

ARTICLE 6
ZONING DISTRICTS

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ZONING DISTRICTS

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SEC. 6.1 DISTRICTS ESTABLISHED.

A. Purpose and intent. In order to ensure that all development in unincorporated Palm Beach County is consistent with the Comprehensive Plan, it is necessary and proper to establish a series of districts to ensure that each use is compatible with surrounding uses, served by adequate public facilities, and sensitive to natural and coastal resources. Each district has its own purpose and has permitted uses, conditional uses, special uses and other regulations that control the use of land in each district. All development within each district shall be consistent with the purposes stated in this article.

B. Zoning districts established. In order to carry out and implement the Comprehensive Plan, the following twenty-nine (29) standard zoning districts and nine (9) planned development districts are hereby established.

1. Standard Zoning Districts:

- a. PC, Preservation/Conservation
- b. AGR, Agricultural Reserve
- c. AP, Agricultural Production
- d. SA, Special Agricultural
- e. RSER, Rural Services
- f. AR, Agricultural Residential
- g. CRS, Country Residential
- h. RE, Residential Estate
- i. RT, Residential Transitional
- j. RTS, Residential Transitional Suburban
- k. RTU, Residential Transitional Urban
- l. RS, Residential Single-Family
- m. RM, Residential Multi-Family (Medium Density)
- n. RH, Residential Multi-Family (High Density)
- o. CN, Commercial Neighborhood
- p. CLO, Commercial Limited Office
- q. CC, Commercial Community
- r. CHO, Commercial High Intensity Office
- s. CG, Commercial General
- t. CRE, Commercial Recreation
- u. IL, Industrial Light
- v. IG, Industrial General
- w. PO, Public Ownership
- x. IPF, Institutional and Public Facilities

2. Planned Zoning Districts:

- a. PUD, Residential Planned Unit Development
- b. TND, Traditional Neighborhood Development
- c. MXPD, Mixed-Use Planned Development
- d. MUPD, Multiple Use Planned Development
- e. PIPD, Planned Industrial Park Development
- f. MHPD, Mobile Home Park Planned Development
- g. RVPD, Recreational Vehicle Park Planned Development
- h. SWPD, Solid Waste Disposal Planned Development
- i. AGR-PUD, Agricultural Reserve Planned Unit Development

C. Overlay districts established. In order to carry out and implement the Comprehensive Plan, the following ten (10) overlay districts are hereby established.

1. NE-O, Native Ecosystem Overlay,
2. WCRA-O, Westgate/Belvedere Home Overlay,
3. R&T-O, Research and Technology Overlay,
4. GA-O, Glades Area Economic Development Overlay,
5. PBIA-O, Palm Beach International Airport Overlay,
6. IOZ, Indiantown Road Overlay,
7. COZ, Conditional Overlay,
8. TAP-O, Turnpike Aquifer Protection Overlay,
9. SCGCF-O, Sugar Cane Growers Cooperative of Florida Overlay,
10. LWRCC-O, Lake Worth Road Commercial Corridor Overlay; and
11. LOST-O, Lake Okeechobee Scenic Trail Overlay.

[Ord. No. 93-4] [Ord. No. 99-37] [Ord. No. 01-01] [Ord. No. 01-29]

SEC. 6.2 DISTRICT PURPOSES AND USES. The forty-five (45) districts established to implement the Comprehensive Plan have the following purposes and permit the following uses. [Ord. No. 01-29] [Ord. No. 01-100]

A. Conservation district.

1. **PC, Preservation/Conservation District.** The purpose and intent of the PC district is to protect lands that provide habitats for endangered species of wildlife, fish, or flora, that are important habitats for the production of fish and wildlife, or that are sites of historical or archaeological significance. The PC district corresponds to the Conservation land use designation in the Future Land Use Element of the Comprehensive Plan. The following uses are subject to the standards referenced below.

PERMITTED USE:

Park, passive

SPECIAL USE:

Communication Cell site on Wheels (COWs)

PERMITTED SUBJECT TO DRC SITE PLAN:

Park, public
Campground

CONDITIONAL USE CLASS A:

Communication tower, commercial

Reference sections:

- 1) Supplementary Use Standards -- See Section 6.4.D
- 2) Property Development Regulations -- See Section 6.5
- 3) Accessory/Temporary Structure Standards -- See Section 6.6
- 4) Off-street Parking/Loading -- See Section 7.2
- 5) Landscaping -- See Section 7.3
- 6) Lighting/Noise Standards -- See Section 7.8
- 7) Signs -- See Section 7.14
- 8) Vegetation Protection -- See Section 9.5

B. Agricultural districts.

1. **Right to Farm.** All lands within the Agricultural Reserve and Agricultural Production districts are located in an area where land is used for commercial agricultural production. Owners, residents, and other users of this property or neighboring property may be subjected to inconvenience and discomfort arising from generally accepted agricultural management practices, including but not limited to noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants, and users of this property are hereby put on official notice that: (1) the state Right-to-Farm Act, Fl. Stat. 823.14, may bar them from obtaining a legal judgment against such as a public or private nuisance; and (2) farm operations that conform to generally accepted agricultural and management practices in the Agricultural Reserve and Agricultural Production districts are exempt from the following miscellaneous standards contained in Sec. 7.8 of the ULDC: noise; vibration, smoke, emissions and particulate matter; odors; and outdoor lighting. [Ord. No. 01-0] [Ord. No. 01-100]

A provision shall be placed in the public records of Palm Beach County, Florida concerning the above Right to Farm provisions, for all properties with an AP or AGR land use designation in the Agricultural Reserve Area. [Ord. No. 01-100]

2. **AGR, Agricultural Reserve District.** The Agricultural Reserve area is a portion of the County that encompasses unique farmland, regional water management areas and wetlands. It is also an area that may become an urbanized area. It is designated as an area to be preserved primarily for agricultural and, west of SR 7, agricultural and regional water management use if possible, and if not, to be developed only at low residential density. Gaming, pari-mutual wagering, off-track betting, events or activities held or broadcast for similar purposes shall be prohibited. The AGR district corresponds to the Agricultural Reserve (AGR) future land use atlas designation of the future land use element of the comprehensive plan. [Ord. No. 01-62]
 - a. **PACE and TDR Programs.** To achieve the purpose and intent of the AGR District, participation in the Purchase of Agricultural Conservation Easement (PACE) and Transfer of Development Rights (TDR) programs is encouraged. Qualifying properties are eligible for the PACE Program and qualifying properties are sending areas pursuant to the TDR Program. Participation in these programs is pursuant to the Ordinance 95-34 (PACE) and provisions of Sec. 6.10 (TDR), as amended.
 - b. **Exempted use areas.** In recognition of the development history of the AGR, the limitation on existing uses established through the 1985 Comprehensive Plan, as amended, and the nature of certain specific existing uses whose replication would not be appropriate, the following existing uses are exempt from the use provisions of AGR District to the extent of accommodating the existing and previously approved land use. Continued development and modifications to these uses shall be pursuant to their original development order and the intent of the provisions of this AGR District.
 - (1) **Previously approved residential development.** The exemption applies to the following residential developments which may continue to exist, however they may not subdivide nor expand the property.
 - (a) Willis Glider Port,
 - (b) Delray Lakes Estates,
 - (c) Tierra de Rey,
 - (d) Tierra de Rey South,
 - (e) Rio POCO,
 - (f) Snow Ranch Estates, a.k.a. Horseshoe Acres,
 - (g) Delray Training Center.

- (2) **Previously approved non-residential development.** The exemption applies to the following non-residential developments which may continue to exist and may expand subject to AGR district regulations or a Class A Conditional Use, whichever is applicable.
 - (a) Eternal Light Cemetery, 11520 SR-7, Boynton Beach,
 - (b) Faith Farm Ministry, 9538 Hwy 441, Boynton Beach,
 - (c) Our Lady Queen of Peace Church and service complex, W. Atlantic Ave,
 - (d) Caridad Clinic, West Boynton Beach Blvd,
 - (e) Soup Kitchen, 9850 Boynton Beach Blvd,
 - (f) 4 Points Market,
 - (g) 3 Amigos Convenience Store,
 - (h) Fina Gas Station-Hey 4 U trucking,
 - (i) Sunshine Meadows.

- c. **Nonconforming uses.** All uses that are existing and were legally established or requested before the effective date of this ordinance but are not permitted by the provisions of the AGR zoning district shall be considered legal nonconforming uses. The nonconforming use may expand up to fifty percent (50%) of the building square footage subject to the property development regulations of the CCSO district. The use may be replaced if destroyed. If a use is on less than one (1) acre of property, the land area is permitted to be expanded up to a total of one acre. The present use may be changed to any other use permitted in the AGR district. Exempted uses (6.2.B.1.c.) and agricultural sales and service (6.2.B.1.e.), as provided herein, shall not be considered nonconforming.

- d. **Agricultural sales and service.** An agricultural sales and service use located in the area designated as the Agricultural Reserve (AGR) on the Future Land Use Map of the Comprehensive Plan and existing as of the effective date of this ordinance shall be considered a conforming use in the Agricultural Reserve (AGR) zoning district. Any expansion or change of location of the use will be subject to a Class B Conditional Use approval.

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e. AGRICULTURAL RESERVE (AGR) district:

PERMITTED USE:

- Agriculture, bona fide
- Auction, enclosed
- Auction, outdoor
- Aviculture
- Community vegetable garden
- Estate kitchen
- Excavation, type 1A
- Farm residence
- Farrier
- Fruit and vegetable market
- Garage sale
- Green market
- Groves/row crops
- Guest cottage
- Home occupation
- Kennel, private
- Livestock raising
- Medical office or dental clinic
- Nursery, retail
- Nursery, wholesale
- Park, passive
- Shade house
- Single family residence
- Stable, equestrian type one
- Storage, indoor agricultural
- Storage, outdoor agricultural

SPECIAL USE:

- Accessory dwelling
- Agricultural stand
- Air curtain incinerator, temporary
- Communication cell site on wheels (COW)
- Farm workers quarters
- Mobile home dwelling
- Retail sales, mobile or temporary
- Security/caretaker quarters

PERMITTED SUBJECT TO DRC SITE PLAN:

- Agricultural food processing
- Agricultural related manufacturing, light
- Agricultural research and development
- Agricultural transshipment
- Air curtain incinerator, permanent
- Assembly nonprofit, institutional
- Bed and Breakfast
- Chipping and mulching
- Communication panels, antennas, commercial
- Composting facility
- Day care center, limited
- Equestrian arena, commercial
- Excavation, agricultural
- Excavation, type 1B
- Excavation, type II
- Farmer's market
- Government services
- Gun range, private
- Kennel, commercial
- Landscape installation service
- Landscape maintenance service
- Packing plant
- Potting soil manufacturer
- Stable, equestrian type two
- Utility, minor
- Veterinary clinic

CLASS A CONDITIONAL USE:

- Church or place of worship
- Communication tower, commercial
- Electrical power facility
- Grooms quarters
- Solid waste transfer station
- School, elementary or secondary
- Water or wastewater treatment

CLASS B CONDITIONAL USE:

- Airplane landing strip
- Day care center, general
- Heliport or helipad

Reference sections:

- 1) Supplementary Use Standards -- See Section 6.4.D.
- 2) Property Development Regulations -- See Section 6.5.
- 3) Accessory/Temporary Structure Standards -- See Section 6.6.
- 4) Off-street Parking/Loading -- See Section 7.2.
- 5) Landscaping -- See Section 7.3.
- 6) Lighting/Noise Standards -- See Section 7.8.
- 7) Signs -- See Section 7.14.
- 8) Vegetation Protection -- See Section 9.5.

[Ord. No. 98-11] [Ord. No. 01-01] [Ord. No. 01-62] [Ord. No. 01-100]

- g. Community Commercial Service Overlay (CCSO).** In fulfillment of the provisions of the Land Use Element of the Comprehensive Plan which call for the limitation of new commercial (retail, office, service) land use to serving the needs of the farm worker community, existing residents, and future residents of AGR-PUDs, a Community Commercial Service Overlay is established as an overlay within the AGR district. The boundaries of the CCSO are as shown on the Official Zoning Map as drawn pursuant to Sec. 6.2.H.9.

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COMMUNITY COMMERCIAL SERVICE OVERLAY (CCSO) district:**PERMITTED USES:**

Agriculture, bona fide
 Agricultural sales and service
 Auction, enclosed
 Auction, outdoor
 Aviculture
 Building supplies
 Community vegetable garden
 Convenience store
 Estate kitchen
 Excavation, Type 1A
 Farm residence
 Farrier establishment
 Financial institution
 Fitness center
 Fruit and vegetable market
 Garage sale
 Green market
 Groves/row crops
 Guest cottage
 Home occupation
 Kennel, private
 Laundry services
 Livestock raising
 Machine or welding shop
 Medical or dental office or clinic
 Nursery, retail
 Nursery, wholesale
 Office, business/professional
 Park, passive
 Personal services
 Printing and copying services
 Repair services, limited
 Restaurant, quality
 Restaurant, specialty
 Retail sales, general
 Shade house
 Single family residence
 Stable, equestrian type one
 Storage, indoor agricultural
 Storage, outdoor agricultural

SPECIAL USE:

Accessory dwelling
 Agricultural stand
 Air curtain incinerator, temporary
 Amusements, temporary or Special events
 Communication cell site on wheels (COW)

SPECIAL USE (cont'd):

Farm worker quarters
 Mobile home dwelling
 Recycling collection station
 Recycling drop off bin
 Retail sales, mobile or temporary
 Security/caretaker quarters

PERMITTED SUBJECT TO DRC SITE PLAN:

Agricultural food processing
 Agricultural related manufacturing, light
 Agricultural transshipment
 Assembly nonprofit, institutional
 Assembly nonprofit, membership
 Bed and breakfast
 Day care center, limited
 Day labor employment service
 Entertainment, indoor
 Entertainment, outdoor
 Equestrian arena, commercial
 Excavation, agricultural
 Excavation, type IB
 Excavation, type II
 Farmer's market
 Government services
 Gun range, private
 Kennel, commercial
 Lounge, cocktail
 Packing plant
 Stable, equestrian type two
 Theater, indoor
 Utility, minor
 Veterinary clinic

CONDITIONAL USE, CLASS A:

Automotive service station
 Communication tower, commercial
 Convenience store with gas sales
 Electrical power facility
 Grooms quarters
 Solid waste transfer station
 Water/wastewater treatment plant

CONDITIONAL USE, CLASS B:

Airplane landing strip, accessory
 Church or place of worship
 Day care center, general

Reference sections:

- 1) Supplementary Use Standards -- See Section 6.4.D.
- 2) Property Development Regulations -- See Section 6.5.
- 3) Accessory/Temporary Structure Standards -- See Section 6.6.
- 4) Off-street Parking/Loading -- See Section 7.2.
- 5) Landscaping -- See Section 7.3.
- 6) Lighting/Noise Standards -- See Section 7.8.
- 7) Signs -- See Section 7.14.
- 8) Vegetation Protection -- See Section 9.5. [Ord. No. 98-11]
[Ord. No. 01-01] [Ord. No. 01-62] [Ord. No. 01-100]

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h. AGR-PUD, Agricultural Reserve Planned Unit Development. Sec. 6.8.B. sets forth regulations pertaining to low density planned unit developments within the AGR District.

- (1) **P and D suffix designations.** When an AGR-PUD is approved through the rezoning process, the suffix of "P" shall be applied to any portion of the project which is not contiguous to the development area. Likewise, the suffix of "D" shall be applied to the development area portion of a non-contiguous AGR-PUD. The use of the suffixes does not create a separate zone district but merely provides for a clear identification and delineation on the Official Zoning Map of the respective areas of an AGR-PUD. The use of the suffixes is optional for a contiguous AGR-PUD.
- (2) **Limitation on usage of Preservation Area.** Not all of the agricultural related land uses are permitted in the Preservation portion of an AGR-PUD. Uses that are permitted are listed in this section and in Table 6.8-2 of the ULDC.

AGRICULTURAL RESERVE PLANNED UNIT DEVELOPMENT (AGR-PUD):

DEVELOPMENT AREA AGR-PUD:

Accessory uses, e.g.,
 clubhouse, equestrian facilities
 Amusements, temporary or Special event
 Civic area, required for a PUD
 Commercial area, allowed for a PUD
 Golf course
 Open space, required for a PUD
 Open space, allowed for a PUD
 Park, passive
 Recreational areas, permitted in a PUD
 Residential dwelling units, single family, townhomes,
 and multiple family
 School, elementary or secondary (not permitted west of US
 441/SR7)
 Streets and parking areas
 Water retention areas

PRESERVATION AREA AGR-PUD:

Agricultural stand
 Agriculture, bona fide
 Air curtain incinerator, temporary
 Aviculture
 Communication tower, commercial
 Equestrian activities, restricted, e.g., pasture and
 ancillary uses
 Excavation, agricultural
 Excavation, type II
 Fallow land
 Farm residence, one
 Fruit and vegetable market
 Garage sale
 Groves, row crops
 Home occupations
 Livestock raising
 Mobile home accessory to agriculture, one
 Nursery, retail
 Nursery, wholesale
 Park, passive
 Security/caretakers quarters, one
 Shadehouse
 Stable, equestrian type one
 Stable, equestrian type two
 Storage, indoor agricultural
 Uplands
 Water Preserve Areas, as designated by SFWMD
 Wetlands

Reference sections:

- 1) Supplementary Use Standards -- See Section 6.4.D.
 - 2) Property Development Regulations -- See Section 6.5.
 - 3) Accessory/Temporary Structure Standards -- See Section 6.6.
 - 4) Off-street Parking/Loading -- See Section 7.2.
 - 5) Landscaping -- See Section 7.3.
 - 6) Lighting/Noise Standards -- See Section 7.8.
 - 7) Signs -- See Section 7.14.
 - 8) Vegetation Protection -- See Section 9.5.
- [Ord. No. 01-01] [Ord. No. 01-62] [Ord. No. 01-100]

- 3. AP, Agricultural Production District.** The purpose and intent of the AP district is to conserve and protect areas for exclusive, bona fide agricultural and farming related operations, particularly where soil and water conditions favor continued agricultural production. The AP district corresponds to the Agricultural Production (AP) and, in the Glades Tier only, the Low Residential 1 (LR-1), future land use designations of the Comprehensive Plan. A wide range of agricultural activities and their accessory uses shall be permitted in the AP district in order to maintain the vitality of the agricultural industry in Palm Beach County. The following uses are subject to the standards referenced below. [Ord. No. 01-100]

PERMITTED USES:

Agriculture, bona fide
 Aviculture
 Communication panels, antennas, commercial
 Congregate living facility, type 1
 Estate kitchen
 Excavation, type IA
 Farm residence
 Farrier establishment
 Garage sale
 Groves/row crops
 Guest cottage
 Home occupation
 Kennel, private
 Livestock raising
 Nursery, wholesale
 Park, passive
 Shadehouse
 Single family residence
 Stable, equestrian type one
 Storage, indoor agricultural
 Storage, outdoor agricultural
 Sugar mill or refinery
 Veterinary clinic

SPECIAL USES:

Agricultural stand
 Accessory dwelling
 Air curtain incinerator, temporary
 Bed and breakfast
 Camping cabin
 Communication cell site on wheels (COW)
 Farm worker quarters
 Mobile home dwelling
 Office, business or professional
 Recycling drop off bin
 Restaurant, specialty
 Retail sales, general
 Security or caretaker quarters
 Stable, equestrian type two

PERMITTED SUBJECT TO DRC SITE PLAN:

Agricultural related manufacturing, light
 Agricultural research/development
 Agricultural transshipment
 Assembly, nonprofit institutional
 Catering
 Communication tower, commercial
 Composting facility
 Day care center, limited
 Excavation, agricultural
 Excavation, type IB
 Government services
 Gun range, private
 Packing plant
 Potting soil manufacturing
 Utility, minor

CONDITIONAL USE, CLASS A:

Air curtain incinerator, permanent
 Electrical power facility
 Excavation, type III
 Grooms quarters
 Excavation, type IIIA
 Excavation, type IIIB
 Solid waste transfer station
 Water or wastewater treatment plant

CONDITIONAL USE, CLASS B:

Airplane landing strip, accessory
 Chipping and mulching
 Church or place of worship
 Heliport or helipad
 Medical office or dental clinic

CONDITIONAL USE, CLASS A: (cont'd)

Kennel, commercial
 Medical office or dental clinic
 Packing plant
 Potting soil manufacturing
 School, elementary or secondary
 Solid waste transfer station
 Sugar mill or refinery
 Water or wastewater treatment plant

CONDITIONAL USE, CLASS B:

Cemetery
 Composting facility
 Day care center, limited
 Government services
 Landscape installation service
 Landscape maintenance service
 Storage, indoor agricultural
 Veterinary clinic
 Zoo

Reference Sections:

- 1) Supplementary Use Standards -- See Section 6.4.D
 - 2) Property Development Regulations -- See Section 6.5
 - 3) Accessory/Temporary Structure Standards -- See Section 6.6
 - 4) Off-street Parking/Loading -- See Section 7.2
 - 5) Landscaping -- See Section 7.3
 - 6) Lighting/Noise Standards -- See Section 7.8
 - 7) Signs -- See Section 7.14
 - 8) Vegetation Protection -- See Section 9.5
- [Ord. No. 01-01] [Ord. No. 01-62]

5. **RSER, Rural Services District.** The purpose and intent of the RSER district is to provide for the clustering of service uses intended to serve predominantly rural residential communities. To receive the RSER district designation, lands shall lie within one half mile of the intersection of two (2) existing arterials, or one half mile of the intersection of an existing arterial and an existing collector street. The arterials and collectors must be streets that are identified on the official Federal Functional

Classification list. A legal lot of record where more than fifty percent (50%) of the lot is within the boundary of the RSER district shall be permitted to develop the entire lot under the RSER regulations, if that portion of the lot outside the RSER district is less than ten acres. The proposed use shall have legal frontage and direct access on one of the arterials. The maximum depth of a lot in the RSER district shall be eight hundred feet (800'), measured from the arterial. The RSER district corresponds to the Rural Residential 10 (RR10) land use designation in the Future Land Use Element of the Comprehensive Plan. The following uses are subject to the standards referenced below.

