

Section 2 Non-Conforming Lot

A. Applicability

This Section shall only apply to non-conforming lots that do not meet the minimum lot acreage and dimensional criteria pursuant to [Table 3.D.1.A, Property Development Regulations \(PDRs\)](#) of this Code, if all of the following conditions are met: [Ord. 2008-037] [Ord. 2010-005]

1. FLU and Zoning Consistency

The existing zoning or any rezoning is in compliance with the requirements of [Art. 3.A.3, Zoning District Consistency with the Future Land Use \(FLU\)](#). [Ord. 2008-037] [Ord. 2010-005] [Ord. 2019-034]

2. Lot Recombination Requirements

Where applicable, the lot or lots have complied with the lot recombination requirements of Plan FLUE Policy 2.2.1-r, and [Art. 11, Subdivision, Platting, and Required Improvements](#). [Ord. 2008-037] [Ord. 2010-005]

B. Subdivision (Includes Lot Combinations)

Non-conforming lots may be combined with any other conforming or non-conforming lot without obtaining Variance relief for non-conforming lot dimensions, inclusive of frontage, width, depth, and size, if all of the following conditions are met: [Ord. 2008-037] [Ord. 2010-005]

1. The newly created lot complies with the lot dimensions of this Code, or reduces the non-conformity; and [Ord. 2008-037] [Ord. 2010-005]
2. Can comply with the requirements of [Art. 11, Subdivision, Platting, and Required Improvements](#). [Ord. 2008-037] [Ord. 2010-005]

C. Residential Development Regulations

A non-conforming residential lot may utilize the following property development regulations for a Single Family dwelling unit only, or for related accessory structures in the AR district in accordance with [Art. 5.B.1.A.1.d.2\)b\), Non-Conforming Lot Dimensions](#). [Ord. 2010-005] [Ord. 2016-042]

1. Minimum Setback Requirements

Minimum setback requirements may be in accordance with the percentages listed below: [Ord. 2010-005] [Ord. 2016-042] [Ord. 2019-034]

- a. If the minimum depth dimension is non-conforming: [Ord. 2010-005]
Front: 30 percent of lot depth. [Ord. 2010-005]
Rear: 20 percent of lot depth. [Ord. 2010-005]
- b. If the minimum width dimension is non-conforming: [Ord. 2010-005]
Side Interior: 15 percent of lot width. [Ord. 2010-005]
Side Street: 20 percent of lot width. [Ord. 2010-005]

2. Building Coverage

The maximum lot coverage calculations shall be based on the size of the lot indicated in the Table below, and shall include accessory structures. [Ord. 2010-005] [Ord. 2016-042]

Table 1.F.2 – Non-Conforming Building Coverage in the AR District

Non-Conforming Lot Size	Max. Building Coverage
Greater than 2.5 ac.	15%
20,000 sq. ft.-2.5 ac.	20%
14,000 sq. ft.-19,999 sq. ft.	30%
13,999 sq. ft. and under	40%
[Ord. 2016-042]	

3. Floor Area Ratio

Maximum Floor Ratio Area (FAR) requirements for the AR district do not apply. [Ord. 2016-042]

4. Accessory Structures

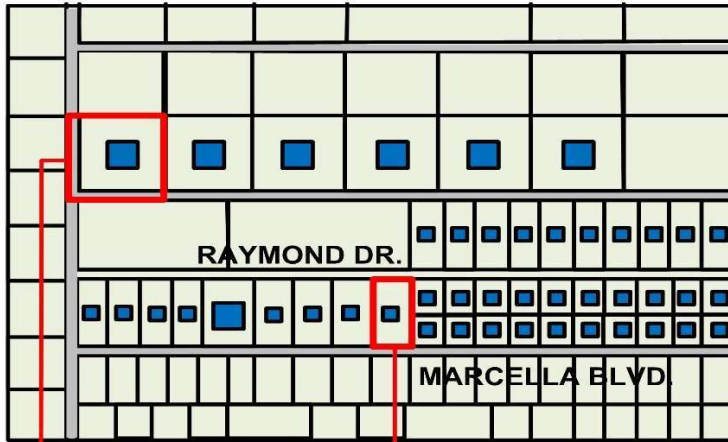
Accessory structures shall comply with all applicable Code requirements. [Ord. 2010-005] [Ord. 2016-042]

Figure 1.F.2 – Non-Conforming Lots and Setbacks

AERIAL MAP



ANTIQUATED SUBDIVISION



SCENARIO

Application of setbacks for Residential Lots

For the purpose of calculating setbacks for residential lots, the AR zoning district has been selected for this explanation.

1. Example of Conforming Lots: See Diagram A. Lot complies with minimum acreage and lot dimensions:

Minimum acreage = 10 ac
 Front setback (F) = 100'
 Rear setback (R) = 100'
 Side Interior (SI) = 50'
 Side Corner (SC) = 80'

2. Example of Non-Conforming Lots: See Diagrams B

Lots do not comply with minimum lot dimensions.

