes a Roadway Design Overlay Zone to be known as the Beach Way Congestion Management (“BWCM”) Roadway Design Overlay Zone, which is applied to properties adjacent to Lake Worth Road from Military Trail to the Keller Canal. This Overlay is within the Lake Worth Road CRA District.

Sec. 34-1369. Purpose and intent.

The intent of the BWCM is to impose special requirements to this roadway segment to promote the use of alternative modes of transportation, reduce roadway congestion and to facilitate an improved mobility for Lake Worth Road.

Sec. 34-1370. Applicability.

The provisions of this overlay apply to the all new development or redevelopment of properties within the BWCM.

Sec. 34-1371. Roadway Design Standards.

Roadways in the BWCM shall generally conform to the requirements of Sec. 34-511 – Streets, but may also subject to additional requirements as needed for:

1) Public transit:

- a) Dedication of additional Right of Way for the development of boarding and alighting areas (see FDOT Design Manual 225.2 Boarding and Alighting Areas for Public Transit Facilities).
- b) Dedication of additional Right of Way for infrastructure that supports public transit. (i.e. street furniture; shade structures; signage)

2) Bicycle lanes:

- a) Dedication of additional Right of Way for new or improved bicycle lanes

3) Sidewalks:

- a) Dedication of additional Right of Way for new or improved sidewalks

4) Multi-modal paths:

- a) Dedication of additional Right of Way for new or improved multi-modal paths

5) Landscaping and aesthetic improvements:

- a) Dedication of additional Right of Way for the planting of shade trees and other landscaping

Village of Palm Springs
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Updated 11/19/2024

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