[Ord. No. 98-49] [Ord. No. 01-100]

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Reference Sections:

- 1) Supplementary Use Standards -- See Section 6.4.D
- 2) Property Development Regulations -- See Section 6.5
- 3) Accessory/Temporary Structure Standards -- See Section 6.6
- 4) Off-street Parking/Loading -- See Section 7.2
- 5) Landscaping -- See Section 7.3
- 6) Lighting/Noise Standards -- See Section 7.8
- 7) Signs -- See Section 7.14
- 8) Vegetation Protection -- See Section 9.5 [Ord. No. 01-01] [Ord. No. 01-62]

4. SA, Special Agricultural District. The purpose and intent of the SA district is to provide a transitional district that allows for more intensive agricultural uses and related services, and for limited commercial activities that provide convenience services to the rural community. The SA district corresponds to the Special Agriculture (SA) and Agricultural Production (AP) land use designations in the Future Land Use Element of the Comprehensive Plan, and the Rural Residential 10 (RR10) land use designation only when determined to be consistent with the Future Land Use Element of the Comprehensive Plan. The following uses are subject to the Supplementary use standards referenced below. [Ord. No. 01-100]

PERMITTED USES:

- Agriculture, bona fide
- Aviculture
- Estate kitchen
- Farm residence
- Farrier
- Fruit and vegetable market
- Garage sale
- Groves/row crops
- Guest cottage
- Home occupation
- Kennel, private
- Livestock raising
- Nursery, wholesale
- Park, passive
- Shadehouse
- Stable, equestrian type one
- Storage, indoor agriculture
- Storage, outdoor agriculture

SPECIAL USES:

- Accessory dwelling
- Agricultural stand
- Air curtain incinerator, temporary
- Amusements, temporary or special events
- Communication cell site on wheels (COW)
- Farm worker quarters
- Mobile home dwelling
- Retail sales, mobile or temporary
- Recycling drop off bin
- Security/caretaker quarters

PERMITTED SUBJECT TO DRC SITE PLAN:

- Agricultural research/development
- Campground
- Communication panels, antennas, commercial
- Equestrian arena, commercial
- Excavation, agricultural
- Excavation, type II
- Excavation, type IB
- Farmer's market
- Gun range, private
- Nursery, retail
- Park, public
- Stable, commercial
- Utility, minor

CONDITIONAL USE, CLASS A:

- Agricultural sales & service
- Agricultural transshipment
- Air curtain incinerator, permanent
- Chipping and mulching
- Church or place of worship
- Communication tower, commercial
- Electrical power facility
- Excavation type III
- Excavation type IIIA
- Excavation type IIIB
- Grooms quarters
- Gun club, enclosed
- Gun club, open
- Hospital or medical center

PERMITTED USES:

Agriculture, bona fide
Farrier
Fruit and vegetable market
Nursery, retail
Nursery, wholesale
Park, passive
Shadehouse
Stable, equestrian type one

SPECIAL USES:

Agricultural stand
Amusements, temporary or special event
Bed and Breakfast
Communication cell site on wheels (COW)
Farm worker quarters
Recycling collection station
Recycling drop off bin
Security or caretaker quarters

PERMITTED SUBJECT TO DRC SITE PLAN:

Agricultural research/development
Communication panels, antennas, commercial
Contractor's storage yard
Equestrian arena, commercial
Excavation, agricultural
Excavation, type II
Farmer's market
Gun club, enclosed
Park, public
Stable, equestrian type two
Utility, minor

Reference Sections:

- 1) Supplementary Use Standards -- See Section 6.4.D
 - 2) Property Development Regulations -- See Section 6.5
 - 3) Supplementary Development Standards -- See Section 6.6
 - 4) Off-street Parking/Loading -- See Section 7.2
 - 5) Landscaping -- See Section 7.3
 - 6) Performance Standards -- See Section 7.8
 - 7) Signs -- See Section 7.14
 - 8) Vegetation Protection -- See Section 9.5
- [Ord. No. 01-62]

CONDITIONAL USE, CLASS A:

Auction, enclosed
Auction, outdoor
Entertainment, outdoor
Grooms, quarters
Landscape installation service
Landscape maintenance service
Solid waste transfer station

CONDITIONAL USE, CLASS B:

Agricultural sales and service
Assembly, nonprofit institutional
Assembly, nonprofit membership
Building supplies
Church or place of worship
Communication tower, commercial
Government services
Repair services, limited

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C. Rural residential districts.

1. **AR-R/EX, Agricultural Residential District in the Rural and Exurban Tiers.** The purpose and intent of the AR district is to protect and enhance the rural lifestyle and quality of life of residents in areas designated rural residential, to protect watersheds and water supplies, wilderness and scenic areas, conservation and wildlife areas, and to permit a variety of uses that require non-urban locations but do not operate to the detriment of adjoining lands devoted to rural and residential purposes. The AR district corresponds with the Rural Residential 2.5 (RR 2.5), Rural Residential 5 (RR-5), Rural Residential 10 (RR-10) and Rural Residential 20 (RR-20) land use designations in the Future Land Use Element of the Comprehensive Plan. The following uses are subject to the standards referenced below.

[Ord. No. 01-01] [Ord. No. 01-62]

PERMITTED USES:

Agriculture, bona fide
 Aviculture
 Congregate living facility, type 1
 Estate kitchen
 Excavation, type IA
 Farrier
 Garage sale
 Groves/row crops
 Guest cottage
 Home occupation
 Kennel, private
 Livestock raising
 Shadehouse
 Single-family residence
 Stable, equestrian type one
 Storage, indoor agricultural
 Storage, outdoor agricultural

PERMITTED SUBJECT TO DRC SITE PLAN:

Excavation, agricultural
 Excavation, type II
 Excavation, type IB
 Nursery, wholesale
 Park, passive
 Stable, equestrian type two
 Utility, minor

SPECIAL USES:

Accessory dwelling
 Agricultural stand
 Air curtain incinerator, temporary
 Amusements, temporary or special events
 Bed and breakfast
 Communication cell site on wheels (COW)
 Mobile home dwelling
 Security or caretaker quarters

CONDITIONAL USE, CLASS A:

Assembly, nonprofit institutional
 Cemetery
 Church or place of worship
 College or university
 Communication tower, commercial
 Congregate living facility, type 2
 Day care center, limited
 Day care center, general
 Electrical power facility
 Fruit and vegetable market
 Grooms quarters
 Government services
 Gun range, private
 Heliport or helipad
 Landscape installation service
 Landscape maintenance service
 School, elementary or secondary
 Solid waste transfer station
 Water or wastewater treatment plant
 Zoo

CONDITIONAL USE, CLASS B:

Airplane landing strip, accessory
 Communication panels, antennas, commercial
 Equestrian arena, commercial
 Nursery, retail
 Packing plant
 Park, public
 Veterinary clinic

Reference Sections:

- 1) Supplementary Use Standards -- See Section 6.4.D
 - 2) Property Development Regulations -- See Section 6.5
 - 3) Accessory/Temporary Structure Standards -- See Section 6.6
 - 4) Off-street Parking/Loading -- See Section 7.2
 - 5) Landscaping -- See Section 7.3
 - 6) Lighting/Noise Standards -- See Section 7.8
 - 7) Signs -- See Section 7.14
 - 8) Vegetation Protection -- See Section 9.5
- [Ord. No. 01-01] [Ord. No. 01-62]

2. **CRS, Country Residential District.** The purpose and intent of the CRS district is to provide for a primarily rural residential environment that is also conducive to the keeping of horses and livestock, to protect watersheds and water supplies, wilderness and scenic areas, and conservation and wildlife areas, and to permit a limited number of activities that require non-urban locations but do not operate to the detriment of adjoining lands devoted to rural and residential purposes. The CRS district corresponds with the Rural Residential 10 (RR10) and Rural Residential 20 (RR20) land use designation in the Future Land Use Element of the Comprehensive Plan, and may apply in existing low density neighborhoods within the Low Residential 1 (LR1) land use designation in the Future Land Use Element of the Comprehensive Plan. The following uses are subject to the standards referenced below.

PERMITTED USES:

Congregate living facility, type 1
 Estate kitchen
 Excavation, Type IA
 Garage sale
 Guest cottage
 Home occupation
 Kennel, private
 Shadehouse
 Single-family residence
 Stable, private

SPECIAL USES:

Accessory dwelling
 Agricultural stand
 Bed and breakfast
 Communication cell site on wheels (COW)
 Mobile home dwelling
 Security/caretaker quarters

PERMITTED SUBJECT TO DRC SITE PLAN:

Excavation, type II
 Excavation, type IB
 Groves/row crops
 Park, passive
 Storage, indoor agricultural
 Utility, minor

CONDITIONAL USE, CLASS A:

Agriculture, bona fide
 Air curtain incinerator, temporary
 Church or place of worship
 College or university
 Congregate living facility, type 2
 Communication tower, commercial
 Day care center, general
 Day care center, limited
 Electrical power facility
 Golf course
 Government services
 Grooms quarters
 Livestock raising
 Nursery, retail
 Packing plant
 School, elementary or secondary
 Solid waste transfer station
 Water or wastewater treatment plant

CONDITIONAL USE, CLASS B:

Communication panels, antennas, commercial
 Equestrian arena, commercial
 Nursery, wholesale
 Park, public
 Stable, equestrian type two
 Storage, outdoor agricultural
 Veterinary clinic

Reference Sections:

- 1) Supplementary Use Standards -- See Section 6.4.D
 - 2) Property Development Regulations -- See Section 6.5
 - 3) Supplementary Development Standards -- See Section 6.6
 - 4) Off-street Parking/Loading -- See Section 7.2
 - 5) Landscaping -- See Section 7.3
 - 6) Performance Standards -- See Section 7.8
 - 7) Signs -- See Section 7.14
 - 8) Vegetation Protection -- See Section 9.5
- [Ord. No. 01-01] [Ord. No. 01-62]

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D. Urban residential districts.

1. **AR-U/S, Agricultural Residential District in the Urban/Suburban Tier.** The purpose and intent of the AR district in the Urban/Suburban Tier is to provide the opportunity to utilize land for limited agricultural purposes, where appropriate. The intent is to prevent premature urbanization of certain areas, while protecting the lifestyle of residents until such time the agricultural uses convert to other uses consistent with the Comprehensive Plan. [Ord. No. 01-62]

PERMITTED USES:

Congregate living facility, type 1
 Estate kitchen
 Excavation, type IA
 Farrier
 Garage sale
 Guest cottage
 Home occupation
 Kennel, private
 Shadehouse
 Single family residence
 Stable, equestrian type one
 Storage, indoor agricultural
 Storage, outdoor, agricultural

SPECIAL USES:

Accessory dwelling
 Agricultural stand
 Air curtain incinerator, temporary
 Amusements, temporary or special events
 Bed & breakfast
 Communication cell site on wheels (COW)
 Security/caretaker quarters

PERMITTED SUBJECT TO DRC SITE PLAN:

Excavation, agricultural
 Excavation, type II
 Excavation, type IB
 Groves/row crops
 Livestock raising
 Park, passive

Reference Sections:

- 1) Supplementary Use Standards -- See Section 6.4.D
 - 2) Property Development Regulations -- See Section 6.5
 - 3) Accessory/Temporary Structure Standards -- See Section 6.6
 - 4) Off-street Parking/Loading -- See Section 7.2
 - 5) Landscaping -- See Section 7.3
 - 6) Lighting/Noise Standards -- See Section 7.8
 - 7) Signs -- See Section 7.14
 - 8) Vegetation Protection -- See Section 9.5
- [Ord. No. 01-01] [Ord. No. 01-62]

PERMITTED SUBJECT TO DRC SITE PLAN (cont'd):

Stable, equestrian type two
 Storage, indoor agricultural
 Utility, minor

CONDITIONAL USE, CLASS A:

Agriculture, bona fide
 Cemetery
 Church or place of worship
 College or university
 Communication tower, commercial
 Congregate living facility, type 2
 Day care center, general
 Day care center, limited
 Electrical power facility
 Government services
 Grooms quarters
 Heliport or helipad
 Nursery, retail
 School, elementary or secondary
 Solid waste transfer station
 Water or wastewater treatment plant

CONDITIONAL USE, CLASS B:

Communication panels, antennas,
 Commercial
 Nursery, wholesale
 Packing plant
 Park, public
 Veterinary clinic

2. **RE, Residential Estate District.** The purpose and intent of the RE district is to provide a transition between the agricultural and conservation areas and the more urban residential communities, and to create a residential environment wherein natural constraints applicable to development can be recognized and protected in a manner compatible with the needs of residents. The RE district corresponds with the Low Residential 1 (LR1) land use designation in the Future Land Use Element of the Comprehensive Plan. The following uses are subject to the standards referenced below.

PERMITTED USES:

Congregate living facility, type 1
 Estate kitchen
 Excavation, Type IA
 Garage sale
 Guest cottage
 Home occupation
 Kennel, private
 Shadehouse
 Single-family residence
 Stable, private

PERMITTED SUBJECT TO DRC SITE PLAN:

Excavation, Type II
 Excavation, Type IB
 Nursery, wholesale
 Park, passive
 Storage, indoor agricultural
 Utility, minor

SPECIAL USES:

Accessory dwelling
 Bed and breakfast
 Communication cell site on wheels (COW)
 Security/caretaker quarters

CONDITIONAL USE, CLASS A:

Agriculture, bona fide
 Air curtain incinerator, temporary
 Cemetery
 Church or place of worship
 Communication tower, commercial
 Day care center, general
 Day care center, limited
 Electrical power facility
 Golf course
 Government services
 Grooms quarters
 Heliport or helipad
 Livestock raising
 Nursery, retail
 Packing plant
 Park, public
 School, elementary or secondary
 Solid waste transfer station
 Stable, commercial
 Water or wastewater treatment plant

CONDITIONAL USE, CLASS B:

Communication panels, antennas, commercial
 Equestrian arena, commercial
 Groves/row crops
 Nursery, wholesale
 Storage, outdoor, agricultural
 Veterinary clinic

Reference Sections:

- 1) Supplementary Use Standards -- See Section 6.4.D
 - 2) Property Development Regulations -- See Section 6.5
 - 3) Accessory/Temporary Structure Standards -- See Section 6.6
 - 4) Off-street Parking/Loading -- See Section 7.2
 - 5) Landscaping -- See Section 7.3
 - 6) Lighting/Noise Standards -- See Section 7.8
 - 7) Signs -- See Section 7.14
 - 8) Vegetation Protection -- See Section 9.5
- [Ord. No. 01-01] [Ord. No. 01-62]

3. **RT, Residential Transitional District.** The purpose and intent of the RT district is to provide a transition between a suburban single-family atmosphere and that which is provided by estate development. The promotion of active recreational facilities within the privacy of an individual lot, along with attention to natural environmental considerations will create an atmosphere compatible with residential needs. The RT district corresponds with the Low Residential 1 (LR1) and Low Residential 2 (LR2) land use designations in the Future Land Use Element of the Comprehensive Plan. The following uses are subject to the Supplementary use standards referenced below.

PERMITTED USES:

Congregate living facility, type 1
 Estate kitchen
 Excavation, Type IA
 Garage sale
 Guest cottage
 Home occupation
 Shadehouse
 Single family residence

SPECIAL USES:

Accessory dwelling
 Bed and breakfast
 Communication cell site on wheels (COW)
 Security/caretaker quarters

PERMITTED SUBJECT TO DRC SITE PLAN:

Excavation, Type II
 Excavation, Type IB
 Kennel, private
 Park, passive
 Storage, indoor agricultural
 Utility, minor

CONDITIONAL USE, CLASS A:

Agriculture, bona fide
 Air curtain incinerator, temporary
 Cemetery
 Church or place of worship
 Communication tower, commercial
 Day care center, general
 Day care center, limited
 Electrical power facility
 Golf course
 Government services
 Grooms quarters
 Heliport or helipad
 Livestock raising
 Nursery, retail
 Packing plant
 Park, public
 School, elementary or secondary
 Solid waste transfer station
 Stable, equestrian type two
 Water or wastewater treatment plant

CONDITIONAL USE, CLASS B:

Communication panels, antennas, commercial
 Equestrian arena, commercial
 Groves/row crops
 Nursery, wholesale
 Stable, private
 Storage, outdoor, agricultural

Reference Sections:

- 1) Supplementary Use Standards -- See Section 6.4.D
 - 2) Property Development Regulations -- See Section 6.5
 - 3) Accessory/Temporary Structure Standards -- See Section 6.6
 - 4) Off-street Parking/Loading -- See Section 7.2
 - 5) Landscaping -- See Section 7.3
 - 6) Lighting/Noise Standards -- See Section 7.8
 - 7) Signs -- See Section 7.14
 - 8) Vegetation Protection -- See Section 9.5
- [Ord. No. 01-01][Ord. No. 01-62]

- 4. RTS, Residential Transitional Suburban District.** The purpose and intent of the RTS district is to provide lands for low intensity single-family development at or near the fringe of urban development. The provision of active recreational facilities within the privacy of an individual lot and the preservation of natural site features is encouraged in the RTS district to minimize the impact of such development upon the community. The RTS district corresponds with the Low Residential 2 (LR2) and Low Residential 3 (LR3) land use designations in the Future Land Use Element of the Comprehensive Plan. The following uses are subject to the Supplementary use standards referenced below.

PERMITTED USES:

Congregate living facility, type I
Estate kitchen
Excavation, Type IA
Garage sale
Guest cottage
Home occupation
Shadehouse
Single family residence

SPECIAL USES:

Accessory dwelling
Bed and breakfast
Communication cell site on wheels (COW)
Security/caretaker quarters

PERMITTED SUBJECT TO DRC SITE PLAN:

Excavation, Type II
Excavation, Type IB
Kennel, private
Park, passive
Storage, indoor agriculture
Utility, minor

CONDITIONAL USE, CLASS A:

Agriculture, bona fide
Air curtain incinerator, temporary
Cemetery
Church or place of worship
Communication tower, commercial
Day care center, general
Day care center, limited
Electrical power facility
Golf course
Government services
Grooms quarters
Heliport or helipad
Livestock raising
Nursery, retail
Packing plant
Park, public
School, elementary or secondary
Stable, commercial
Solid waste transfer station
Water or wastewater treatment plant

CONDITIONAL USE, CLASS B:

Communication panels, antennas, commercial
Equestrian arena, commercial
Groves/row crops
Nursery, wholesale
Stable, private
Storage, outdoor, agricultural

Reference Sections:

- 1) Supplementary Use Standards -- See Section 6.4.D
- 2) Property Development Regulations -- See Section 6.5
- 3) Accessory/Temporary Structure Standards -- See Section 6.6
- 4) Off-street Parking/Loading -- See Section 7.2
- 5) Landscaping -- See Section 7.3
- 6) Lighting/Noise Standards -- See Section 7.8
- 7) Signs -- See Section 7.14
- 8) Vegetation Protection -- See Section 9.5

[Ord. No. 01-01][Ord. No. 01-62]

5. RTU, Residential Transitional Urban District. The purpose and intent of the RTU district is to provide areas for single-family dwelling units at a moderate density. The RTU district corresponds to the Medium Residential 5 (MR5) land use designation in the Future Land Use Element of the Comprehensive Plan. The following uses are subject to the Supplementary use standards referenced below.

PERMITTED USES:

Congregate living facility, type 1
Estate kitchen
Excavation, Type IA
Garage sale
Guest cottage
Home occupation
Kennel, private
Shadehouse
Single family residence

PERMITTED SUBJECT TO DRC SITE PLAN:

Community vegetable garden
Excavation, Type II
Excavation, Type IB
Kennel, private
Park, passive
Storage, indoor agricultural
Utility, minor

SPECIAL USES:

Accessory dwelling
Bed and Breakfast
Communication Cell site on Wheels (COWs)
Security/caretaker quarter

CONDITIONAL USE, CLASS A:

Agriculture, bona fide
Air curtain incinerator, temporary
Cemetery
Church or place of worship
Communication tower, commercial
Day care center, general
Day care center, limited
Electrical power facility
Golf course
Government services
Grooms quarters
Groves/row crops
Livestock raising
Nursery, retail
Nursing or convalescent facility
Packing plant
Park, public
School, elementary or secondary
Solid waste transfer station
Stable, equestrian type two
Townhouse
Water or wastewater treatment plant
Zero lot line home

CONDITIONAL USE, CLASS B:

Communication panels, antennas, commercial
Equestrian arena, commercial
Storage, outdoor, agricultural
Nursery, wholesale
Stable, equestrian type one

Reference Sections:

- 1) Supplementary Use Standards -- See Section 6.4.D
 - 2) Property Development Regulations -- See Section 6.5
 - 3) Accessory/Temporary Structure Standards -- See Section 6.6
 - 4) Off-street Parking/Loading -- See Section 7.2
 - 5) Landscaping -- See Section 7.3
 - 6) Lighting/Noise Standard -- See Section 7.8
 - 7) Signs -- See Section 7.14
 - 8) Vegetation Protection -- See Section 9.5
- [Ord. No. 01-01] [Ord. No. 01-62]

6. RS, Single-Family Residential District. The purpose and intent of the RS district is to recognize the need to provide areas for moderately high density single-family dwelling units. The RS district corresponds with the Medium Residential 5 (MR5) and High Residential 8 (HR8) land use designations in the Future Land Use Element of the Comprehensive Plan. The following uses are subject to the Supplementary use standards referenced below.

