
Sec. 94-573. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Application for development permit means an application submitted to the city requesting the issuance of a development permit.

Capital improvements element means the capital improvements element of the comprehensive plan.

Certificate of concurrency exemption means a certificate issued by the planning department pursuant to this article evidencing that a project is exempt from concurrency review.

Certificate of concurrency reservation means a certificate issued by the planning department pursuant to the terms of this article evidencing that required public facility capacity has been reserved so that levels of service shall be adequate for the project for which the certificate of concurrency reservation is issued.

Comprehensive plan means the city comprehensive plan, adopted as Ordinance Number 2295-89, as it may be amended from time to time.

Concurrency determination means a document issued by the planning department stating that there appears to be sufficient public facility capacity so that designated levels of service shall be adequate for the project for which the concurrency determination is issued. A concurrency determination reserves no public facility capacity and is in no way binding on the city.

Conditional certificate of concurrency reservation means a certificate issued by the planning department in conjunction with a development agreement that is approved by the city's planning and zoning administrator (hereinafter called the "planning director"), evidencing that (i) all available public facility capacity to serve a proposed project has been reserved, but such capacity is not adequate to serve the proposed project; (ii) the additional public facility capacity needed for the proposed project may be assured by an executed development agreement; and (iii) a request by the applicant has been made for consideration and approval by the city commission of a development agreement concurrent with an application for a final development order.

County road ordinances means Palm Beach County Ordinance No. 90-7, the Traffic Performance Ordinance, and Palm Beach County Ordinance No. 90-6, the Municipal Implementation Ordinance, both of which became effective on February 1, 1990, as amended from time to time, which taken together impose countywide traffic performance standards upon certain roadways located within the city.

Developer means any person undertaking development.

Development has the meaning given to it in F.S. § 380.04, as amended from time to time.

Development agreement means an agreement entered into between the city and a developer for the purpose of assuring the city that the developer shall provide required public facility capacity. The term "development agreement" includes, but is not limited to, agreements authorized pursuant to F.S. § 163.3220 and F.S. § 380.01 et seq., both as amended from time to time.

Development order means any order granting, denying, or granting with conditions an application for a development permit.

Development permit means any official action of the city having the effect of permitting development, including, without limitation, any building permit, zoning permit, subdivision approval, rezoning (including rezonings for planned developments), certification, Class A and Class B special use permit, variance, or any other official action of the city having the effect of permitting the development of land.

Final development order means any development order which results in a quantifiable impact on public facilities, including, without limitation, a building permit, a site plan approval (both levels I and II), a development order approving a development of regional impact or a Florida quality development, rezonings for planned unit developments, developments of significant impact and major amendments thereto, major subdivision approvals, all minor amendments to approvals, and class A and class B special use permits.

Level of service and LOS mean an indicator of the extent or degree of service provided by or proposed to be provided by a public facility based on and related to the operational characteristics of the public facility.

Person means an individual, corporation, governmental agency, business trust, estate, trust, partnership, two or more individuals, or any other entity.

Planning department means the community development and planning department of the city.

Preliminary development order means any development order other than a final development order, including, without limitation, a rezoning other than for a planned unit development or development of significant impact, a zoning code amendment, a comprehensive plan amendment, an annexation, an abandonment, revocable permits, and a zoning variance.

Project means a single development as designated by the applicant, but two or more purportedly separate developments will be considered one project if three or more of the following criteria are found to exist by the planning department:

1. The purportedly separate developments are located within one-quarter mile of each other;
2. The same person has an ownership interest or an option to obtain an ownership interest of more than 25 percent of the legal title to each purportedly separate development;
3. There is a unified plan of development for the purportedly separate developments;
4. The purportedly separate developments voluntarily do or shall share private infrastructure; or
5. There is or will be a common management or advertising scheme for the purportedly separate developments.

Public facilities means roads, sanitary sewer facilities, solid waste facilities, drainage facilities, potable water facilities, and parks and recreation facilities.

(Code 1979, § 33-242)

Cross reference— Definitions generally, § 1-2.