LEGEND

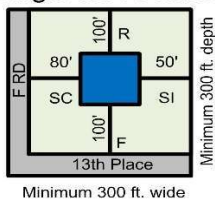
- Road
- Building

F = Front
 SC = Side Corner
 SI = Side Interior
 R = Rear

LOT SETBACKS

CONFORMING LOT

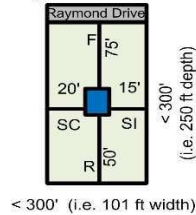
Single lot 10 acres



A

EXAMPLE OF NON-CONFORMING LOTS IN AR DISTRICT

Single lot 3 acres



B

Minimum setbacks
 F = 100'
 SC = 80'
 S = 50'
 R = 100'

F = 30% depth = .30 x 250' = 75'
 SC = 20% width = .20 x 101' = 20'
 S = 15% width = .15 x 101' = 15'
 R = 20% depth = .20 x 250' = 50'

[Ord. 2005-002] [Ord. 2010-005] [Ord. 2016-042]

D. Accessory Quarters

Accessory Quarters on non-conforming lots with an RR FLU designation that are equal to or less than one and one-half acres may utilize a 25-foot side or rear setback, subject to the following where the setback is less than the setback required for the SFD unit: [Ord. 2006-004] [Ord. 2010-005] [Ord. 2017-007]

1. A minimum five-foot-high continuous solid opaque visual screen consisting of a hedge, fence, or wall, shall be installed and maintained along the property line adjacent to the length of the Accessory Quarters. [Ord. 2006-004] [Ord. 2010-005] [Ord. 2017-007]
2. Ingress/egress to the Accessory Quarters shall not be oriented towards the adjoining property. [Ord. 2006-004] [Ord. 2010-005] [Ord. 2017-007]

E. Non-Residential Development and/or Residential Development Other Than Single Family

Non-residential development and residential development other than Single Family may be developed, subject to the following: [Ord. 2008-037] [Ord. 2010-005]

1. The proposed use is allowed by this Code; and [Ord. 2010-005]
2. All other PDRs, supplemental development regulations, and setbacks for the use are met, or Variances are obtained pursuant to the requirements of [Art. 2.B.7.E, Type 2 Variance](#) or [Art. 2.C.5.E, Type 1 Variance](#) and [Art. 2.C.5.F, Type 1 Waiver](#). [Ord. 2008-037] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2018-002]

Section 3 Non-Conforming Structure

A. General

A non-conforming structure may continue to exist in accordance with this Section. [Ord. 2010-005]

B. Expansion

Expansion of a non-conforming structure shall not change or increase the non-conforming features of the structure, and shall not result in the intensification of a non-conforming use through the structural expansion. Expansion shall not exceed the percentage pursuant to [Table 1.F.1.F, Nonconformities – Percentage and Approval Process for Expansion](#). [Ord. 2010-005]

C. Maintenance, Renovation, and Natural Disaster Damage Repair

Maintenance, renovation, and damage repair caused by acts of nature shall not exceed the percentage pursuant to [Table 1.F.1.G, Nonconformities – Percentage and Approval Process for Maintenance, Renovation, and Natural Disaster Damage Repair](#). [Ord. 2010-005]

D. Uses and Structures within an Airport Zone Established in Article 16

1. Applicability

Uses, structures, and other obstructions permitted prior to the effective date of the Airport regulations, November 1, 1996, that lie within regulated areas defined in [Art. 16, Airport Regulations](#), which do not comply with the Airport Land Use Compatibility Schedule or FDOT, “Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations,” or exceeds permitted height limitations shall be considered a non-conforming use unless the structure or use is brought into conformance with the provisions of [Art. 16, Airport Regulations](#). [Ord. 2010-005] [Ord. 2017-025]

a. Exemptions

Land Uses within regulated areas for PBC Park Airport (Lantana), PBC Glades Airport (Pahokee), Belle Glade Municipal Airport, and Palm Beach North County Airport are exempt from the requirements of this Article. [Ord. 2010-005] [Ord. 2017-025]

2. Existing Uses and Occupancy

The requirements of [Art. 16, Airport Regulations](#), shall not be construed to necessitate the removal, lowering, or other modification of a structure or building supporting an existing use non-conforming to the requirements therein, or otherwise interfere with the continuance of such use which legally existed prior to November 1, 1996, provided the continuation does not jeopardize life or health. Construction or alterations which existed or started prior to November 1, 1996, and are diligently pursued and completed in accordance with building permitting requirements as defined by PZB, shall not be required to comply with the provisions in [Art. 16, Airport Regulations](#). [Ord. 2010-005] [Ord. 2017-025]

a. Change in Use and Occupancy

If a change of use is proposed for an existing structure or building which does not comply with the Airport Zoning provisions for that particular use, as specified in the Airport Land Use Compatibility Schedule, the entire structure or building shall be brought into conformance with [Art. 16, Airport Regulations](#). [Ord. 2010-005]