PERMITTED USES:

Congregate living facility, type 1
Estate kitchen
Excavation, Type IA
Garage sale
Guest cottage
Home occupation
Single-family residence
Shadehouse

SPECIAL USES:

Accessory dwelling
Bed and breakfast
Communication Cell site on Wheels (COWs)
Security/caretaker quarters

PERMITTED SUBJECT TO DRC SITE PLAN:

Community vegetable garden
Excavation, Type II
Excavation, Type IB
Kennel, private
Park, passive
Storage, indoor agricultural
Utility, minor
Zero lot line home

CONDITIONAL USE, CLASS A:

Agriculture, bona fide
Air curtain incinerator, temporary
Assembly, nonprofit institutional
Cemetery
Church or place of worship
Communication tower, commercial
Congregate living facility, type 2
Congregate living facility, type 3
Day care center, general
Day care center, limited
Electrical power facility
Golf course
Government services
Grooms quarters
Groves/row crops
Livestock raising
Nursery, retail
Nursing or convalescent facility
Packing plant
Park, public
School, elementary or secondary
Solid waste transfer station
Stable, commercial
Townhouse
Water or wastewater treatment plant

CONDITIONAL USE, CLASS B:

Communication panels, antennas, commercial
Equestrian arena, commercial
Storage, outdoor, agricultural
Nursery, wholesale
Stable, equestrian type one

Reference Sections:

- 1) Supplementary Use Standards -- See Section 6.4.D
- 2) Property Development Regulations -- See Section 6.5
- 3) Supplementary Development Standards -- See Section 6.6
- 4) Off-street Parking/Loading -- See Section 7.2
- 5) Landscaping -- See Section 7.3
- 6) Performance Standards -- See Section 7.8
- 7) Signs -- See Section 7.14
- 8) Vegetation Protection -- See Section 9.5

[Ord. No. 01-01] [Ord. No. 01-62]

7. RM, Multi-Family Residential (Medium Density) District. The purpose and intent of the RM district is intended primarily for the development of multiple family dwelling units and affordable housing. The RM district corresponds with the High Residential 8 (HR 8), High Residential 12 (HR12) and the High Residential 18 (HR18) land use designations in the Future Land Use Element of the Comprehensive Plan. The RM district corresponds to the MR5 land use designation as indicated in Sec. 6.5.B.6. The following uses are subject to the Supplementary use standards referenced below.

PERMITTED USES:

Congregate living facility, type 1
Estate kitchen
Excavation, Type IA
Garage sale
Guest cottage
Home occupation
Multi-family residence
Shadehouse
Single-family residence

SPECIAL USES:

Accessory dwelling
Bed and breakfast
Communication cell site on wheels (COW)
Security/caretaker quarters

PERMITTED SUBJECT TO DRC SITE PLAN:

Communication panels, antennas, commercial
Community vegetable garden
Excavation, Type II
Excavation, Type IB
Kennel, private
Park, passive
Storage, indoor agricultural
Townhouse
Utility, minor
Zero lot line home

CONDITIONAL USE, CLASS A:

Agriculture, bona fide
Air curtain incinerator, temporary
Assembly, nonprofit institutional
Cemetery
Church or place of worship
Communication tower, commercial
Congregate living facility, type 3
Day care center, general
Electrical power facility
Golf course
Government services
Groves/row crops
Heliport or helipad
Livestock raising
Nursery, retail
Nursing or convalescent facility
Packing plant
School, elementary or secondary
Solid waste transfer station
Stable, commercial
Water or wastewater plant

CONDITIONAL USE, CLASS B:

Congregate living facility, type 2
Day care center, limited
Equestrian arena, commercial
Fitness center
Nursery, wholesale
Park, public
Stable, equestrian type one
Storage, outdoor, agricultural

Reference Sections:

- 1) Supplementary Use Standards -- See Section 6.4.D
 - 2) Property Development Regulations -- See Section 6.5
 - 3) Supplementary Development Standards -- See Section 6.6
 - 4) Off-street Parking/Loading -- See Section 7.2
 - 5) Landscaping -- See Section 7.3
 - 6) Performance Standards -- See Section 7.8
 - 7) Signs -- See Section 7.14
 - 8) Vegetation Protection -- See Section 9.5
- [Ord. No. 01-01] [Ord. No. 01-62]

8. RH, Multi-Family Residential (High Density) District.

The purpose and intent of the RH district is intended primarily for the development of concentrated residential densities and affordable housing. The RH district corresponds with the High Residential 8 (HR 8), High Residential 12 (HR 12), High Residential 18 (HR18) land use designation in the Future Land Use Element of the Comprehensive Plan. The following uses are subject to the Supplementary use standards referenced below.

PERMITTED USES:

Congregate living facility, type 1
Estate kitchen
Excavation, Type IA
Garage sale
Guest cottage
Home occupation
Multi-family residence
Single-family residence
Shadehouse

PERMITTED SUBJECT TO DRC SITE PLAN:

Communication panels, antennas, commercial
Community vegetable garden
Excavation, type II
Excavation, type IB
Kennel, private
Park, passive
Storage, indoor agricultural
Townhouse
Utility, minor
Zero lot line home

SPECIAL USES:

Accessory dwelling
Bed and breakfast
Communication Cell Site on Wheels (COWs)
Security/caretaker quarters

Reference Sections:

- 1) Supplementary Use Standards -- See Section 6.4.D
 - 2) Property Development Regulations -- See Section 6.5
 - 3) Supplementary Development Standards--See Section 6.6
 - 4) Off-street Parking/Loading -- See Section 7.2
 - 5) Landscaping -- See Section 7.3
 - 6) Performance Standards -- See Section 7.8
 - 7) Signs -- See Section 7.14
 - 8) Vegetation Protection -- See Section 9.5
- [Ord. No. 01-01] [Ord. No. 01-62]

CONDITIONAL USE, CLASS A:

Agriculture, bona fide
Air curtain incinerator, temporary
Assembly, nonprofit institutional
Cemetery
Church or place of worship
Communication tower, commercial
Congregate living facility, type 3
Day care center, general
Electrical power facility
Golf course
Government services
Grooms quarters
Groves/row crops
Hotel, motel, SRO, boarding & rooming house
Livestock raising
Nursery, retail
Nursing or convalescent facility
Packing plant
School, elementary or secondary
Solid waste transfer station
Stable, equestrian type two
Water or wastewater treatment plant

CONDITIONAL USE, CLASS B:

Congregate living facility, type 2
Day care center, limited
Equestrian arena, commercial
Fitness center
Nursery, wholesale
Park, public
Stable, equestrian type one
Storage, outdoor, agricultural

E. Commercial districts.

1. **CN, Neighborhood Commercial District.** The purpose and intent of the CN district is to provide a limited commercial facility of a convenience nature, serving residential neighborhoods within a one-half (½) mile radius, located on a local, collector or an arterial road, with a total lot area of not less than one (1) acre. The CN district corresponds to the Commercial High Intensity (CH) and the Commercial Low Intensity (CL) land use designations in the Future Land Use Element of the Comprehensive Plan, or any zoning district corresponding to the underlying alternate density may be applied. The following uses are subject to the Supplementary use standards referenced below.

PERMITTED USES:

Air stripper, remedial
 Catering service
 Farmer's market
 Farrier
 Fruit & vegetable market
 Nursery, retail
 Nursery, wholesale
 Office, business or professional
 Personal services
 Printing & copying services
 Repair services, limited
 Restaurant, specialty
 Retail sales, general
 Storage, indoor agricultural
 Shadehouse

SPECIAL USES:

Agricultural stand
 Amusements, temporary or special events
 Communication cell site on wheels (COW)
 Recycling drop off bin
 Security/caretaker quarters

PERMITTED SUBJECT TO DRC SITE PLAN:

Communication panels, antennas, commercial
 Excavation, Type II
 Financial institution
 Government services
 Park, passive
 Recycling collection station
 Restaurant, quality
 Utility, minor

CONDITIONAL USE, CLASS A:

Agriculture, bona fide
 Air curtain incinerator, temporary
 Assemble, nonprofit institutional
 Church or place of worship
 Communication tower, commercial
 Congregate living facility, type 3
 Convenience store
 Day care center, general
 Electrical power facility
 Entertainment, indoor
 Equestrian arena, commercial
 Funeral home or crematory
 Grooms quarters
 Groves/row cropsLivestock, raising
 Lounge, cocktail
 Medical office or dental clinic
 Nursing or convalescent facility
 Packing plant
 Recycling center
 Solid waste transfer station
 Theater, indoor
 Veterinary clinic
 Water or wastewater treatment plant

CONDITIONAL USE, CLASS B:

Building supplies
 Congregate living facility, type 2
 Day care center, limited
 Fitness center
 Laundry services
 Park, public
 Stable, commercial
 Storage, outdoor, agricultural

Reference Sections:

- 1) Supplementary Use Standards -- See Section 6.4.D
 - 2) Property Development Regulations -- See Section 6.5
 - 3) Accessory/Temporary Structure Standards -- See Section 6.6
 - 4) Off-street Parking/Loading -- See Section 7.2
 - 5) Landscaping -- See Section 7.3
 - 6) Lighting/Noise Standards -- See Section 7.8
 - 7) Signs -- See Section 7.14
 - 8) Vegetation Protection -- See Section 9.5
- [Ord. No. 01-01][Ord. No. 01-62]**

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2. **CLO, Limited Office Commercial District.** The purpose and intent of the CLO district is to encourage development of low-intensity business offices and the integration of other complementary uses within the local environment where located on a local, collector, or an arterial road. The CLO district shall also serve as a transition between residential areas and intense commercial development. The CLO district corresponds to the Commercial Low Intensity-Office Only (CL-O) and the Commercial and the Commercial High Intensity Office (CHO), Commercial Low Intensity (CL), and Commercial High Intensity (CH) land use designations in the Future Land Use Element of the Comprehensive Plan, or any zoning district corresponding to the underlying alternate density may be applied. The following uses are subject to the Supplementary use standards referenced below.

PERMITTED USES:

Air stripper, remedial
 Catering service
 Freestanding kiosk
 Office, business or professional
 Park, passive Financial institution
 Personal services
 Printing and copying services
 Repair services, limited

SPECIAL USES:

Agricultural stand
 Communication cell site on wheels (COW)
 Recycling collection station
 Recycling drop off bin

PERMITTED SUBJECT TO DRC SITE PLAN:

Communication panels, antennas, commercial
 Data information processing
 Excavation, Type II
 Financial institution
 Government services
 Laundry services
 Restaurant, specialty
 Utility, minor

CONDITIONAL USE, CLASS A:

Agriculture, bona fide
 Air curtain incinerator, temporary
 Church or place of worship
 Communication tower, commercial
 Day care center, general
 Electrical power facility
 Equestrian arena, commercial
 Grooms quarters
 Livestock raising
 Medical office or dental clinic
 Packing plant
 Restaurant, high turnover sit-down
 Solid waste transfer station
 Veterinary clinic
 Water or wastewater treatment plant

CONDITIONAL USE, CLASS B:

Day care center, limited
 Nursery, wholesale
 Restaurant, quality
 Stable, equestrian type two

Reference Sections:

- 1) Supplementary Use Standards -- See Section 6.4.D.
 - 2) Property Development Regulations -- See Section 6.5
 - 3) Accessory/Temporary Structure Standards -- See Section 6.6
 - 4) Off-street Parking/Loading -- See Section 7.2
 - 5) Landscaping -- See Section 7.3
 - 6) Lighting/Noise Standards -- See Section 7.8
 - 7) Signs -- See Section 7.14
 - 8) Vegetation Protection -- See Section 9.5
- [Ord. No. 01-01][Ord. No. 01-62]

3. **CC, Community Commercial District.** The purpose and intent of the CC district is to provide a commercial facility of a community nature that services residential neighborhoods within a three (3) to five (5) mile radius, located on a collector or an arterial road, with a total lot area of not less than one (1) acre, that is planned and developed as an integral unit. The CC district corresponds to the Commercial Low Intensity (CL) and Commercial High Intensity (CH) land use designation in the Future Land Use Element of the Comprehensive Plan, or any zoning district corresponding to the underlying alternate density may be applied. The following uses are subject to the Supplementary use standards referenced below.

PERMITTED USES:

Air stripper, remedial
 Catering service
 Farmer's market
 Farrier
 Freestanding kiosk
 Fruit and vegetable market
 Nursery, retail
 Nursery, wholesale
 Office, business or professional
 Park, passive
 Personal services
 Printing and copying services
 Repair services, limited
 Restaurant, quality
 Restaurant, specialty
 Retail sales, general
 Shade house
 Storage, indoor agricultural
 Veterinary, clinic

SPECIAL USES:

Agricultural stand
 Amusements, temporary or special events
 Communication cell site on wheels (COW)
 Retail sales, mobile or temporary
 Recycling collection station
 Recycling drop off bin
 Security or caretaker quarters

PERMITTED SUBJECT TO DRC SITE PLAN:

Communication panels, antennas, commercial
 Day care center, limited
 Excavation, type II
 Government services
 Laundry services
 Park, public
 Restaurant, high turnover sit down
 Stable, equestrian type two
 Utility, minor

CONDITIONAL USE, CLASS A:

Agricultural, bona fide
 Air curtain incinerator, temporary
 Automotive service station
 Arena, auditorium or stadium
 Car wash and auto detailing
 Church or place of worship
 College or university
 Congregate living facility, type 3
 Convenience store
 Convenience store, with gas sales
 Day care center, general
 Electrical power facility
 Entertainment, indoor
 Entertainment, outdoor
 Fitness center
 Funeral home or crematory
 Hospital or medical center
 Golf course
 Grooms quarters
 Groves/row crops
 Livestock raising
 Lounge, cocktail
 Nursing or convalescent facility
 Repair and maintenance, general
 Restaurant, fast food
 Self-service storage
 School, elementary or secondary
 Solid waste transfer station
 Theater, indoor
 Vehicle inspection center
 Vehicle sales and rental
 Water or wastewater treatment plant

CONDITIONAL USE, CLASS B:

Auction, enclosed
 Assembly, nonprofit institutional
 Assembly, nonprofit membership
 Broadcasting studio
 Communication tower, commercial
 Equestrian arena, commercial

CONDITIONAL USE, CLASS B: (cont'd)

Financial institution
Landscape installation service
Landscape maintenance service
Medical office or dental clinic
Packing plant
Parking lot, commercial
Recycling center
Storage, outdoor agricultural
Vocational school

Reference Sections:

- 1) Supplementary Use Standards -- See Section 6.4.D
 - 2) Property Development Regulations -- See Section 6.5
 - 3) Accessory/Temporary Structure Standards -- See Section 6.6
 - 4) Off-street Parking/Loading -- See Section 7.2
 - 5) Landscaping -- See Section 7.3
 - 6) Lighting/Noise Standards -- See Section 7.8
 - 7) Signs -- See Section 7.14
 - 8) Vegetation Protection -- See Section 9.5
- [Ord. No. 01-01][Ord. No. 01-62][Ord. No. 01-100]

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- 4. CHO, Commercial High Office District.** The purpose and intent of the CHO district is to encourage development of business office parks and the integration of other complementary uses within the environment. The CHO district corresponds to the previous Specialized Commercial High (CSH) District, Specialized Commercial (CS) District and the Commercial High Intensity-Office Only (CH-O), and the Commercial High Intensity (CH) land use designations in the Future Land Use Element of the Comprehensive Plan, or any zoning district corresponding to the underlying alternate density may be applied. The following uses are subject to the Supplementary use standards referenced below.

PERMITTED USES:

Air stripper, remedial
 Catering service
 Data information processing
 Freestanding kiosk
 Laundry services
 Office, business or professional
 Nursery, wholesale
 Park, passive
 Personal services
 Printing and copying services
 Repair services, limited
 Restaurant, specialty
 Vocational school

SPECIAL USES:

Agricultural stand
 Communication cell site on wheels (COW)
 Recycling collection station
 Recycling drop off bin
 Security/caretaker quarters

PERMITTED SUBJECT TO DRC SITE PLAN:

Broadcasting studio
 Communication panels, antennas, commercial
 Day care center, limited
 Excavation, type II
 Government services
 Heliport or helipad
 Medical office or dental clinic
 Motion picture production studio
 Stable, equestrian type two
 Utility, minor

Reference Sections:

- 1) Supplementary Use Standards -- See Section 6.4.D
 - 2) Property Development Regulations -- See Section 6.5
 - 3) Accessory/Temporary Structure Standards -- See Section 6.6
 - 4) Off-street Parking/Loading -- See Section 7.2
 - 5) Landscaping -- See Section 7.3
 - 6) Lighting/Noise Standards -- See Section 7.8
 - 7) Signs -- See Section 7.14
 - 8) Vegetation Protection -- See Section 9.5
- [Ord. No. 01-01][Ord. No. 01-62] [Ord. No. 01-100]

CONDITIONAL USE, CLASS A:

Agriculture bona fide
 Air curtain incinerator, temporary
 College or university
 Electrical power facility
 Equestrian arena, commercial
 Fitness Center
 Grooms quarters
 Hospital or medical center
 Livestock, raising
 Lounge, cocktail
 Restaurant, fast food
 Restaurant, high turnover sit-down
 School, elementary or secondary
 Solid waste transfer station
 Water or wastewater treatment plant

CONDITIONAL USE, CLASS B:

Church or place of worship
 Communication tower, commercial
 Day care center, general
 Financial institution
 Hotel, motel, SRO, boarding & rooming house
 Marine facility
 Medical or dental laboratory
 Packing plant
 Parking lot, commercial
 Restaurant, quality
 Veterinary clinic

5. **CG, General Commercial District.** The purpose and intent of the CG district is to encourage the development of an intensive commercial use providing a wide range of goods and services, located adjoining at least one (1) major collector or arterial road that services a consumer market of at least a three (3) mile radius. The CG district corresponds to the Commercial High Intensity (CH) land use designation in the Future Land Use Element of the Comprehensive Plan, or any zoning district corresponding to the underlying alternate density may be applied. The following uses are subject to the Supplementary use standards referenced below.

PERMITTED USES:

Agriculture sales and service
 Air stripper, remedial
 Assembly, nonprofit institutional
 Catering service
 Data information processing
 Farmer's market
 Farrier
 Freestanding kiosk
 Fruit and vegetable market
 Laundry service
 Lounge, cocktail
 Medical or dental laboratory
 Monument sales, retail
 Nursery, retail
 Nursery, wholesale
 Office, business or professional
 Park, passive
 Personal services
 Printing and copying services
 Repair services, limited
 Restaurant, quality
 Restaurant specialty
 Retail sales, general
 Shadehouse
 Storage, indoor agricultural
 Veterinary, clinic
 Vocational school

SPECIAL USES:

Adult entertainment
 Agricultural stand
 Amusements, temporary or special events
 Communication cell site on wheels (COW)
 Retail sales, mobile or temporary
 Recycling collection station
 Recycling drop off bin
 Security or caretaker quarters

PERMITTED SUBJECT TO DRC SITE PLAN:

Auction, enclosed
 Assembly, nonprofit membership
 Broadcasting studio

PERMITTED SUBJECT TO DRC SITE PLAN**(cont'd):**

Communication panels, antennas, commercial
 Day care center, limited
 Excavation, type II
 Government services
 Heliport or helipad
 Medical office or dental clinic
 Motion picture production studio
 Packing plant
 Park, public
 Parking lot, commercial
 Recycling center
 Restaurant, high turnover sit-down
 Stable, equestrian type two
 Utility, minor

CONDITIONAL USE, CLASS A:

Agriculture, bona fide
 Air curtain incinerator, temporary
 Auction, outdoor
 Automotive paint and body shop
 Automotive service station
 Arena, auditorium or stadium
 Butcher shop, wholesale
 College or university
 Convenience store, with gas sales
 Dog day-care
 Day labor employment service
 Electrical power facility
 Entertainment, outdoor
 Excavation type III
 Excavation type IIIA
 Excavation type IIIB
 Fitness center
 Flea market, open
 Funeral homes or crematory
 Grooms quarters
 Groves/row crop
 Hospital or medical center
 Livestock raising
 Parking garage, commercial
 Pawnshop

CONDITIONAL USE, CLASS A (cont'd):

Repair and maintenance, general
Restaurant, fast food
School, elementary or secondary
Self-service storage
Solid waste transfer station
Theater, drive- in
Vehicle sales and rental
Water or wastewater treatment plant

CONDITIONAL USE, CLASS B:

Agricultural storage, outdoor
Building supplies
Car wash and auto detailing
Cemetery
Church or place of worship
Communication tower, commercial
Congregate living facility, type 3
Convenience store
Day care center, general
Dispatching office
Entertainment indoor
Equestrian arena, commercial
Financial Institution
Flea market, enclosed
Golf course
Gun club, enclosed
Hotel, motel, SRO, boarding & rooming house
Kennel, commercial
Landscape installation service
Landscape maintenance service
Marine facility
Nursing or convalescent facility
Storage, outdoor agricultural
Theater, indoor
Transportation facility
Vehicle inspection center
Zoo

Reference Sections:

- 1) Supplementary Use Standards -- See Section 6.4.D
 - 2) Property Development Regulations -- See Section 6.5
 - 3) Accessory/Temporary Structure Standards -- See Section 6.6
 - 4) Off-street Parking/Loading -- See Section 7.2
 - 5) Landscaping -- See Section 7.3
 - 6) Lighting/Noise Standards -- See Section 7.8
 - 7) Signs -- See Section 7.14
 - 8) Vegetation Protection -- See Section 9.5
- [Ord. No. 01-01][Ord. No. 01-62] [Ord. No. 01-100]

6. **CRE, Commercial Recreation District.** The purpose and intent of the CRE district is to provide lands for major commercial recreation uses that are either publicly or privately operated, that require large amounts of land and have major effects on adjacent uses. The CRE district corresponds to the Commercial Recreation land use designation in the Future Land Use Element of the Comprehensive Plan, and can be applied only to those areas designated Commercial Recreation (CR), or Industrial (IND) in the Future Land Use Element of the Comprehensive Plan. In some cases the CRE district may be applied in the Rural Residential 10 (RR10) land use designation for those uses identified in the Future Land Use Element of the Comprehensive Plan, or any zoning district corresponding to the underlying alternate density may be applied. Gaming, pari-mutual wagering, off-track betting, events or activities held or broadcast for similar purposes shall be prohibited in the CRE district in the Agricultural Reserve Tier. The following uses are subject to the Supplementary use standards referenced below. [Ord. No. 01-62]

PERMITTED USES:

Air stripper, remedial
 Catering service
 Equestrian arena, commercial
 Fitness center
 Gun club, enclosed
 Nursery, wholesale
 Park, passive
 Parking lot, commercial
 Restaurant, quality
 Restaurant, specialty
 Shadehouse
 Stable, equestrian type two
 Theater, drive-in

SPECIAL USES:

Agricultural stand
 Amusements, temporary or special events
 Communication cell site on wheels (COW)
 Recycling drop off bin
 Security or caretaker quarters

PERMITTED SUBJECT TO DRC SITE**PLAN:**

Campground
 Communication panels, antennas, commercial
 Day camp, summer
 Day care center, general
 Day care center, limited
 Entertainment, indoor
 Entertainment, outdoor
 Excavation, Type II

PERMITTED SUBJECT TO DRC SITE**PLAN:**

Government services
 Golf course
 Heliport or helipad
 Hotel, motel, SRO, boarding & rooming house
 Packing plant
 Park, public
 Theater, indoor
 Utility, minor
 Zoo

CONDITIONAL USE, CLASS A:

Agriculture, bona fide
 Airport
 Arena, auditorium or stadium
 Electrical power facility
 Excavation, type III
 Grooms quarters
 Gun club, open
 Livestock raising
 Excavation, type IIIA
 Excavation, type IIIB
 Motion picture production studio
 Water or wastewater treatment plant

CONDITIONAL USE, CLASS B:

Air curtain incinerator, temporary
 Airplane landing strip, accessory
 Church or place of worship
 Communication tower, commercial
 Marine facility

- 6. CRE, Commercial Recreation District.** The purpose and intent of the CRE district is to provide lands for major commercial recreation uses that are either publicly or privately operated, that require large amounts of land and have major effects on adjacent uses. The CRE district corresponds to the Commercial Recreation land use designation in the Future Land Use Element of the Comprehensive Plan, and can be applied only to those areas designated Commercial Recreation (CR), or Industrial (IND) in the Future Land Use Element of the Comprehensive Plan. In some cases the CRE district may be applied in the Rural Residential 10 (RR10) land use designation for those uses identified in the Future Land Use Element of the Comprehensive Plan, or any zoning district corresponding to the underlying alternate density may be applied. Gaming, pari-mutual wagering, off-track betting, events or activities held or broadcast for similar purposes shall be prohibited in the CRE district in the Agricultural Reserve Tier. The following uses are subject to the Supplementary use standards referenced below. [Ord. No. 01-62]

PERMITTED USES:

Air stripper, remedial
 Catering service
 Equestrian arena, commercial
 Fitness center
 Gun club, enclosed
 Nursery, wholesale
 Park, passive
 Parking lot, commercial
 Restaurant, quality
 Restaurant, specialty
 Shadehouse
 Stable, equestrian type two
 Theater, drive-in

SPECIAL USES:

Agricultural stand
 Amusements, temporary or special events
 Communication cell site on wheels (COW)
 Recycling drop off bin
 Security or caretaker quarters

PERMITTED SUBJECT TO DRC SITE**PLAN:**

Campground
 Communication panels, antennas, commercial
 Day camp, summer
 Day care center, general
 Day care center, limited
 Entertainment, indoor
 Entertainment, outdoor
 Excavation, Type II

PERMITTED SUBJECT TO DRC SITE**PLAN:**

Government services
 Golf course
 Heliport or helipad
 Hotel, motel, SRO, boarding & rooming house
 Packing plant
 Park, public
 Theater, indoor
 Utility, minor
 Zoo

CONDITIONAL USE, CLASS A:

Agriculture, bona fide
 Airport
 Arena, auditorium or stadium
 Electrical power facility
 Excavation, type III
 Grooms quarters
 Gun club, open
 Livestock raising
 Excavation, type IIIA
 Excavation, type IIIB
 Motion picture production studio
 Water or wastewater treatment plant

CONDITIONAL USE, CLASS B:

Air curtain incinerator, temporary
 Airplane landing strip, accessory
 Church or place of worship
 Communication tower, commercial
 Marine facility

Reference Sections:

- 1) Supplementary Use Standards -- See Section 6.4.D
- 2) Property Development Regulations -- See Section 6.5
- 3) Accessory/Temporary Structure Standards -- See Section 6.6
- 4) Off-street Parking/Loading -- See Section 7.2
- 5) Landscaping -- See Section 7.3
- 6) Lighting/Noise Standards -- See Section 7.8
- 7) Signs -- See Section 7.14
- 8) Vegetation Protection -- See Section 9.5 [Ord. No. 01-62]

F. Industrial districts.

1. **IL, Light Industrial District.** The purpose and intent of the IL district is to provide sufficient lands in appropriate locations for certain types of business, light manufacturing, or processing uses likely to cause undesirable effects upon nearby or adjacent residential or commercial lands. The IL district corresponds to the Industrial (IND) land use designation in the Future Land Use Element of the Comprehensive Plan. The following uses are subject to the Supplementary use standards referenced below.

PERMITTED USES:

Agricultural related manufacturing, light
 Agricultural research/development
 Air stripper, remedial
 Assembly, nonprofit institutional
 Assembly, nonprofit membership
 Automotive paint or body shop
 Broadcasting studio
 Butcher shop, wholesale
 Catering service
 Communication panels, antennas, commercial
 Data information processing
 Dispatching office
 Dog day-care
 Fitness center
 Freestanding kiosk
 Government services
 Groves/row crops
 Landscape installation service
 Landscape maintenance service
 Machine or welding shop
 Manufacturing and processing
 Marine facility

SPECIAL USES:

Adult entertainment
 Agricultural stand
 Amusements, temporary or special events
 Communication cell site on wheels (COW)
 Retail sales, mobile or temporary
 Recycling collection station
 Recycling drop off bin
 Security or caretaker quarters

PERMITTED USES (cont'd):

Medical or dental laboratory
 Monument sales, retail
 Motion picture production studio
 Nursery, wholesale
 Office, business or professional
 Park, passive
 Parking garage, commercial
 Parking lot, commercial
 Printing and copying services
 Recycling center
 Repair and maintenance, general
 Repair services, limited
 Restaurant, quality
 Shadehouse
 Storage, indoor agricultural
 Storage, outdoor agricultural
 Towing service and storage
 Vehicle inspection center
 Vocational school
 Warehousing
 Wholesaling, general

CONDITIONAL USE, CLASS A:

Agriculture, bona fide
 Air curtain incinerator, permanent
 Electrical power facility
 Excavation, type III
 Grooms quarters
 Heavy industry
 Livestock raising
 Mining, excavation type IIIA
 Mining, excavation type IIIB

PERMITTED SUBJECT TO DRC SITE PLAN:

- Agricultural transshipment
- Building supplies
- Car wash and auto detailing
- Communication tower, commercial
- Composting facility
- Contractor's storage yard
- Day care center, limited
- Day labor employment service
- Entertainment, indoor
- Entertainment, outdoor
- Excavation, type II
- Farmer's market
- Funeral home or crematory
- Golf course
- Gun club, enclosed
- Heliport or helipad
- Packing plant
- Park, public
- Restaurant, high turnover sit-down
- Self-service storage
- Stable, commercial
- Theater, indoor
- Transportation facility
- Utility, minor
- Water or wastewater treatment plant

CONDITIONAL USE, CLASS A: (cont'd)

- Restaurant, fast food
- School, elementary or secondary
- Solid waste transfer station
- Truck stop
- Vehicle sales and rental

CONDITIONAL USE, CLASS B:

- Air curtain incinerator, temporary
- Auction, outdoor
- Automotive service station
- Chipping and mulching
- Convenience store, with gas sales
- Day care center, general
- Flea market, open
- Gas and fuel, wholesale
- Kennel, commercial
- Laboratory, industrial research
- Nursery, retail
- Potting soil manufacturing
- Recycling plant

Reference Sections:

- 1) Supplementary Use Standards -- See Section 6.4.D
 - 2) Property Development Regulations -- See Section 6.5
 - 3) Supplementary Development Standards -- See Section 6.6
 - 4) Off-street Parking/Loading -- See Section 7.2
 - 5) Landscaping -- See Section 7.3
 - 6) Performance Standards -- See Section 7.8
 - 7) Signs -- See Section 7.14
 - 8) Vegetation Protection -- See Section 9.5
- [Ord. No. 01-01] [Ord. No. 01-62] [Ord. No. 01-100]

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2. IG, General Industrial District. The purpose and intent of the IG district is to provide lands in appropriate locations for those uses with one (1) or more of the following characteristics: industrial processes that involve significant amounts of heat, mechanical and chemical processing; large amounts of material transfer; and large scale structures. The IG district provides for those industrial uses that are not located in a planned industrial park, as well as permitting such planned uses. Such industrial uses are to be located with convenient access to transportation facilities. The IG district corresponds to the Industrial (IND) land use designation in the Future Land Use Element of the Comprehensive Plan. The following uses are subject to the Supplementary use standards referenced below.

PERMITTED USES:

Agricultural related manufacturing, light
 Agricultural research/development
 Agricultural transshipment
 Air stripper, remedial
 Automotive paint or body shop
 Building supplies
 Butcher shop, wholesale
 Catering service
 Communication panels, antennas, commercial
 Contractor's storage yard
 Data information processing
 Day labor employment service
 Dispatching office
 Freestanding kiosk
 Government services
 Groves/row crops
 Gun club, enclosed
 Laboratory, industrial research
 Landscape installation service
 Machine or welding shop
 Manufacturing and processing
 Marine facility
 Motion picture production studio
 Nursery, wholesale
 Office, business or professional
 Park, passive
 Recycling center
 Repair and maintenance, general
 Repair services, limited
 Restaurant, quality
 Shadehouse
 Storage, indoor agricultural
 Storage, outdoor agricultural
 Towing service and storage
 Vocational school
 Warehousing
 Wholesaling, general

PERMITTED SUBJECT TO DRC SITE PLAN:

Automotive service station
 Asphalt or concrete plant
 Chipping and mulching
 Communication tower, commercial
 Composting facility
 Convenience store, with gas sales
 Day care center, limited
 Excavation, type II
 Farmer's market
 Gas and fuel, wholesale
 Heavy industry
 Heliport or helipad
 Packing plant
 Park, public
 Potting soil manufacturing
 Recycling plant
 Self-service storage
 Stable, equestrian type two
 Transportation facility
 Utility, minor
 Water or wastewater treatment plant

CONDITIONAL USE, CLASS A:

Agriculture, bona fide
 Airport
 Air curtain incinerator, permanent
 Electrical power facility
 Excavation, type III
 Livestock raising
 Mining, excavation type IIIA
 Mining, excavation type IIIB
 Salvage or junk yard
 Sugar mill or refinery
 Truck stop

SPECIAL USES:

Adult entertainment
Agricultural stand
Communication Cell Site on Wheels (COWs)
Recycling collection station
Recycling drop off bin
Security/caretaker quarters

CONDITIONAL USE, CLASS B:

Air curtain incinerator, temporary
Airplane landing strip, accessory
Day care center, general
Nursery, retail
Solid waste transfer station

Reference Sections:

- 1) Supplementary Use Standards -- See Section 6.4.D
 - 2) Property Development Regulations -- See Section 6.5
 - 3) Supplementary Development Standards -- See Section 6.6
 - 4) Off-street Parking/Loading -- See Section 7.2
 - 5) Landscaping -- See Section 7.3
 - 6) Performance Standards -- See Section 7.8
 - 7) Signs -- See Section 7.14
 - 8) Vegetation Protection -- See Section 9.5
- [Ord. No. 01-01] [Ord. No. 01-62] [Ord. No. 01-100]

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G. Public and Institutional Districts.

1. **PO, Public Ownership District.** The purpose and intent of the PO district is to provide a coordinated land planning approach to the sale, rent, lease, purchase, management, or alteration of publicly owned or operated lands. Notwithstanding those public uses permitted elsewhere in this Code, the PO district is primarily concerned with, although not limited to, the enlightened planning of parks and recreation areas, public buildings and facilities, and other capital improvements of a distinctly significant nature. The PO district corresponds to all land use categories in the Future Land Use Element of the Comprehensive Plan. The following uses are subject to the Supplementary use standards referenced below. [Ord. No. 01-62]

PERMITTED USE:

Air stripper, remedial
 Assembly, nonprofit institutional
 Campground
 College or university
 Communication panels, antennas, commercial
 Electrical power facility
 Gas and fuel, wholesale
 Government services
 Helipad or helipad
 Hospital or medical center
 Park, passive
 Park, public
 Parking lot, commercial
 Recycling center
 School, elementary or secondary
 Transportation facility
 Vehicle inspection center
 Water or wastewater treatment plant
 Zoo

SPECIAL USE:

Air curtain incinerator, temporary
 Communication cell site on wheels (COW)
 Recycling collection station
 Recycling drop off bin
 Retail sales, mobile or temporary
 Security or caretaker quarters

PERMITTED SUBJECT TO DRC SITE PLAN:

Arena, auditorium or stadium
 Chipping and mulching
 Communication tower, commercial
 Composting facility
 Day care center, general
 Day care center, limited
 Equestrian arena, commercial
 Excavation, type II
 Gun club, enclosed
 Marine facility
 Potting soil manufacturing
 Stable, equestrian type two
 Utility, minor

CONDITIONAL USE, CLASS B:

Cemetery
 Golf course
 Gun club, open
 Recycling plant
 Solid waste transfer station

CONDITIONAL USE, CLASS A:

Air curtain incinerator, permanent
 Airport
 Excavation, type III
 Groom's quarters
 Mining, excavation type IIIA
 Mining, excavation type IIIB

Reference Sections:

- 1) Supplementary Use Standards -- See Section 6.4.D
 - 2) Property Development Regulations -- See Section 6.5
 - 3) Accessory/Temporary Structure Standards -- See Section 6.6
 - 4) Off-street Parking/Loading -- See Section 7.2
 - 5) Landscaping -- See Section 7.3
 - 6) Lighting/Noise Standards -- See Section 7.8
 - 7) Signs -- See Section 7.14
 - 8) Vegetation Protection -- See Section 9.5
- [Ord. No. 01-01] [Ord. No. 01-62]

2. **IPF, Institutional and Public Facilities District.** The purpose and intent of the IPF district is to provide lands in appropriate locations for a variety of regional and community uses that are either publicly or privately operated. The IPF district corresponds to the institutional land use designation in the Future Land Use Element of the Comprehensive Plan.

PERMITTED USES:

- Congregate Living Facility, type 1
- Park, passive

SPECIAL USES:

- Amusement, temporary or special events
- Communication Cell site on Wheels (COWs)
- Recycling Collection Station
- Recycling drop off bin
- Security or Caretaker quarters

PERMITTED SUBJECT TO DRC SITE PLAN:

- Community Vegetable Garden
- Day Camp
- Day care center, limited
- Equestrian arena, commercial
- Excavation, type II
- Government services
- Heliport or helipad
- Medical Office or Clinic
- Medical or Dental Laboratory
- Park, public
- Stable, equestrian type two
- Utility, minor

CONDITIONAL USE, CLASS A:

- Airport
- Arena, auditorium or stadium
- Cemetery
- College or University
- Communication tower, commercial
- Congregate living facility, type 3
- Electrical power facility
- Groom's quarters
- Hospital or medical center
- Multi-family
- School, elementary or secondary
- Single-family
- Solid waste transfer station
- Townhouse
- Vocational schools
- Water or wastewater treatment plant
- Zero lot line home

CONDITIONAL USE, CLASS B:

- Agricultural research/development
- Air curtain incinerator, temporary
- Airplane landing strip, accessory
- Assembly nonprofit, institution
- Assembly nonprofit, membership
- Communication panels, antennas, commercial
- Congregate living facility, type 2
- Church or place of worship
- Day care center, general
- Transportation facility
- Nursing or convalescent facility

Reference Sections, IPF District:

- 1) Supplementary Use Standards - See Sec. 6.4.D
 - 2) Property Development Regulations - See Sec. 6.5
 - 3) Accessory/Temporary Structure Standards - See Sec. 6.6
 - 4) Off-Street parking/Loading - See Sec. 7.2
 - 5) Landscaping - See Sec. 7.3
 - 6) Lighting/Noise/Standards - See Sec. 7.8
 - 7) Signs - See Sec. 7.14
 - 8) Vegetation Protection - See Sec. 9.5
- [Ord. No. 01-01][Ord. No. 01-62]

H. Agriculture Uses in the Urban/Suburban Tier.

1. **Applicability.** Uses existing at the time of adoption of the ordinance permitting agricultural uses in the Urban/Suburban Tier shall be considered to be conforming. Any expansion of existing and any new agricultural uses shall be consistent with all applicable requirements and subject to review by the appropriate staff or review board as identified in the ULDC. The AR Zoning District shall be considered consistent with all Future Land Use Atlas designations in the Urban Suburban Tier for the purpose of permitting agricultural uses. [Ord. No. 99-37] [Ord. No. 01-01]
2. **Uses.** Agricultural uses not listed in Section 6.2.D, as permitted within the Urban/Suburban Tier, shall only be permitted with a Class A conditional use approval. [Ord. No. 01-01]
3. **Previous development orders.** Property which has a development order may also receive an additional development order for a temporary agricultural use in the Urban/Suburban Tier in accordance with the standards enumerated in 6.4.D, Supplementary use standards, for the specific agricultural use however, the agricultural use shall not be eligible for an agricultural tax exemption. [Ord. No. 01-01]

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I. Overlay Districts and Special Zones.

1. **NE-O, Native Ecosystem Overlay.** The purpose and intent of the NE-O district is to ensure the protection of environmentally sensitive lands while ensuring development options by permitting flexibility in development regulations. [Ord. No. 01-01]
2. **WCRA-O, Westgate/Belvedere Homes Overlay.** The Westgate/ Belvedere Homes Community Redevelopment Agency (Westgate/Belvedere Homes CRA) was created pursuant to Sec. 163.330, et. seq., Fla. Stat., to remove blight conditions, enhance the County's tax base, improve the living conditions, and preserve areas of low and moderate cost housing in the Westgate/Belvedere Homes area. The use of community redevelopment powers enables the Board of County Commissioners and the Westgate/Belvedere Homes CRA to make public improvements which encourages and enhances private investment and neighborhood stability, prevents continuation of inefficient and incompatible land use patterns, and assists revitalization and rehabilitation of older commercial and residential areas in the Westgate/Belvedere Homes area. In recognition of the special needs of the Westgate/Belvedere Homes area, the WCRA-O district is established with the purpose and intent of encouraging development and redevelopment of the Westgate/Belvedere Homes area through regulatory incentives; arresting deterioration of property values; preserving existing, viable affordable housing and providing opportunity for the future development of affordable housing; implementing the Westgate/Belvedere Homes Community Redevelopment Plan; and under certain circumstances, providing for increased residential densities and an increase of up to twenty (20) percent in the amount of land designated as commercial on the Land Use Atlas Map without amendment to the Comprehensive Plan. [Ord. No. 01-01]
3. **R&T-O, Research and Technology Overlay.** The purpose and intent of the R&T-O district is to protect critical manufacturing employers from the encroachment of incompatible uses and activities; provide opportunities to locate accessory, auxiliary and supporting industrial land uses in close proximity to existing manufacturing facilities; and ensure the location of compatible adjacent uses and activities in the district that complement manufacturing and high-tech operations that are related to the continuation and future development of the County's manufacturing and industrial base. The R&T-O district implements the Comprehensive Plan provisions related to the Pratt-Whitney Overlay. Additionally, all development within the R&T-O district shall promote efficient and economical industrial uses; promote compatible industrial use linkages by process, production or service; be compatible with surrounding uses and activities; preserve and protect natural features and native vegetation so as to prevent ecological damage in part through the location of buildings and land use intensities; and encourage the continuation and future development of the County's manufacturing and industrial base. [Ord. No. 01-01]
4. **GA-O, Glades Area Economic Development Overlay.** The purpose and intent of the GA-O district is to provide flexibility in the range of uses and land development regulations allowed in the underlying districts in the Glades area and to accommodate uses which, if deemed appropriate, will increase job opportunities and improve the economic vitality of the area. In addition, the GA-O district shall provide a set of regulations that recognize the character of the area. [Ord. No. 01-01]
5. **PBIA-O, Palm Beach International Airport Overlay.** The PBIA-O district recognizes that lands surrounding the Palm Beach International Airport are most suitable for campus-style industrial development over the long-term. The purposes and intent of the PBIA-O district are to protect neighborhoods surrounding the Palm Beach International Airport from incompatible land development; to protect airport operations from incompatible land development, and provide regulations that will assure safe, unobstructed access for all aircraft which enter and exit the airport; to allow land owners to initiate conversion to industrial uses where appropriate; and to allow land owner participation in the land use decision-making process. [Ord. No. 01-01]

6. **IOZ, Indiantown Road Overlay.** The purpose and intent of the Indiantown Road Overlay Zoning District (IOZ) is intended to implement the site development regulations of uses within the established Indiantown Road Corridor Study Area pursuant to the interlocal agreement adopted between Palm Beach County and the Town of Jupiter. The Town has adopted the IOZ pursuant to the recommendation of the Indiantown Road corridor Study and Chapter 163, Part II Florida Statutes. The purpose of the IOZ is to protect residential neighborhoods, limit uses, improve the overall aesthetics of the Indiantown Road corridor, and establish development incentives to accomplish the various objective of the corridor study. Through the interlocal agreement the Town and County have provided for a means of intergovernmental cooperation in implementing the IOZ standards throughout all appropriate incorporated and unincorporated portions of the Indiantown Road corridor and in accordance with Florida Statutes Chapter 163, Part IV. The Town and County agree to use a joint review process to advance the public health, safety, and general welfare and adopt procedures for the joint administration of land development regulations. [Ord. No. 01-01]
7. **COZ, Conditional Overlay Zone.** The purpose and intent of the COZ district is to modify and restrict the use and site development regulations otherwise authorized in the base district. All requirements of a COZ district are in addition to and supplement all other applicable requirements of this Land Development Code. Restrictions imposed by the COZ district shall mitigate potential impact and assure compatibility to surrounding land uses. [Ord. No. 01-01] [Ord. No. 01-29]
8. **AZO, Airport Zoning Overlay.** The purpose and intent of the Airport zoning regulations is to promote the maximum safety of aircraft using publicly-owned airports, the safety of residents and property in areas surrounding the airports, and the full utility of the airports. The provisions of Airport zoning regulations create zones, based on the approach and departure pattern of aircraft, and regulates he height of structures and the use of land within these zones. The Airport zoning regulations are contained in Article 18 of this code. [Ord. No. 96-28] [Ord. No. 01-29]
9. **CCSO, Community Commercial Service Overlay.** The purpose and intent of the Community Commercial Service Overlay (CCSO) district is to fulfill the provisions of the Land Use Element of the Comprehensive Plan which call for the limitation of new commercial (retail, office, service) land uses to serve the needs of the farm worker community, existing residents, and future residents of AGR-PUDs, a Community Commercial Service is established as an overlay within the AGR District. The CCSO district corresponds to the Commercial Low Intensity (CL) land use designation in the Future Land Use Element of the Comprehensive Plan. [Ord. No. 98-11]
10. **SCGCF-O, Sugar Cane Growers Cooperative of Florida Overlay.** The purpose and intent of the Sugar Cane Growers Cooperative of Florida Overlay (SCGCF-O) district is to maintain the integrity of bona fide agricultural operations related to the cultivation and processing of sugar cane, by prohibiting the encroachment of incompatible land uses and/or activities. It will also provide opportunities for the inclusion of related accessory and supporting uses and/or activities in close proximity to the existing mill. [Ord. No. 01-100]
11. **LWRCC-O, Lake Worth Road Commercial Corridor Overlay..** The purpose and intent of the Lake Worth Road Commercial Corridor Overlay (LWRCC-O) district is to provide incentives to encourage infill development and redevelopment along Lake Worth Road, improve the neighborhood characteristics of the area, and improve the overall quality of the surrounding community. The intent of the LWRCC-O is to implement the community's vision for the area and to address the unique land development constraints along Lake Worth Road. [Ord. No. 01-100]

- 12. LOST-O, Lake Okeechobee Scenic Trail Overlay.** The purpose and intent of the LOST-O district is to encourage nature and heritage based tourist related uses, such as lodging, restaurants, and trail outfitters, around the Herbert Hoover Dike to facilitate development of the Lake Okeechobee Scenic Trail. The LOST-O district is also intended to provide flexibility in the range of uses and land development regulations allowed in the underlying districts within its boundaries. [Ord. No. 01-29]

J. Planned development districts.

- 1. PUD, Residential Planned Unit Development District.** The purpose of the PUD district is to offer a residential development alternative which: allows an opportunity for a limited amount of commercial uses; and, corresponds to a range of residential land use categories on the Comprehensive Plan Land Use Atlas. The intent of the PUD is to promote the design of largely residential living environments which provide enlightened and imaginative approaches to community planning and shelter design. These approaches include but are not limited to:
- a. the preservation of natural features and scenic areas;
 - b. the integration and connection of land uses with perimeter landscape areas which provide vegetation preservation, buffering, and circulation areas;
 - c. the creation of a continuous non-vehicular circulation system;
 - d. the establishment of civic, commercial and recreation land uses;
 - e. the reduction of land consumption by roads; and,
 - f. the provision for flexible property development regulations to promote innovative and quality site design.
- 2. TND, Traditional Neighborhood Development District.** The purpose and intent of the TND district is to implement the Traditional Neighborhood Development Land Use Category of the Comprehensive Plan and to:
- a. provide a range of residential, commercial, and light industrial land uses;
 - b. lessen existing imbalances in land uses within a specified planning area;
 - c. encourage internal automobile trip capture;
 - d. offer a range of housing opportunities;
 - e. introduce a variety of architectural solutions for current development problems;
 - f. preserve natural features and scenic areas;
 - g. design safe and efficient circulation systems for pedestrians, non-motorized vehicles, and automobiles;
 - h. utilize perimeter landscape and edge areas to connect the various land uses and land use zones within neighborhoods, edge areas and the surrounding communities; and,
 - i. establish a neighborhood identity and focus.

- 3. MXPB, Mixed-Use Planned Development District.** The purpose of the MXPB district is twofold: (1) Promote the design of mixed-use developments for land which has a commercial designation on the Land Use Atlas, see Table 6.8-1, Planned Development District Densities and Corresponding Land Use Categories or a commercial land use zone designation within a PUD or PIPD; and, (2) Provide for the compatible integration of residential uses and commercial uses into a unified development.

The intent of the MXPB is to provide for the compatible development and integration of nonresidential uses and residential uses with enlightened and imaginative approaches to community planning, including but not limited to:

- a. the use of vertical or horizontal integration with residential and commercial uses;
 - b. the selection of land uses which encourages internal automobile trip capture and compatibility with residential uses;
 - c. the design of a site development plan which provides for the compatible cohabitation of residential and commercial uses;
 - d. the use of flexible property development regulations;
 - e. the design of safe and efficient circulation systems for pedestrians, bicycles, and automobiles;
 - f. the utilization of multiple family homes to provide a transition area between commercial uses and adjacent residential development; and,
 - g. the incorporation of perimeter landscape areas into the site development plan to connect, buffer and define the various land uses and land use zones within a MXPB.
- 4. MUPB, Multiple Use Planned Development District.** The purpose of the MUPB district is twofold: (1) to promote the design of unified, multiple use developments for land which has a rural residential 10, commercial, industrial, or commercial recreation designation on the Land Use Atlas, see Table 6.8-1, Planned Development District Densities and Corresponding Land Use Categories; and, (2) to provide for the efficient use of land by the integration of multiple uses within a single development.

The intent of the MUPB is to provide for the development of multiple nonresidential uses with enlightened and imaginative approaches to community planning, including but not limited to:

- a. allowing flexibility of certain property development regulations;
- b. applying certain property development regulations to the entire MUPB rather than individual lots, such as but not limited to:
 - (1) access;
 - (2) parking;
 - (3) lot size and dimensions;
 - (4) lot frontage;
 - (5) landscaping; and
- c. Designing for architectural compatibility between land uses for buildings and signage.

- 5. PIPD, Planned Industrial Park Development District.** The purpose of a PIPD is to offer an industrial development alternative which: provides employment opportunities; and, encourages internal automobile trip capture by offering justifiable amounts of commercial and residential uses.

The intent of the PIPD is to promote the design of planned industrial developments which provide enlightened and imaginative approaches to community planning and site design. These approaches, include but are not limited to:

- a. the preservation of natural features, scenic areas and native vegetation;
 - b. the promotion of efficient and economical industrial land use districts;
 - c. the encouragement of industrial linkages by process, product, or service;
 - d. the provision of on-site essential services for industries, employees, and clients;
 - e. the protection of nearby existing and future non-industrial land uses and activities;
 - f. the arrangement of buildings and land use intensities, as they relate to surrounding land uses to minimize and mitigate negative impacts;
 - g. the location of the PIPD near convenient access to transportation facilities such as interstate highways, major trucking routes, shipping and/or railroad lines; and,
 - h. the encouragement of industrial expansion to the County's economic base through new investment.
- 6. MHPD, Mobile Home Park Planned Development District.** The purpose of the MHPD district is to offer a mobile home residential development alternative which: 1. Allows a limited amount of commercial uses; and, 2. Corresponds to a range of residential land use designations on the Land Use Atlas. The intent of the MHPD is to promote the efficient design of mobile home communities which provide enlightened and imaginative approaches to community planning and, accommodate the housing needs of those residents who prefer mobile home living and of those who desire an economic alternative to conventional dwellings. These approaches, include but are not limited to:
- a. the preservation of natural features and scenic areas;
 - b. the reduction of land consumption by roads;
 - c. the creation of a continuous non-vehicular circulation systems;
 - d. the designation of perimeter landscape areas which provide preservation, buffering, and circulation areas; and,
 - e. the establishment of neighborhood commercial service uses and recreation areas.
- 7. RVPD, Recreational Vehicle Park Planned Development District.** The purpose of the RVPD district is twofold: 1. Promote the design of unified, recreational use developments for land which has a commercial, industrial or commercial recreation designation on the Land Use Atlas, see Table 6.8-1, Planned Development District Densities and Corresponding Land Use Categories.

The intent of the RVPD is to provide for the development of recreational vehicle parks which offer limited habitation on site (no permanent residence) and which provide enlightened and imaginative approaches to community planning, including but not limited to:

- a. providing a tourist oriented, park-like environment; and,
- b. locating near an established recreational resource to allow convenient access for tourists.

8. SWPD, Solid Waste Disposal Planned Development District. The purpose of the SWPD district is twofold: 1. Regulate the placement of developments designed to store, process, transfer or dispose of solid waste in any land use category, see Table 6.8-1, Planned Development District Densities and Corresponding Land Use Categories; and, 2. Permit only those land uses which are consistent with the County-wide Solid Waste Management Plan. The intent of the SWPD is to ensure the development of solid waste facilities which mitigate negative impacts and incorporate enlightened and imaginative approaches to community planning, including but not limited to:

- a. the protection of the public health, safety and welfare regarding air, noise and water pollution;
- b. the prevention of the use of the land as an uncontrolled receptacle for improperly treated wastes;
- c. the conservation of the value of land, buildings and resources;
- d. the protection of the character and maintenance of the stability of residential, agricultural, business and industrial areas;
- e. the provision of the appropriate and best use of land;
- f. the provision for preservation, protection, development and conservation of the natural resources of land, water and air;
- g. the provision for convenience of traffic and circulation of people and goods;
- e. the enhancement of the environment; and,
- f. the recovery of resources that have the potential of further use.

9. AGR-PUD, Agricultural Reserve Planned Unit Development. The purpose and intent of the AGR-PUD is to accommodate low density residential development options in conjunction with preservation of agriculture, wetlands or other significant open space areas. It is intended that an AGR-PUD will provide for residential development of land in a manner compatible with agriculture, wetlands or other significant open space and which does not detract from the protection and perpetuation of such uses in the Agricultural Reserve.

Amendment History:

[Ord. No. 98-11][Ord. No. 93-4; February 2, 1993] [Ord. No. 94-23; October 4, 1994] [Ord. No. 95-8; March 21, 1995] [Ord. No. 96-28; September 25, 1996] [Ord. No. 98-11; April 30, 1998] [Ord. No. 00-015; April 12, 2000] [Ord. No. 01- 01; January 9, 2001] [Ord. No. 01- 29; July 24, 2001]

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SEC. 6.3 ZONING MAP AND DISTRICT BOUNDARIES.

- A. Establishment of Official Zoning Map.** The location and boundaries of the districts established in this article shall be set forth on the Official Zoning Map of Palm Beach County which is incorporated herein by reference into this article as if fully described and set forth herein. A copy of the Official Zoning Map shall be located at all times for inspection by the general public during regular business hours in the offices of the PZB Department.
- B. Amendment to the Official Zoning Map.** If pursuant to the terms of this Code, amendments are made to the boundaries of the Official Zoning Map, such amendments shall be entered on the Official Zoning Map by the Zoning Director within twenty (20) working days after the amendment.
- C. Replacement of Official Zoning Map.**
1. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Board of County Commissioners shall adopt a new Official Zoning Map that shall supersede the prior Official Zoning Map.
 2. The new Official Zoning Map may correct drafting and clerical errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Map or subsequent amendments thereto without a duly noticed public hearing pursuant to the procedures and standards of this Code.

SEC. 6.4 USE REGULATIONS AND DEFINITIONS.**A. General.**

1. Uses permitted by right, permitted subject to Site Plan/Final Subdivision Plan approval by DRC, as a Special Use or as a Conditional Use in each district shall be determined from the Use Regulations Schedule (Table 6.4-1).
2. The Use regulations within overlay districts shall be determined by the uses allowed in the underlying districts, as may be modified by Sec. 6.7 (Overlay District).
3. Additional use regulations for the Planned Development districts are specified in Sec. 6.8 (Planned Development District Regulations).
4. Uses within Airport zones may be restricted or subject to special regulations as specified in Article 18 (Airport Zoning Regulations). [Ord. No. 96-28]

- B. Use classification.** The list of use classifications included in the Use Regulations Schedule (Table 6.4-1) is intended to classify uses on the basis of common functional characteristics and land use compatibility. Other uses not specifically listed in the Use Regulations Schedule, but exhibiting similar characteristics to a listed use shall be so classified by the interpretation of the Executive Director of PZB pursuant to the procedures and standards of Art. 2, Interpretation. [Ord. No. 95-8]

C. Use regulations schedule. The Use Regulations Schedule contained in Table 6.4-1 shall be interpreted as follows.

1. **Permitted by right.** Uses identified in a particular district column with a "P" are "permitted by right" and shall be permitted in such district, subject to such supplementary use standards as may be indicated in the "Note" column and subject to the other requirements of this Code. Uses identified with a "P" may be subject to Site Plan/Final Subdivision Plan review if specifically required by other provisions of this Code. Prior to receipt of a Certificate of Occupancy, all required permits from affected regulatory agencies must be obtained and the use must operate in accordance with those permits.
2. **Site plan/final subdivision plan.** Uses identified in a particular district column with a "D" are "permitted subject to Site Plan/Final Subdivision Plan review" and shall be permitted in such district only if a Site Plan/Final Subdivision Plan is submitted and approved in compliance with the provisions of this Code for the use by the Development Review Committee in accordance with the procedures and standards of Sec. 5.6, Site Plan/Final Subdivision Plan, subject to such supplementary use standards as may be indicated in the "Note" column of the Use Regulations Schedule tables of Secs. 6.4 and 6.8, and the other standards of this Code. Prior to receipt of a Certificate of Occupancy, all required permits from affected regulatory agencies must be obtained and the use must operate in accordance with those permits.
3. **Special use.** Uses identified in a particular district column with an "S" are "special uses" and shall be permitted in such district only if they meet the supplementary use standards indicated in the "Note" column for the use and are approved by the Zoning Director in accordance with the procedures and standards of Sec. 5.5 (Special Permit Uses), and subject to the other standards of this Code. Prior to receipt of a Certificate of Occupancy, all required permits from affected regulatory agencies must be obtained and the use must operate in accordance with those permits.
4. **Conditional use, Class B.** Uses identified in a particular district column with a "B" are "Class B conditional uses" and shall be permitted in such district only if they are approved by the Zoning Commission in accordance with the procedures and standards of Sec. 5.4.G (Class B conditional uses), subject to such supplementary use standards as may be indicated in the "Note" column, and the other standards of this Code. Prior to receipt of a Certificate of Occupancy, all required permits from affected regulatory agencies must be obtained and the use must operate in accordance with those permits. [Ord. No. 01-01]
5. **Conditional use, Class A.** Uses identified in a particular district column with a A are "Class A conditional uses" and shall be permitted in such district only if they are approved by the Board of County Commissioners in accordance with the procedures and standards of Sec. 5.4.F (Class A conditional uses), subject to such supplementary use standards as may be indicated in the "Note" column, and the other standards of this Code. Prior to receipt of a Certificate of Occupancy, all required permits from affected regulatory agencies must be obtained and the use must operate in accordance with those permits. [Ord. No. 01-01]
6. **Prohibited uses.** Uses not identified in a particular district column as permitted by right, as a Conditional use, or a Special use, are not allowed in such district unless otherwise expressly permitted under this Code.

7. **Supplementary use standards.** A number in the "Note" column refers to supplementary use standards applicable to a particular use in one (1) or more of the districts in which such use is allowed. For Planned Developments, the term district means the land use category. The referenced standards appear in Sec. 6.4. (Supplementary use standards). For example, note 53 refers to Sec. 6.4.D.53.
8. **Uses located in Overlay Zones.** Uses proposed to be located in overlay zones may be subject to additional regulations. Reference should be made to Sec. 6.7 of this Code to ensure no additional regulations apply.
9. **Airport zones.** Certain uses within an airport zone, established in Article 18, are subject to additional height and use limitations and may be subject to special conditions.
10. **District Specific Regulations.** Within certain zoning districts, special standards apply. Reference should be made to Sec. 6.5 to determine if a use is subject to additional regulations.
[Ord. No. 93-4] [Ord. No. 95-8] [Ord. No. 96-28]

Amendment History:

[Ord. No. 93-4; February 16, 1993] [Ord. No. 95-8; April 3, 1995] [Ord. No. 96-28; September 25, 1996]
[Ord. No. 01- 01; January 18, 2001]

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**TABLE 6.4-1
USE REGULATIONS SCHEDULE**

Use Type	Zoning District/Overlay																	NOTE						
	Agriculture/Conservation					Residential								Commercial					Indust./Public					
	P	AGR	A	S	R	AR	C	R	R	R	R	R	R	R	C	C	C		C	C	I	I	I	
	C		P	A	S		R	E	T	T	T	S	M	H	N	L	C		H	G	R	L	P	P
	A	C			R/	U/																		
	G	S			E	S																		
	R	O			X																			
Residential uses																								
Single-family		P	P	P			P	P	P	P	P	P	P	P									A	88
Zero lot line home														A	D	D	D						A	103
Townhouse														A	D	D	D						A	95
Multi-family																							A	65
Mobile home dwelling		S	S	S	S		S	S																62
Accessory dwelling		S	S	S	S		S	S	S	S	S	S	S	S	S	S								1
Congregate living facility, type 1							P	P	P	P	P	P	P	P	P	P							P	24
Congregate living facility, type 2							A	A	A						A	B	B	B					B	24
Congregate living facility, type 3															A	A	A	A	A				A	24
Estate kitchen		P	P	P	P		P	P	P	P	P	P	P	P	P	P								34.1
Farm residence		P	P	P	P																			36
Farm worker quarters		S	S	S	S	S																		37
Garage sale		P	P	P	P		P	P	P	P	P	P	P	P	P	P								44
Grooms quarters		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			A	47
Guest cottage		P	P	P	P		P	P	P	P	P	P	P	P	P									47.2
Home occupation		P	P	P	P		P	P	P	P	P	P	P	P	P									50
Nursing or convalescent facility														A	A	A	A	A					B	67
Security or caretaker quarters		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	86

[Ord. No. 98-11] [Ord. No. 99-37][Ord. No. 00-015] [Ord. No. 01-01] [Ord. No. 01-62]

Use Type	Zoning District/Overlay																				NOTE				
	Agriculture/Conservation					Residential								Commercial					Indust./Public						
	P	AGR	A	S	R	AR	C	R	R	R	R	R	R	R	C	C	C	C	C	C		I	I	P	P
	C		P	A	S	R		E	T	T	T	S	M	H	N	L	C	H	G	R		L	G	O	F
	A	C			R/	U/																			
	G	R	S	O	E	S	X																		
Agricultural uses																									
Agricultural food processing	D	D																						2.1	
Agricultural related manufacturing, light	D	D	D																		P	P		2.2	
Agricultural research /development	D		D	D	D																P	P	B	3	
Agricultural sales and service		P		A	B														P					4	
Agricultural stand	S	S	S	S	S	S	S	S								S	S	S	S	S	S	S		4.1	
Agricultural transshipment	D	D	D	A																	D	P		5	
Agriculture, bona fide	P	P	P	P	P	P	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		6	
Aviculture	P	P	P	P		P																		15.1	
Community vegetable garden	P	P										D	D	D	D								D	22.3	
Equestrian arena, commercial	D	D		D	D	B	B	B	B	B	B	B	B	B	B	A	A	B		B	P	B	B	D	34
Farmer's Market	D	D		D	D											P		P		P		D	D		37.1
Farrier	P	P	P	P	P	P	P									P		P		P					
Groves/row crops	P	P	P	P		P	D	D	B	B	B	A	A	A	A	A		A		A		P	P		47.1
Kennel, commercial	D	D		A															B		B				53

TABLE 6.4-1
USE REGULATIONS SCHEDULE

Use Type	Zoning District/Overlay																			NOTE						
	Agriculture/Conservation					Residential								Commercial					Indust./Public							
	P	AGR	A	S	R	AR	C	R	R	R	R	R	R	R	C	C	C	C	C		I	I	P	I		
	C	G	P	A	S	R	E	R	T	T	T	S	M	H	N	L	C	H	G		R	E	L	G	O	P
	A	C			R/	U/																				
	G	S			E	S																				
	R	O			X																					
Kennel, private	P	P	P	P		P	P	P	P	D	D	D	D	D											54	
Livestock raising		P	P	P	P	P	D	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			56.1	
Nursery, retail		P	P		D	P	B	A	A	A	A	A	A	A	A		P		P		P		B	B	66	
Nursery, wholesale		P	P	P	P	P	D	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	P	P	66.1	
Packing plant		D	D	D	A		B	B	A	A	A	A	A	A	A		A	A	B	B	D	D	D	D	68.1	
Potting soil manufacturing		D		D	A																		B	D	D	73
Shadehouse		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	87.1	
Stable, equestrian type two		D	D	D	D	D	D	D	B	A	A	A	A	A	A	A	B	B	D	D	D	P	D	D	D	90
Stable, equestrian type one		P	P	P	P	P	P	P	P	P	B	B	B	B	B	B										91
Storage, indoor agricultural		P	P	P	P		P	P	D	D	D	D	D	D	D		P		P		P		P	P	92	
Storage, outdoor agricultural		P	P	P	P		P	P	B	B	B	B	B	B	B		B		B		B		P	P	92	
Sugar mill or refinery				P	A																		A		93	

[Ord. No. 98-11] [Ord. No. 99-37] [Ord. No. 00-015] [Ord. No. 01-01] [Ord. No. 01-62]

**TABLE 6.4-1
USE REGULATIONS SCHEDULE**

Use Type	Zoning District/Overlay																NOTE									
	Agriculture/Conservation					Residential								Commercial					Indust./Public							
	P C	A G R	A P	S A	R S E R	AR		C R S	R E	R T	R T S	R T U	R S	R M	R H	C N		C L O	C C	C H O	C G	C R E	I L	I G	P O	I P F
Accessory and Temporary uses																										
Excavation, agricultural		D	D	D	D	D	D																			35
Excavation, type II		D	D		D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	35
Excavation, type 1A		P	P	P			P	P	P	P	P	P	P	P	P											35
Excavation, type 1B		D	D	D	D		D	D	D	D	D	D	D	D	D											35

[Ord. No. 96-28] [Ord. No. 98-11] [Ord. No. 00-015] [Ord. No. 01-62]

**TABLE 6.4-1
USE REGULATIONS SCHEDULE**

Use Type	Zoning District																NOTE									
	Agriculture/Conservation				Residential								Commercial					Indust./Public								
	P C	AGR	A P	S A	R S E R	AR	C R S	R E T	R T S	R T U	R S	R M	R H	C N	C L O	C C		C H O	C G	C R E	I L	I G	P O	I P F		
																									A G R	C S S O
Public and civic uses																										
Airplane landing strip, accessory		B	B	B		B														B		B	B	9		
Airport																				A		A	A	9		
Assembly, nonprofit institutional		D	D	D	B	A					A	A	A	A		B		P		P		P	B	12		
Assembly, nonprofit membership			D		B										B		D			P			B	12.1		
Cemetery				B		A	A	A	A	A	A	A	A					B				B	A	19		
Church or place of worship		A	B	B	A	B	A	A	A	A	A	A	A	A	A	A	A	B	B	B				B	21	
College or university						A	A	A								A	A	A					P	A		
Day camp																				D				D	27.1	
Day care center, general		B	B			A	A	A	A	A	A	A	A	A	A	A	A	B	B	D	B	B	D	B	28	
Day care center, limited		D	D	D	B		A	A	A	A	A	A	A	B	B	B	B	D	D	D	D	D	D	D	28	
Government services		D	D	D	B	B	A	A	A	A	A	A	A	A	A	D	D	D	D	D	D	P	P	P	D	46
Helipad or heliport		B		B		A	A	A	A	A		A					D	D	D		D	D	P	D	9	
Hospital or medical center					A											A	A	A					P	A	52	
Park, public	D				D	D	B	B	B	A	A	A	A	A	B	B	B		D	D	D	D	P	D	70	
School, elementary or secondary		A			A		A	A	A	A	A	A	A	A			A	A	A		A		P	A	85	
Transportation facility																		B			D	D	P	B	95.1	

[Ord. No. 97-14] [Ord. No. 97-64] [Ord. No. 98-11] [Ord. No. 99-37] [Ord. No. 01-29] [Ord. No. 01-62] [Ord. No. 01-100]

**TABLE 6.4-1
USE REGULATIONS SCHEDULE**

Use Type	Zoning District/Overlay																				NO. OF ZONING DISTRICTS					
	Agriculture/Conservation					Residential								Commercial					Industrial/Public							
	P	AGR	A	S	R	AR	C	R	R	R	R	R	R	R	C	C	C	C	C	I		I	P	P		
	C		P	A	S	R		E	T	T	T	S	M	H	N	L	C	H	G	R		L	G	O	F	
	A	C				R/	U/																			
	G	C				E	S																			
	R	S				X																				
	O																									
Air curtain incinerator, permanent		D		A	A																	A	A	A	7	
Air curtain incinerator, temporary		S	S	S	S		S	S	A	A	A	A	A	A	A	A	A	A	A	A	B	B	B	S	B	8
Chipping and mulching		D		B	A																	B	D	D	20	
Communication tower, commercial	A	A	A	D	A	B	A	A	A	A	A	A	A	A	A	A	A	A	B	B	B	B	D	D	D	22
Communication panels, antennas, commercial		D		P	D	D	B	B	B	B	B	B	B	D	D	D	D	D	D	D	D	P	P	P	B	22.1
Communication cell sites on wheels (COW)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	22.2
Composting facility		D		D	B																	D	D	D	23	
Electrical power facility		A	A	A	A		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	P		31
Recycling center																A	B		D			P	P	P		
Recycling collection station			S			S										D	S	S	S	S		S	S	S	S	74
Recycling drop off bin			S	S	S	S										S	S	S	S	S	S	S	S	S	S	75
Recycling plant																						B	D	B		76
Sanitary landfill or incinerator																										84
Solid waste transfer station		A	A	A	A		A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	B	B	A	89
Utility, minor		D	D	D	D		D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	96

TABLE 6.4-1 (cont'd)
USE REGULATIONS SCHEDULE

Use Type	Zoning District/Overlay																NOTE											
	Agriculture/Conservation					Residential							Commercial					Indust./Public										
	P	AGR		A	S	R	AR		C	R	R	R	R	R	R	C		C	C	C	C	I	I	P	I			
	C	A	C	P	A	S	E	R	R	E	T	T	T	S	M	H		N	L	O	C	H	G	R	E	L	G	O
Water or wastewater treatment plant		A	A	A	A			A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	D	D	P	A	101

[Ord. No. 97-64] [Ord. No. 98-11] [Ord. No. 99-37] [Ord. No. 00-015] [Ord. No. 01-62]

TABLE 6.4-1
USE REGULATIONS SCHEDULE

Use Type	Zoning District/Overlay																	NOTE											
	Agriculture/Conservation			Residential								Commercial				Indust./Public													
	P	AGR	A	S	R	AR		C	R	R	R	R	R	R	C	C	C		C	C	I	I	P	I					
	C		P	A	S	E	R	R	E	T	T	T	S	M	H	N	L		O	C	H	O	G	R	E	L	G	O	P
	AGR	C					R/	U/																					
							E	S																					
							X																						
Recreational uses																													
Amusements, temporary or Special events			S	S	S	S	S									S	S	S	S	S							S		10
Arena, auditorium or stadium																	A		A	A						D	A		11
Campground	D				D																						P		17
Camping Cabin				S																									17.1
Entertainment, indoor			D													A	A		B	D	D								32
Entertainment, outdoor			D		A												A		A	D	D								33
Fitness center			P											B	B	B	A	A	A	P	P								39
Golf course								A	A	A	A	A	A	A			A		B	D	D				B				45
Gun club, enclosed					A	D													B	P	D	P	D						48
Gun club, open					A															A					B				48
Gun range, private			D	D	D	D	A																						49
Marine facility																			B	B	B	P	P	D					59
Park, passive	P	P	P	P	P	P	D	D	D	D	D	D	D	D	D	D	D	P	P	P	P	P	P	P	P	P	P	P	69
Theater, Indoor			D													A	A		B	D	D								94.1
Zoo					B	B	A													B	D					P			104

[Ord. No. 98-11] [Ord. No. 99-37] [Ord. No. 00-015] [Ord. No. 01-29; July 24, 2001] [Ord. No. 01-62] [Ord. No. 01-100]

TABLE 6.4-1
USE REGULATIONS SCHEDULE

Use Type	Zoning District/Overlay																NOTE												
	Agriculture/Conservation				Residential							Commercial				Indust./Public													
	P	AGR	A	S	R	AR	C	R	R	R	R	R	R	C	C	C		C	I	I	P	I							
	C	R	P	A	S	R	S	E	T	T	T	S	M	H	N	L		O	C	H	O	G	R	E	L	G	O	P	F
Adult entertainment																						S		S	S			2	
Air stripper remedial																													8.1
Auction, enclosed			P	P																									13
Auction, outdoor			P	P																									13
Automotive paint or body shop																													14
Automotive service station				A																									15
Bed and Breakfast			D	D	S		S	S	S	S	S	S	S	S	S	S	S												16
Broadcasting studio																													
Building supplies				P																									
Butcher shop, Wholesale																													16.1
Car wash and auto detailing				B																									18
Catering Service					D																								18.1
Contractor's storage yard																													25
Convenience store				P																									26
Convenience store with gas sales				A																									27

TABLE 6.4-1
USE REGULATIONS SCHEDULE

Use Type	Zoning District/Overlay																			NOTE						
	Agriculture/Conservation					Residential							Commercial					Industrial/Public								
	P	AGR	A	S	R	AR	C	R	R	R	R	R	R	C	C	C	C	C	I		I	P	I			
	C		P	A	S		R	E	T	T	T	S	M	H	N	L	C	H	G		R	E	L	G	O	P
	A	C				R/	U/																			
	G	C				E	S																			
	R	S				X																				
Day labor employment service		D																A			D	P				29
Dispatching office																			B			P	P			
Dog day-care																			A			P				30.1
Financial institution			P												D	D	B	B	B							38
Flea market, enclosed																			B							40
Flea market, open																			A			B				41
Fruit and vegetable market		P	P		P	P	A								P		P		P							42
Freestanding kiosk							P									P	P	P	P	P		P	P			41.1
Funeral home or crematory															A		A		A			D				43
Gas and fuel, wholesale																						B	D	P		
Green market		P	P																							46.1
Hotel, motel, SRO, Boarding & Rooming House														A					B	B	D					52
Landscape installation service		D			B	A	A												B		D		P	P		55.1
Landscape maintenance service		D			B	A	A												B		D		P	P		55
Laundry services			P												B	D	D	P	P							56

TABLE 6.4-1
USE REGULATIONS SCHEDULE

Use Type	Zoning District/Overlay																	NOTE							
	Agriculture/Conservation					Residential							Commercial						Indust./Public						
	P	AGR	A	S	R	AR	C	R	R	R	R	R	R	C	C	C	C		C	I	I	P	I		
	C		P	A	S		R	E	T	T	T	S	M	H	N	L	O		O	G	R	E	L	G	O
	A	C				R/	U/																		
	G	C				E	S																		
	R	S	O			X																			
Lounge, cocktail			D												A	A	A	P							57
Medical office or dental clinic		P	P	B	A										A	A	B	D	D					D	60
Medical or dental laboratory																	B	P		P					
Monument sales, retail																		P		P					
Office, business or professional			P	S											P	P	P	P	P		P	P			68
Parking garage, commercial																		A		P					71
Parking lot, commercial																B	B	D	P	P		P			71
Pawnshop																		A							71.1
Personal services			P												P	P	P	P	P						72
Printing and copying services			P												P	P	P	P	P		P				
Real estate sales model																									73.1
Repair and maintenance, general																	A	A		P	P				77
Repair services, limited			P		B										P	P	P	P	P		P	P			78
Restaurant, high turnover sit-down																A	D	A	D		D				79.1
Restaurant, fast food																	A	A	A		A				79

TABLE 6.4-1
USE REGULATIONS SCHEDULE

Use Type	Zoning District/Overlay																	NOTE							
	Agriculture/Conservation					Residential							Commercial						Indust./Public						
	P C	AGR		A P	S A	R S E R	AR	C R S	R E S	R T S	R T S	R T S	R S U	R M	R H	C N	C L O		C C H O	C G E	I L	I G	P O	I P F	
		A G R	C C S O																						R/ E X
Restaurant, quality			P													D	B	P	B	P	P	P	P		80
Restaurant, specialty			P	S												P	D	P	P	P	P				81
Retail sales, automotive accessories and parts																P		P		P					81.1
Retail sales, general			P	S												P		P		P					82
Retail sales, mobile or temporary			S	S	S													S		S		S	S		83
Self-service storage																	A		A		D	D			87
Theater, drive-in																			A	P					94
Towing service and storage																					P	P			
Vehicle inspection center																		A		B	P		P		
Vehicle sales and rental																		A		A	A				97
Veterinary clinic			D	D	P	B		B	B	B						A	A	P	B	P					98
Vocational school																		B	P	P		P	P	A	99
Wholesaling, general																					P	P			102

[Ord. No. 97-64] [Ord. No. 98-11] [Ord. No. 99-37] [Ord. No. 00-015] [Ord. No. 01-01] [Ord. No. 01-28]
[Ord. No. 01-29] [Ord. No. 01-62] [Ord. No. 01-100]

TABLE 6.4-1
USE REGULATIONS SCHEDULE

Use Type	Zoning District/Overlay																			NOTE							
	Agriculture/Conservation					Residential								Commercial				Indust./Public									
	P	A	A	S	R	AR	C	R	R	R	R	R	R	R	C	C	C	C	C		I	I	P	P			
	C	G	R	P	A		R	E	T	T	T	S	M	H	N	L	O	C	H		O	G	R	E	L	G	O
	A	C			R/	U/																					
	G	R	S	O	E	S	X																				
Asphalt or concrete plant																											
Data Information Processing														D			P	P					P	P			
Excavation, type III				A	A													A	A				A	A	A	35	
Excavation type IIIA				A	A														A	A				A	A	A	35
Excavation type IIIB				A	A														A	A				A	A	A	35
Heavy industry																								A	D		
Laboratory, industrial research																								B	P		
Machine or welding shop					P																			P	P		58
Manufacturing and processing																								P	P		
Motion picture production studio																			D	D	A			P	P		64
Salvage or junk yard																									A		
Truck stop																								A	A		95.1
Warehousing																								P	P		100

[Ord. No. 97-64] [Ord. No. 98-11] [Ord. No. 99-37] [Ord. No. 00-015] [Ord. No. 01-28] [Ord. No. 01-62]

Table 6.4-2.

**THRESHOLDS FOR PROJECTS REQUIRING
DEVELOPMENT REVIEW COMMITTEE (DRC) APPROVAL**

ZONING DISTRICTS	MAXIMUM NUMBER OF S.F. OR UNITS
RM	20 du
RH	20 du
CN	5,000 sf
CLO	5,000 sf
CC	8,000 sf
CHO	8,000 sf
CG	10,000 sf
CRE	15,000 sf
IL	20,000 sf
IG	25,000 sf
PO	25,000 sf/20 du
ALL OVERLAY DISTRICTS	All commercial or industrial developments and residential development of more than two (2) dwelling units.

NOTES:

1. **Projects requiring Subdivision plan certification prior to submission to the Land Development Division for Plat or other approval required by Article 8 of this Code.** Pursuant to the procedures of Article 5, Subdivision plan certification is required for all subdivision of land for which a plat waiver has not been granted pursuant to Article 8.
2. **Projects exceeding thresholds above shall comply with Section 6.6E, Architectural Guidelines. Multi-family buildings with 16 or less units shall be exempted from this requirement.**

[Ord. No. 97-64] [Ord. No. 01-28]

Table 6.4-3.
THRESHOLDS FOR PROJECTS
REQUIRING BOARD OF COUNTY COMMISSIONERS' APPROVAL

ZONING DISTRICTS	MAXIMUM NUMBER OF S.F. OR UNITS	MAXIMUM ACREAGE
Residential	250 du	50 ac
CN	20,000 sf	3 ac
CLO	20,000 sf	3 ac
CC	30,000 sf	5 ac
CHO	50,000 sf	10 ac
CG	50,000 sf	10 ac
CRE	100,000 sf	12 ac
IL	100,000 sf	30 ac
IG	100,000 sf	30 ac
PO	100,000 sf	20 ac
SA	50,000 sf	20 ac

NOTES:

1. All new construction of residential, commercial, or industrial development that meets, exceeds, or creates development in excess of either the acreage requirement or maximum number square footage or units in Table 6.4-3 shall be reviewed for approval as a planned development district and shall receive approval, approval with conditions, or denial, pursuant to the procedures and standards of Sec. 6.8.
2. Land area devoted to retention pursuant to the requirements of the C-51 drainage basin or land area devoted to vegetation preservation pursuant to the Environmentally Sensitive Lands Ordinance shall not be counted toward the maximum acreage threshold.

[Ord. No. 93-4] [Ord. No. 94-23] [Ord. No. 95-8][Ord. No. 97-64]

Amendment History:

[Ord. No. 93-4; February 2, 1993] [Ord. No. 94-23; October 4, 1994] [Ord. No. 95-8; March 21, 1995]
 [Ord. No. 97-64; December 24, 1997] [Ord. No. 01-28; July 24, 2001]

(This space intentionally left blank.)

D. Supplementary use standards. This section contains supplementary standards for specific uses. In the case of conflict with district or other regulations of this Code, the more restrictive requirement shall apply, unless otherwise specifically provided or clearly intended. Where a variance from these standards is required to allow the use on site, such as a minimum lot size requirement, or meet a minimum required standard such as parking, the variance shall be obtained before the use application is placed on the agenda for Development Review Committee. Where a variance from these standards is requested to facilitate a desired site design and is not required to allow the use, the variance may be obtained at any time prior to certification of the final site or subdivision plan.

1. **Accessory dwelling** means a second dwelling unit located on the same lot as the principal single-family dwelling. An accessory dwelling is a complete, independent living facility equipped with a kitchen and with provisions for sanitation and sleeping. An accessory dwelling use shall comply with the following supplementary use standards.
 - a. **Occupancy.** Occupancy of accessory dwelling shall be limited to a household that includes at least one (1) member who is physically disabled or elderly, or who meets the low-income standards specified in the definition of affordable housing in Article 3 (Definitions).
 - b. **Number of units.** A maximum of one (1) dwelling may be permitted as an accessory use to a principal single-family dwelling unit. The accessory dwelling may be attached to the principal dwelling unit or may be freestanding.
 - c. **Floor area.** The accessory dwelling shall not exceed eight hundred (800) square feet gross floor area, except when located on a lot that is at least one (1) acre in size, in which case the dwelling shall not exceed one thousand (1,000) square feet gross floor area. The floor area calculation shall include only that area of the accessory dwelling under a solid roof.
 - d. **Additional floor area.** Floor area under a solid roof that is utilized as a porch, patio, porte cochere, carport or garage shall not exceed five hundred (500) square feet. Enclosure of this area shall result in an immediate revocation of the special permit.
 - e. **Number of bedrooms.** Accessory dwellings shall contain a maximum of one (1) bedroom.
 - f. **Compatibility.** The accessory dwelling shall be architecturally compatible in character and materials, and be subordinate in size to the principal dwelling unit.
 - g. **Setbacks.** The accessory dwelling shall comply with the minimum yard setbacks applicable to the principal single-family dwelling unit.
 - h. **No separate ownership.** The accessory dwelling shall remain accessory to and under the same ownership as the principal single-family dwelling unit, and shall not be subdivided or sold as a condominium.
 - i. **Kitchen removal.** An agreement to remove all kitchen equipment shall be executed for the dwelling unit prior to the issuance of a Special Permit. The agreement shall require the kitchen to be removed if the dwelling ceases to operate as an accessory dwelling.
 - j. **Renewal of Special Permit.** The special permit shall be renewed annually in accordance with Sec. 5.5.E.9. of this code, however, a renewal fee shall not be required. [Ord. No. 97-14] [Ord. No. 97-64] [Ord. No. 99-37] [Ord. No. 00-015]

2. **Adult entertainment** means the following.

1. **Establishment.** Any adult arcade, adult theater, adult bookstore/adult video store, adult motel, or adult dancing establishment; or any establishment or business operated for commercial gain where any employee, operator or owner exposes his/her specified anatomical area for viewing by patrons, including but not limited to: massage establishments whether or not licensed pursuant to chapter 480, Fla. Stat., tanning salon, modeling studio, or lingerie studio.
2. **Exclusions.** Excluded from this definition are any educational institutions where the exposure of the specified anatomical area is associated with a curriculum or program.
3. **License.** An establishment that possesses an adult entertainment license is presumed to be an adult entertainment establishment.

An adult entertainment use shall comply with the following supplementary use standards: A special permit for an adult entertainment establishment shall be issued or denied within twenty-one (21) days of a determination of application sufficiency pursuant to the standards and procedures in Article 5 and the requirements of the Code. An aggrieved party has the right to immediately appeal a denial of application sufficiency for a special permit, denial of a special permit, or revocation or suspension of a permit by the filing of a petition for Writ of Certiorari in the Circuit Court in the Fifteenth Judicial Circuit of the State of Florida in accordance with the procedure and within the time provided by the Florida Rules of Civil Procedure and the Florida Rules of Appellate Procedure.

a. **Purpose and intent.** This section is intended to provide for the proper location of adult entertainment uses in order to protect the integrity of adjacent neighborhoods, educational uses, religious uses, parks and other commercial uses. Proper separation of adult entertainment uses prevents the creation of "skid-row" areas in unincorporated Palm Beach County that results from the concentration of these uses and their patrons. It is the intent of this section to limit the secondary effects of adult entertainment uses. The standards in this section are intended to ensure that residential districts, religious uses, educational uses, parks and other commercial uses are located in areas free from the secondary effects of adult entertainment uses. The location of residential districts, religious uses, educational uses, parks and other commercial uses within viable, unblighted and desirable areas supports the preservation of property values and promotes the health, safety and welfare of the public.

b. **Specified anatomical areas means:**

(1) Less than completely and opaquely covered:

- (a) Human genitals and pubic region; or
- (b) The opening between the human buttocks, i.e., the anal cleft; or
- (c) That portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola (the colored ring around the nipple); this definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not so exposed; or
- (d) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(2) Specified sexual activities means:

- (a) Human genitals in a state of sexual stimulations, arousal or tumescence;
- (b) Acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sexual intercourse, or sodomy; or
- (c) Fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast; or
- (d) Excretory functions as part of or in connection with any of the activities set forth in subsections 1. through 2.

c. Findings of fact. Based on the evidence and testimony presented at the public hearings before the Board of County Commissioners and on the findings incorporated in the United States Attorney General's Commission on Pornography (1986), "A Summary of a National Survey of Real Estate Appraisers Regarding the Effect of Adult Bookstores on Property Values," conducted by the Division of Planning, Department of Metropolitan Development, City of Indianapolis, January, 1984, the Board of County Commissioners hereby finds the following:

- (1) Commercial uses exist or may exist within unincorporated Palm Beach County where books, magazines, motion pictures, prints, photographs, periodicals, records, novelties and/or other devices that depict, illustrate, describe or relate to specified sexual activities are possessed, displayed, exhibited, distributed and/or sold.
- (2) Commercial uses exist or may exist within unincorporated Palm Beach County:
 - (a) Where the superficial tissues of one person are manipulated, rubbed, stroked, kneaded, and/or tapped by a second person, accompanied by the display or exposure of specified anatomical areas;
 - (b) Where dancers, entertainers, performers, or other individuals, who, for any form of commercial gain, perform or are presented while displaying or exposing any specified anatomical area; or
 - (c) Where lap dancing occurs.
- (3) This competitive commercial exploitation of such nudity and semi-nudity is adverse to the public's interest and the quality of life, tone of commerce, and the community environment in Palm Beach County.
 - (a) When the activities described in Sec. 6.4.D.2.b.(1) and 6.4.D.2.b.(2) above are presented in commercial uses, other activities that are illegal, immoral, or unhealthful tend to accompany them, concentrate around them, and be aggravated by them. Such other activities include, but are not limited to, prostitution, solicitation for prostitution, lewd and lascivious behavior, possession, distribution and transportation of obscene materials, sale or possession of controlled substances, and violent crimes against persons and land.
 - (b) When the activities described in Sec. 6.4.D.2.b.(1) and 6.4.D.2.b.(2) above are present in commercial uses within Palm Beach County, they tend to blight neighborhoods, adversely affect neighboring businesses, lower property values, promote crime, and ultimately lead residents and businesses to move to other locations.
 - (c) There is a direct relationship between the display or depiction of specified anatomical areas as described in Sec. 6.4.D.2.b.(2) above and an increase in criminal activities, moral degradation and disturbances of the peace and good order of the community, and the occurrence of these activities is hazardous to the health and safety of those persons in attendance and tends to depreciate the value of adjoining land and harm the economic welfare of the community as a whole. These secondary effects are adverse to the public's interest and quality of life, the tone of commerce and the community environment in Palm Beach County.

- (4) Based upon these findings, it is in the interest of the health, safety, morals, and general welfare of the citizens of Palm Beach County that adult entertainment uses are regulated pursuant to the following standards. [Ord. No. 97-14]

d. Nonconformity.

- (1) **Establishment of Nonconformity.** Any adult entertainment use shall be deemed a nonconforming use and the standards of this section shall not apply if the adult entertainment use on November 28, 1988:
- (a) **Location.** Was in operation as an adult entertainment use, was generally known and held out in the neighborhood and community as an adult entertainment establishment, and was open to the public as an adult entertainment establishment use; and
 - (b) **Occupational license.** Possessed a valid and current occupational license authorizing the general type of use which would correspond to the adult entertainment use being claimed as nonconforming on November 28, 1988;
 - (c) **Adult entertainment license.** Any establishment seeking to establish nonconforming status as an adult entertainment use under the terms of this Code, shall submit an application for an adult entertainment license pursuant to the Palm Beach County Adult Entertainment Code, Chapter 17, Article V of the Palm Beach County Code, as may be amended, with appropriate filing fees by August 15, 1992.
- (2) **Standards for Nonconformance.** A nonconforming adult entertainment use as determined in Sec. 6.4.D.2.d above shall be subject to the following supplementary standards, in addition to Art. 1.6 (Nonconformities). [Ord. No. 01-01]
- (a) **Location.** Was in operation as an adult entertainment use, was generally known and held out in the neighborhood and community as an adult entertainment establishment, and was open to the public as an adult entertainment establishment use; and
 - (b) **Landscape strip.** The adult entertainment use shall construct and install a Type 2 incompatibility buffer, as defined in Sec. 7.3.F.4, Perimeter incompatibility buffer, with canopy trees spaced a maximum of twenty (20) feet on center along any property line that abuts a residential district, within ninety (90) days of the date of issuance of the adult entertainment license by the occupational licensing department. [Ord. No. 01-01]
 - (c) **Building permit.** If a building permit for exterior structural renovation or remodeling or a paving or parking permit is issued for the adult entertainment use, the requirements of Sec. 7.3 (Landscaping and Buffering) shall apply to the entire site of the adult entertainment use.

e. Location.

- (1) **General.** An adult entertainment use shall be located the following minimum distances from the following uses.
- (a) **Another adult entertainment use:** two thousand (2,000) feet
 - (b) **A church or place of worship:** one thousand (1,000) feet.
 - (c) **An educational institution:** one thousand (1,000) feet.
 - (d) **A public park:** five hundred (500) feet.
 - (e) **A residential zoning district (which is designated as residential by any local Comprehensive Plan):** five hundred (500) feet.
- (2) **Measurement of distance.** The distance set forth in this section shall be measured by drawing a straight line between the nearest point on the perimeter of the exterior wall or bayhousing the proposed adult entertainment use to the nearest point on the property line of the relevant church or place of worship, educational institution, public park, residential zoning district. For the purpose of measuring the distance between adult entertainment uses, the distance shall be measured by drawing a straight line between the nearest point on the perimeter of the exterior wall or bay of the proposed or existing adult entertainment establishment and the nearest point

on the exterior wall or bay of another adult entertainment establishment. Measurement shall be made in a straight line, without regard to intervening structures or objects.

(3) **No variance.** There shall be no variance to the locational standards of this section.

(4) **Subsequent development within locational standards.** The subsequent approval of a development order for a church or place of worship, elementary or secondary school, public park or residential district within the distances outlined in this section shall not change the status of the adult entertainment use to that of a nonconforming use

f. **Screening.** A Type 2 incompatibility buffer, pursuant to Sec. 7.3.F.4., Perimeter incompatibility buffer, with canopy trees spaced a minimum of twenty (20) feet on center and a wall a minimum of six (6) feet in height shall be installed along any property line that abuts a residential district. [Ord. No. 01-01]

g. **Lighting.** Outdoor low-intensity lighting shall be provided that illuminates the entire parking and vehicular use area. The lighting shall be installed on structures that do not exceed sixteen (16) feet in height from finished grade. [Ord. No. 98-11] [Ord. No. 01-01]

2.1 **Agricultural food processing** means a facility for the canning, dehydration or the basic preparation of raw food products, such as washing and cutting, prior to shipment. Food processing shall not include animal or fish products. An agricultural food processing use shall comply with the following supplementary use standards.

a. **Setbacks.** A minimum one hundred (100) foot setback shall be required along all property lines which are adjacent to a residential use, existing as of the effective date of this ordinance, excluding farm worker quarters and mobile homes accessory to agriculture.

b. **Buffer.** An incompatibility buffer as required by Sec. 7.3 (Landscape and Buffering) may be omitted if the use is adjacent to a farm worker quarters or mobile home accessory to agriculture.

c. **Accessory use.** A food processing facility may be permitted as an accessory use to bona-fide agriculture provided it does not exceed 20,000 square feet. [Ord. No. 98-11] [Ord. No. 99-37]

2.2 **Agricultural related manufacturing, light** means an accessory agricultural use for the manufacture of products related to agricultural operations, such as but not limited to fencing, crates or containers for nursery products. Product components are predominantly made from previously prepared materials or finished products or parts. Manufacturing includes processing, fabrication, assembly, treatment and packaging of such products, and accessory storage, and distribution, but excludes heavy industrial processing. Agricultural related manufacturing shall be subject to the following standards.

a. **Accessory use.** Light agricultural manufacturing operations may be permitted as an accessory use to bona fide agricultural operation provided the use does not exceed 20,000 square feet in size.

b. **Buffer.** An incompatibility buffer as required in Sec. 7.3. (Landscape and Buffering) may be omitted if the use is adjacent to a farm worker quarters or mobile home accessory to agriculture. [Ord. No. 98-11] [Ord. No. 99-37]

3. **Agricultural research and development** means the use of land or buildings for agriculture research and the cultivation of new agricultural products. An agricultural research and development use shall comply with the following standards.

- a. **Buffer.** An incompatibility buffer as required by Sec.7.3. (Landscape and Buffering) may be omitted if the use is adjacent to a farm worker quarters or mobile home accessory to agriculture.
[Ord. No. 98-11] [Ord. No. 99-37]
4. **Agricultural sales and service** means an establishment primarily engaged in the sale or rental of farm tools and small implements, livestock, feed and grain, tack, riding attire, animal care products, farm supplies, and the like. An agricultural sales and service use shall comply with the following supplementary use standards. [Ord. No. 01-62]
- a. **SA district.** In the SA district, agricultural sales and service uses shall not be permitted on lands designated RR10 in the Future Land Use Element of the Comprehensive Plan.
- b. **RSER district.** In the RSER district the following supplementary standards shall apply to agricultural sales and service uses.
- (1) **Storage.** All storage areas for agricultural sales and service uses shall be enclosed or completely screened from view. A maximum of five (5) tractor trailers used for the transport of bona fide agricultural products may be stored outside if they are completely screened from view from streets and neighboring property.
 - (2) **Grocery sales.** Up to five (5) percent or five hundred (500) square feet, whichever is less, of the merchandise sales area of an agricultural sales and service use may be devoted to retail grocery sales, provided that the grocery display space is limited to one (1) discrete area of the establishment. Shelves, floor area, counter space and overhead display areas shall be included in the calculation of the grocery sales area. There shall be no exterior signage and no external evidence of the availability of grocery products for sale.
 - (3) **Repair services.** Service of small implements shall only be permitted in enclosed areas of an agricultural sales and service use that is completely screened from the roadway and adjacent lands. Repair activities shall occur only between the hours of 7:00 AM and 9:00 PM.
 - (4) **Sale of large implements.** Sale of large farm implements shall be permitted at an agricultural sales and service use only for an establishment existing on February 1, 1990, and located on a State maintained road.
- c. **CCSO district.** The sale, rental or repair of large farm equipment such as tractors shall require DRC approval. [Ord. No. 98-11] [Ord. No. 99-37]
- 4.1. **Agricultural stand** means a temporary stand, less than 150 square feet, used for the retail sale of agricultural products, not necessarily grown on site, consisting of fresh unprocessed fruit, vegetables, flowers, and containerized interior house plants. The stand shall comply with the following supplementary use standards.
- a. **Approval.** An agricultural stand is permitted subject to a special use permit approval. Application shall be made on forms provided by the Zoning Director.
- b. **Locational criteria.** The stand and accessory area shall be:
- (1) located on an arterial roadway designated on the Palm Beach County Thoroughfare Plan;
 - (2) located a minimum of one hundred (100) feet from an intersection of an arterial and any other dedicated R-O-W;
 - (3) located at least six hundred (600) feet from any other agricultural stand permitted in accordance with these provisions; if located in a zoning district other than a commercial district; and,
 - (4) located at least 500 feet from adjacent residential uses.

- c. **Number.** Only one (1) stand shall be permitted on a lot of record.
- d. **Size and configuration.** The stand and accessory area shall not exceed 150 square feet. The accessory area shall be limited to display, storage and cashier purposes and shall be covered by a removable cantilevered canopy or umbrellas. No outdoor display or storage shall occur outside of the stand, umbrella or canopy area.
- e. **Uses.** The use of the stand shall be limited to those uses identified above. No on-site food preparation or processing shall be permitted. No vending machines shall be permitted on site. No additional special permits shall be permitted in conjunction with the stand except for seasonal sales. Seasonal sales may be permitted in accordance with Sec. 6.4.D.83 of this code.
- f. **Mobility.** The stand shall be transportable, retain its mobility, and have a frame of sufficient strength to withstand being transported. The stand shall be transportable by wheels, skids or hoist.
- g. **Building materials.** The stand shall be constructed of durable materials such as but not limited to metal, fiberglass, wood, etc. The structure used for a stand shall be constructed for the sole purpose of selling agricultural products. Semi-truck trailers, mobile homes, and other permanent or temporary structures shall not be used as a stand. Motor vehicles, including vans and small trucks may be permitted provided the vehicle is removed from site at the end of each business day. These vehicles shall not be used for permanent or temporary residential purposes.
- h. **Sanitation.** The stand shall provide sanitary facilities in accordance with the laws of Palm Beach County and State of Florida, as applicable.
- i. **Electricity.** Electricity may be connected to a stand for lighting, cash register, refrigeration and fans. Electricity shall not be used for preparation of food, and other uses similar to a vegetable market or a convenience store. Electrical service to a site shall be provided in accordance with the electrical code. If a generator is used on site, it shall meet the supplemental requirements established by the Palm Beach County Chief Inspector and Palm Beach County Fire Rescue Department.
- j. **Refrigeration.** Refrigeration shall be contained within the confines of the 150 square foot stand. Appropriate permits shall be obtained. If a motor vehicle is used for the stand, portable refrigeration may be used if contained as part of a motor vehicle and removed from the site daily.
- k. **Setbacks.** The stand shall be set back at least thirty-five (35) feet from the front property line and fifty (50) feet from all other parcel boundaries, designated for the stand.
- l. **Signage.** Signs for vendors shall be limited to two (2) signs, with a combined maximum sign face area of thirty-two (32) square feet single-faced or sixty-four (64) square feet double-faced. The sign shall be no closer to any property line than the vendor stand. Banners, pennants, balloons or flags shall be prohibited.
- m. **Authorization.** The vendor shall receive written permission from the property owner.
- n. **Insurance.** Submit proof of liability insurance paid in full covering the period for which the permit is issued, in the minimum amount of three hundred thousand dollars (\$300,000) per occurrence.
- o. **Renewal of special permit.** The special permit shall expire within one year from the date the permit was issued. The special permit may be renewed annually in accordance with Sec. 5.5.E.9 of this code.

- p. **Existing stands.** All stands with a valid permit in effect on July 11, 1995, and which have been operating continually with a valid occupational license since issuance of the valid permit, shall be grandfathered. These operations may continue in the configuration as existed on July 11, 1995 in accordance with the laws and ordinances of Palm Beach County, Florida, and as provided herein:
- (1) the enclosed portion of the stand shall not exceed three hundred (300) square feet unless provided for below;
 - (2) display of products immediately adjacent to the stand, whether or not displayed under an umbrella or canopy, may continue in the same configuration as existed on July 11, 1995;
 - (3) the stand shall not sell any products unless permitted in accordance with the uses permitted to be sold in an agricultural stand as set forth in this subsection, as amended
 - (4) portable refrigeration may be permitted if confined within the three hundred (300) square footstand and all required electrical permits have been obtained; and,
 - (5) the use of vending machines shall not continue.

Expansion of existing stands shall not be permitted. Any future expansion of an existing stand shall comply with the regulations of this section. If an existing stand is expanded, repaired, or altered, the affected area shall comply with the regulations herein. [Ord. No. 95-38]
[Ord. No. 97-64]

5. **Agricultural transshipment** means a facility engaged in the act of transferring agricultural products between two modes of transport, such as from a truck to a railroad car or from local vehicles to long-haul trucks.
- a. **SA district.** In the SA district an agricultural transshipment facility shall have a fifty (50) foot buffer from residentially occupied or zoned property in addition to the required minimum setbacks. The use shall not be permitted on lands designated RR10 in the Future Land Use Element of the Comprehensive Plan. An agricultural transshipment use shall comply with the following supplementary use standards.
- b. **AGR and AP districts.**
- (1) **Accessory use.** Agricultural transshipment facilities, not to exceed 25,000 square feet, shall be permitted as an accessory use.
 - (2) **Buffer.** An incompatibility buffer as required by Sec. 7.3 (Landscape and Buffering) may be omitted if the use is adjacent to a farm worker quarters or mobile home accessory to agriculture. [Ord. No. 98-11] [Ord. No. 99-37]
6. **Agriculture, bona fide** means any plot of land where the principal use consists of the raising of crops; the raising of animals inclusive of aviculture, aquaculture, horses and livestock; the production of animal products such as eggs, honey or dairy products, or the raising of plant material inclusive of a retail or wholesale nursery.
- a. **Determination.** A determination as to whether the use of the land for agriculture is bona fide shall only be made where both 1 and 2 below are met. Criteria listed in item 3 below shall be used as guidelines in the determination.
- (1) **Designation criteria.** The property complies with the following standards:
 - (a) **Continuous use.** The use has been continuous; and
 - (b) **Farming procedures.** Farming procedures have been demonstrated by past action or documented plans to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including, but not limited to, fertilizing, liming, tilling, mowing, reforestation, and other accepted agricultural practices; and

- (c) **Agricultural classification.** The property has received a qualified agricultural classification pursuant to Sec. 193.461, Fla. Stat.; and
- (2) **Productivity standards.** The productivity or proposed net return or production of the farm operation based on net or yield for the type of agricultural production on the site is comparable to the average net or yield for the type of agriculture in Florida. In making this determination at least four (4) of the following standards shall be met:
- (a) **Amount of land.** The amount of land under cultivation or in agricultural use (including canal or drainage features) is greater than sixty percent (60%) of the total parcel;
 - (b) **Investment.** Demonstration is made that there has been on-going investment in and maintenance of the agricultural land use or documented plans for investment in agricultural use of the land;
 - (c) **Employees.** There are typical seasonal or full-time employees for the agricultural operation;
 - (d) **No nonagricultural development.** There is no nonagricultural development (except accessory agricultural uses as defined in Sec. 6.4.D.6, or farm residences or farm workers quarters) on site.
 - (e) **Demonstration.** Demonstration is made that the land will be used for agricultural production for more than five (5) years.
- (3) **Additional guidelines.**
- (a) **Size.** The size of the land area, as it relates to a specific agricultural use is appropriate;
 - (b) **Lease.** Whether such land is under lease, and if so, the effective length, terms and conditions of the lease;
 - (c) **Intent.** The intent of the landowner to sell or convert the land for nonagricultural purposes;
 - (d) **Proximity.** The proximity of the property to existing urban metropolitan development;
 - (e) **Productivity.** The productivity of land in its present use; and
 - (f) **Plan designation.** The Comprehensive Land Use Plan Designation.
 - (g) **Curbing.** A bona fide agricultural use may use railroad ties or treated lumber as an alternate to the curbing requirement in Sec. 7.3.
- b. **Agricultural uses in the Urban/Suburban Tier. [Ord. No. 01-01]**
- (1) **Applicability.** Uses existing at the time of adoption of the ordinance permitting agricultural uses in the urban services area shall be considered to be conforming. Any expansion of existing agricultural uses and any new agricultural uses shall be consistent with all applicable requirements and subject to review by the appropriate staff or review board as identified in the ULDC.
 - (2) **Uses.** Agricultural uses not listed below as permitted within the Urban Services Area, shall only be permitted with a class A Conditional use approval.
 - (3) **Previous development orders.** Property which has a development order may also receive an additional development order for a temporary agricultural use in the USA in accordance with the standards enumerated in 6.4.D.(Supplementary use standards) for the specific agricultural use, however, the agricultural use shall not be eligible for an agricultural tax exemption.
- c. **SA district.** In an SA district located in an RR10 land use designation in the Future Land Use Element of the Comprehensive Plan, citrus packing and grading plants, forage drying facilities and precooling/packing plants shall be allowed only for existing farm operations.
- d. **AR district.** In the AR district, dipping vats shall not be allowed unless approved as a Class B Conditional use.
- e. **AR and AGR districts, animals.** In the AR and AGR districts the following supplementary regulations shall apply.

- (1) **Exotic animals.** Exotic animal (imported, or nonnative animal species) care for private or commercial breeding purposes shall be on a minimum lot size of five (5) acres. Pens, cages or structures associated with the exotic animal care use shall be setback a minimum of fifty (50) feet of any property line.
 - (2) **Game animals.** Game farms or game animal care for private or commercial purposes shall be regulated by the Florida Game and Fresh Water Fish Commission (FGFWC). Minimum lot size for game animal care shall be five (5) acres.
 - (3) **Dangerous or Class I and II Animals.** Ownership, care, or keeping of dangerous or Class I and II animals, as defined by the Florida Game and Fresh Water Fish Commission, shall require a Class A Conditional Use approval. Pens, cages or structures associated with game animal care shall be setback a minimum of fifty (50) feet from any property line. The minimum lot size for dangerous or Class I and II animal care shall be five (5) acres. [Ord. No. 96-28] [Ord. No. 97-64]
- f. **CRS district.** In the CRS district, livestock raising shall be subject to the following supplementary use standards:
- (1) **Large animals.** The maximum number of large animals permitted for each acre shall not exceed five (5). For the purposes of this provision, large animals shall include horses, swine, cattle, goats, and sheep. An enclosed structure is required for each large animal when the total number of large animals exceeds three (3). In addition, the following limitation on the number of specific types of large animals shall apply: horses: five (5); swine: one (1); cattle: two (2); goats: two (2); sheep: two (2).
 - (2) **Small animals.** For the purposes of this provision, small animals shall include rabbits and fowl, excluding peafowl. The maximum number of small animals permitted for each acre shall be fifty (50) fowl and one hundred (100) rabbits. These numbers are permitted in addition to the five (5) large animals for each acre. For each two (2) large animals less than the maximum permitted, an additional fifty (50) small animals shall be permitted, not to exceed one hundred (100) additional small animals.
- g. **Accessory Agricultural uses** means uses customary to a bona fide agricultural activity but not considered bona fide agriculture and allowed to be located on the site. These uses may include, but are not limited to, "U-Pick-Em" operations, sale of on-site produced products, corrals, training facilities, dipping vats, farm production or processing of raw material, equipment used exclusively from that farm operation and equipment storage shed, grading storage shed; major repair, fabrication, body work and welding of agricultural equipment; freestanding coolers, bulk storage of petroleum products, shipping containers as storage, washing and packing of farm products in the field, and storage of equipment. [Ord. No. 98-11]
- h. **Land application of Dewatered Domestic Wastewater Residuals.** Class A or B Dewatered Domestic Wastewater Residuals (DDWR), as defined by Chapter 17-640, F.A.C. and Article 3 of this Code, may be applied to the land at bonafide agricultural operations in the AP, AGR and AR zoning districts as specified in Sec. 6.4.D.101. [Ord. No. 97-64]
7. **Air curtain incinerator, permanent** means the installation or use of a portable or stationary combustion device that is designed and used to burn trees and brush removed during land clearing by directing a plane of high-velocity, forced air through a manifold into a pit with vertical walls in such a manner as to maintain a curtain of air over the surface of the pit and a recirculating motion of air under the curtain. Permanent air curtain incinerator uses shall comply with the following supplementary use standards: If an air curtain incinerator facility also includes chipping and mulching or composting, adherence to the supplementary use conditions applicable to such uses shall also be required.

- a. **Lot size.** A temporary air curtain incinerator use shall be located on a minimum of five (5) acres.
 - b. **Setback from residential districts and uses.** A permanent air curtain incinerator use shall be set back a minimum of five hundred (500) feet from any property line abutting a residential district or use.
 - c. **Health and environmental regulations.** The use shall be subject to all applicable regulations of the FDEP, (including Chapter 17-2, F.A.C.), PBCHD, the Solid Waste Authority, and the Fire-Rescue Department.
 - d. **Access.** An access road for collection vehicles shall be provided to the entrance of the facility. Acceptable access does not include local streets. Access shall be restricted to specific entrances with gates that can be locked and that carry official notice that only authorized persons are allowed on the site.
 - e. **Storage.** Except in the AP district, on site storage of unprocessed material shall be limited to forty-five (45) days and pile height shall be limited to fifteen (15) feet. Outdoor material storage piles shall be set back a minimum of twenty-five (25) feet from any property line or fifty (50) feet from any property line abutting a residential district or use. Storage areas shall be effectively screened from view pursuant to Sec. 6.6.A.3.
 - f. **Buffering.** An incompatibility buffer as required by Sec. 7.3 (Landscape and Buffering) may be omitted if the use is adjacent to a farm worker quarters or mobile home accessory to agriculture.
 - g. **Supplemental application requirements.** The applicant shall provide the following information.
 - (1) **Site plan.** A site plan illustrating how the operation functions including circulation routes and their locations, square footage, height and location of buildings, incinerator and storage piles;
 - (2) **Hours of operation.** A statement specifying the hours of operation (hours of operation are limited to 8:00 a.m. to 5:00 p.m., Monday through Friday, if adjacent to residentially zoned property;
 - (3) **Waste.** An explanation of the quantity of waste to be received expressed in cubic yards per day or tons per day; and
 - (4) **Letter of approval.** The applicant shall provide a notarized letter of approval from the property owner verifying consent to use the property for an air curtain incinerator.
 - (5) **Dust control.** A plan to address dust control in traffic, storage and processing areas. Dust control measures may include: additional setbacks, full or partial enclosure of air curtain incinerator and watering or enclosing storage piles. [Ord. No. 97-64] [Ord. No. 99-37]
8. **Air curtain incinerator, temporary** means the installation or use of a portable or stationary combustion device that is designed and used to burn trees and brush removed during land clearing by directing a plane of high-velocity, forced air through a manifold into a pit with vertical walls in such a manner as to maintain a curtain of air over the surface of the pit and a recirculating motion of air under the curtain. A temporary air curtain incinerator uses shall comply with the following supplementary use standards. If an air curtain incinerator facility also includes chipping and mulching or composting, adherence to the supplementary use conditions applicable to such uses shall also be required.
- a. **Lot size.** A temporary air curtain incinerator use shall be located on a minimum of five (5) acres.
 - b. **Setback from residential districts and uses.** A temporary air curtain incinerator use shall be set back a minimum of five hundred (500) feet from any property line abutting a residential district or use.

- c. **Health and environmental regulations.** The use shall be subject to all applicable regulations of the FDEP, PBCHD, the Solid Waste Authority and the Fire-Rescue Department.
- d. **Access.** An access road for collection vehicles shall be provided to the entrance of the facility. Acceptable access does not include local streets. Access shall be restricted to specific entrances with gates that can be locked and that carry official notice that only authorized persons are allowed on the site.
- e. **Duration.** The use shall be permitted on the site for a maximum period of six (6) months.
- f. **Storage.** Except in the AP district, on site storage of unprocessed material shall be limited to forty-five (45) days and pile height shall be limited to fifteen (15) feet. Outdoor material storage piles shall be set back a minimum of twenty-five (25) feet from any property line or fifty (50) feet from any property line abutting a residential district or use. Storage areas shall be effectively screened from view pursuant to Sec. 6.6.A.3.
- g. **Supplemental application requirements.** The applicant shall provide the following information.
 - (1) **Site plan.** A drawing illustrating how the operation functions including circulation routes and their locations, square footage, height and location of buildings, incinerator and storage piles.
 - (2) **Hours of operation.** A statement specifying the hours of operation (hours of operation are limited to 8:00a.m. to 5:00p.m. Monday through Friday if adjacent to residential zoned property).
 - (3) **Waste.** An explanation of the quantity of waste to be received expressed in cubic yards per day or tons per day.
 - (4) **Letter of approval.** The applicant shall provide a notarized letter of approval from the property owner verifying consent to use the property for an air curtain incinerator.
 - (5) **Dust control.** A plan to address dust control in traffic, storage and processing areas. Dust control measures may include: additional setbacks, full or partial enclosure of air curtain incinerator and watering or enclosing storage piles.

[Ord. No. 97-64] [Ord. No. 99-37]

- 8.1 **Air Stripper (Remedial System)** means a temporary accessory petroleum contamination remedial system which treats contaminated groundwater from a site and treated groundwater is then reintroduced into the aquifer using an on-site recharge mechanism. A typical system includes air stripper towers or shallow tray aerator and infiltration gallery, groundwater recovery wells, and an aboveground centrifugal pump. A remedial system shall comply with the following supplementary use standards:
- a. **Property development regulations.** All property development regulations, including setbacks, shall be met. If the applicant is unable to meet the property development regulations, in lieu of a variance, the Zoning Division shall be authorized to determine the location of the remedial system and set necessary conditions for landscaping and screening.
 - b. **Duration.** The length of time a remedial system may remain on site shall be determined by ERM.
9. **Airport, landing strip or heliport** means any public or privately owned or operated ground facility designed to accommodate landing and take-off operations of aircraft. All private airports, landing strips, and heliports or helipads not owned and operated by the State of Florida, Palm Beach County, or a hospital shall comply with the following supplementary use standards:

- a. **AGR and AR districts.** In the AGR and AR districts, only airplane landing strips, airplane hangars, and heliports and helipads accessory to a bona fide agricultural use shall be permitted.
 - b. **CRE district.** In the CRE district, an airport, accessory landing strip or heliport or helipad shall not be located in an RR10 land use designation of the Comprehensive Plan.
 - c. **Airspace analysis and preliminary Airport License Report.** All private airports, landing strips, and heliports or helipads shall demonstrate that an airspace analysis has been conducted by the Federal Aviation Administration (FAA), and a preliminary Airport License Report has been prepared by the FDOT. Any alteration in ground facilities or the addition of navigation aids designed to facilitate an instrument approach capability shall require a new application if the original approval was granted for Visual Flying Rules (VFR).
 - d. **Minimum required landing area.** Private airports and landing strips shall comply with the minimum required dimensions listed in the FDOT Chapter 14-60, F.A.C. Heliports and helipads shall comply with the Heliport Design Guide as required by the FAA.
 - e. **Minimum area.** Heliports and helipads accessory to residential farm use shall be located on parcels containing a minimum of five (5) acres. Rural airplane landing strips and hangars accessory to agricultural use shall be located on parcels containing a minimum of twenty (20) acres.
 - e. **Setbacks.** No structure or navigation aid shall be located within fifty (50) feet of any property line. In addition, there shall be a hundred (100) foot setback between the edge of the runway primary surface area as defined by the FDOT Chapter 14-60, F.A.C., and the property line, unless the landing strip facility is a major recreation facility located within a PUD or subdivision. In such cases, there shall be a fifty (50) foot setback between the edge of the runway primary surface area and any residential structure.
 - f. **Building height.** Requirement for a variance for a structure to exceed the height limit for the district in which the use is located shall be waived if the additional height is required by Federal law or the Fla. Stat.
 - g. **Safety.** Safety fences up to a height of six (6) feet shall be required around an airport, landing strip or heliport if deemed necessary. [Ord. No. 99-37]
10. **Amusements, temporary or special event** means an activity which includes the provision of rides, amusements, food, games, crafts, or performances outside of permanent structures. Typical uses include carnivals, circuses, temporary auctions, and tent revivals. A temporary amusement or special event use shall comply with the following supplementary use standards. [Ord. No. 01-01]
- a. **Duration.** The temporary amusement or special event use shall not be permitted for a period exceeding seven (7) consecutive calendar days, except that one (1) administrative extension of time shall be issued upon request that shall not exceed an additional seven (7) calendar days. If the use is proposed to exceed fourteen (14) days, approval of a Class A Conditional Use pursuant to Sec. 5.4. (Conditional Uses) shall be required.
 - b. **Setbacks.** All buildings, mobile homes, trailers, vehicles, tents, mechanical devices, carnival rides or animals related to an amusement or special event type use shall comply with the minimum setbacks of the district and shall be located a minimum of fifty (50) feet from a R-O-W and two hundred (200) feet

- from any property line adjacent to a residential district. Carnival rides shall be setback a minimum of 100 feet from any R-O-W.
- c. **Frontage.** The minimum frontage on a public road shall be five hundred (500) feet.
 - d. **Access.** In the Urban/Suburban Tier, primary access shall be from on paved arterial or collector street. In the Rural, Exurban, Agricultural Reserve, and Glades Tiers, primary access shall be from a paved street. Primary access shall be provided in such a manner as to minimize flow through nearby residential areas. Backout parking directly onto a public street shall be prohibited. [Ord. No. 01-01]
 - e. **Events per year.** Except for regional recreational attractions, there shall be no more than three (3) temporary amusement or special event uses permitted in any one (1) calendar year.
 - f. **Performance standards.** DRC approval shall be required for any event projected to attract more than one thousand (1,000) patrons at one time, on a site equal to or less than two (2) acres.
 - g. **Locational requirements.**
 - (1) **Location.** Temporary amusement permits shall not be issued for the same dates for two (2) or more events unless they are located more than one-half (½) mile from each other.
 - (2) **Frontage.** Temporary amusements shall not be permitted where the frontage of the subject property abuts a R-O-W under major construction, such as a road widening project.
 - h. **Compliance.** If a special permit for a temporary amusement or special event is found in violation of any provision of the terms of the permit or of this Code, the Zoning Director may withhold future special permits from the applicant for a period of eighteen (18) months. [Ord. No. 97-64]
[Ord. No. 99-37]
11. **Arena, auditorium or stadium** means an open, partially, or fully enclosed facility primarily used or intended for commercial spectator sports or entertainment. Typical uses include convention and exhibition halls, conference centers, sports arenas, jai alai frontons, amphitheaters and racetracks. An arena, auditorium or stadium use shall comply with the following supplementary use standards.
- a. **CRE district.** In the CRE district, an arena, auditorium or stadium use shall not be located in an RR10 land use designation of the Comprehensive Plan.
 - b. **Minimum lot area.** The minimum lot area required for arena, auditorium or stadium uses shall be no less than five (5) acres.
 - c. **Frontage.** The minimum required frontage on a public street for arena, auditorium or stadium uses at the primary point of access shall be a minimum of four hundred (400) feet in length.
 - d. **Access.** All points of vehicular access for arena, auditorium or stadium uses shall be from an arterial road. The access points shall be located to minimize vehicular traffic to and through local streets in residential neighborhoods.
 - e. **Safety.** Safety fences up to a height of six (6) feet shall be required around an arena, auditorium or stadium if deemed necessary.

12. **Assembly, nonprofit, institutional** means a site or facility, or employment open to the public, owned or operated by a not-for-profit organization for social, educational or recreational purposes. Typical uses include museums, cultural centers, recreational facilities, botanical gardens or nonresidential community services such as soup kitchens and medical and employment services. An institutional nonprofit assembly use shall comply with the following supplementary use standards.

a. **Location.** The use shall be located on a collector, a local commercial or higher classification street. [Ord. No. 01-100]

b. **Redevelopment and Revitalization Overlay.** In a Redevelopment and Revitalization Overlay, the use may be located on a local residential, local commercial or higher classification street subject to the following criteria:

(1) Class B conditional use approval.

(2) A maximum of three thousand (3,000) square feet of gross floor area.

(3) Landscaping in accordance with the requirements in Sec. 7.3.G.2.a.

[Ord. No. 01-100]

c. **AR District.** A nonprofit assembly use shall have a fifty (50) foot buffer if adjacent to residentially occupied or zoned property. [Ord. No. 97-64] [Ord. No. 01-100]

d. **AGR District.** The use shall be limited to that which supports the agriculture industry or provides service to farm workers. [Ord. No. 98-11] [Ord. No. 01-01]

12.1 **Assembly, nonprofit membership** means a site or facility owned or operated by a not-for-profit organization for social, education or recreational purposes where paid membership is required. Typical uses include fraternal or cultural organizations and union halls. A membership nonprofit assembly use shall comply with the following supplementary use standards.

a. **Location.** The use shall be located on an arterial, collector, or local commercial street.

b. **CCSO district.** The use shall be limited to that which supports the agriculture industry or provides service to farm workers. [Ord. No. 97-64] [Ord. No. 98-11] [Ord. No. 99-37]

13. **Auction** means an establishment engaged in the public sale of goods to the highest bidder, with all or a portion of the activity and display of merchandise occurring outside of an enclosed building. An auction use shall comply with the supplementary use standards in Sec. 6.4.D.10. (Amusements, Temporary or Special Event). [Ord. No. 97-64] [Ord. No. 99-37]

14. **Automotive paint and body shop** means an establishment engaged in the painting, repainting, or retouching of motor vehicles, or performance of major external repairs of a non-mechanical nature. An automotive paint and body shop use shall comply with the following supplementary use standards:

a. **CG district.** All activities related to an automotive paint and body shop in the CG district shall be conducted within an enclosed structure.

b. **Architecture.** Stand alone or freestanding automotive paint and body shops contiguous to a public street or residential zoning district shall comply with Sec. 6.6.E, Architectural Guidelines.

[Ord. No. 01- 28]

15. **Automotive service station** means an establishment engaged in the retail sale of gasoline or other motor fuels, which may include accessory activities such as the sale of accessories or supplies, the lubrication of motor vehicles, the minor adjustment or minor repair of motor vehicles, or the sale of convenience food items, or a restaurant. Automotive service station uses shall comply with the following supplementary use standards. [Ord. No. 01-29]
- a. **Approval criteria.** Automotive service stations and related uses and facilities create impacts which may permanently and substantially alter the character of an area. Prior to approving a conditional or requested use for an automotive service station or other facility with gasoline pumps, the Board of County Commissioners shall make a finding that the use is appropriately located. In making the determination that the use is appropriately located, the Board of County Commissioners shall consider the following guidelines:
- (1) proper functioning of the site as related to vehicle stacking, circulation, access, and turning movements;
 - (2) adequate buffering and setbacks from residential areas;
 - (3) provision of adequate access, ingress and egress; and;
 - (4) number of other fueling stations in the vicinity to safeguard against potential harm from explosion. [Ord. No. 01-01] [Ord. No. 01-29]
- b. **Location.**
- (1) A maximum of two (2) automobile service stations or convenience stores with gas sales shall be permitted within one thousand (1,000) feet of any intersection, measured from the intersection of the centerline of each street.
 - (2) An automotive service station shall not be located within one thousand (1,000) feet of an existing or approved automotive service station or convenience store with gas sales, measured by drawing a straight line between the nearest point on the perimeter of the exterior wall of the proposed automotive service station to the nearest point on the existing or approved automotive service station or convenience store with gas sales. An automotive service station within one thousand (1,000) feet of an intersection in accordance with the locational criteria in 6.4.D.15.b(1) shall be exempt from this requirement.
 - (3) **Urban/Suburban Tier.** An automotive service station in the Commercial Low Future (CL) Land Use designation shall comply with the Major Intersection Criteria as defined in Sec. 7.8.C, unless located within a planned development.
 - (4) **Rural, Exurban, Glades and Agricultural Reserve Tiers.** An automotive service station shall be located at the intersection of one collector and arterial street, or two arterial streets, as listed in the Florida Department of Transportation Palm Beach County Federal Functional Classification Table.
 - (5) **Existing Automotive Service Stations.** The locational criteria contained in Sec. 6.4.D.15.b above shall not affect an automotive service station that is a conforming use as of the effective date of this ordinance. [Ord. No. 01-29]
- c. **Accessory Restaurant.** In the CC, CG, MUPD and MXPD districts, an accessory restaurant shall require the following.
- (1) **Approval.** A restaurant without a drive-thru service may be permitted as an accessory use subject to DRC approval. A restaurant with drive-thru service may be permitted as an accessory use subject to a Class A conditional use or requested use approval.
 - (2) **Size.** The restaurant shall not exceed thirty percent (30%) of the gross floor area of the primary use;

- (3) **Parking.** Adequate parking shall be provided on site. Parking for uses shall be calculated separately to determine the total amount of required parking. The gas pump stacking lanes shall not be counted toward the minimum parking requirements of the restaurant use.
 - (4) **On-site circulation.** On-site circulation and maneuvering area shall be adequate to accommodate all uses at any given time. [Ord. No. 01-01]
- d. **Automatic car wash.** An automatic car wash shall be considered an accessory use to an automotive service station use when it is located on the same lot, and shall be governed by the use and property development regulations applicable to the automotive service station use. [Ord. No. 01-01]
- e. **Standards.**
- (1) **Enclosed repair activities.** All accessory repair activities shall be conducted within an enclosed structure. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site.
 - (2) **Delivery vehicles.** Parking of delivery vehicles shall be permitted only within the designated loading space. Overnight parking of delivery vehicles on-site shall be prohibited.
 - (3) **Vehicle testing on residential streets.** Vehicles shall not be tested off-site on residential streets.
 - (4) **Water recycling.** Any accessory automatic car wash facility shall utilize a water recycling system.
 - (5) **Loudspeakers.** No outdoor speaker or public address systems which are audible off-site shall be permitted.
- f. **Gas canopy signs.**
- (1) **Maximum number.** Two (2) gas canopy signs shall be permitted in addition to the permitted building wall signs.
 - (2) **Maximum height.** Eighteen (18) inches.
[Ord. No. 96-28] [Ord. No. 97-64] [Ord. No. 01-01] [Ord. No. 01-29]
- 15.1 **Aviculture** means the breeding, raising and care of birds. Aviculture shall comply with the following supplementary use standards.
- a. **Minimum Lot size.** For avicultural uses with more than fifty (50) but less than two hundred (200) birds, the minimum lot size shall be two (2) acres. For avicultural uses with two hundred (200) or more birds, the minimum lot size shall be five (5) acres. [Ord. No. 97-64]
16. **Bed and breakfast** means an owner-occupied single-family dwelling that offers lodging for paying guests and which serves breakfast to these guests. A bed and breakfast use shall comply with the following supplementary use standards.
- a. **Resident owner.** The owner operator shall reside on the premises.
 - b. **Adverse effect.** The proposed use of the property shall not adversely affect the immediate neighborhood.
 - c. **Nuisance or hazard.** The proposed use of the property shall not create noise, light or traffic conditions detrimental to the neighboring residents.
 - d. **Exterior alterations.** Only exterior alterations necessary to assure safety of the structure or enhance the compatibility with the surrounding neighborhood shall be made for the purpose of providing a bed and breakfast.
 - e. **Meals.** No meals other than breakfast shall be served to paying guests.

- f. **Guest register.** The resident owner shall keep a current guest register including names, addresses and dates of occupancy of all guests.
 - g. **Building code requirements.** The building shall comply with all requirements of dwelling units included in the Florida Building Code. [Ord. No. 01-29]
 - h. **Signage.** One sign, a maximum of eight (8) square feet, listing name and address shall be permitted. [Ord. No. 97-64]
 - i. **AP district.** Within the LOST-O, a bed & breakfast shall be allowed as a special use after compliance with the special use standards. [Ord. No. 01-29]
- 16.1 Butcher Shop, wholesale** means an establishment engaged in the cutting and packaging of meat, including, but not limited to, beef, pork, poultry and fish, for general wholesale. A wholesale butcher shop shall be subject to the following supplementary use standards:
- a. **Location.** A wholesale butcher shop shall only be located on an arterial street.
 - b. **Deliveries.** Deliveries shall be limited to 6:00 a.m. to 5:00 p.m., Monday through Saturday.
 - c. **Storage and disposal.** No outdoor storage or disposal shall be permitted.
 - d. **Cutting of meat and poultry.** The cutting of sub-primal portions of meat and pre-cut poultry into serving portions including packaging and shipping where each pre-cut portion entering the facility will not exceed ten (10) pounds and waste generated for disposal will not exceed ten percent (10%) of the pre-cut product is permitted. Waste does not include meat and poultry by-products which are sold to other users.
 - e. **Slaughtering.** Slaughtering, rendering and dressing shall be prohibited.
 - f. **IL, IG and PIPD Districts.** A wholesale butcher shop may be allowed as a permitted use in the IL, IG and PIPD districts subject to the above criteria. [Ord. No. 01-100]
- 17. Campground** means a plot of ground established as a commercial campsite for recreational use and not as living quarters. A campground site shall comply with the following supplementary use standards.
- a. **Minimum lot area.** A campground site shall have a minimum lot area of at least five (5) acres or the minimum required by the district, whichever is greater.
 - b. **SA district.** In the SA district a campground site shall have a one hundred (100) foot buffer from residentially occupied or zoned property in addition to the required minimum setbacks.
 - c. **Setbacks.** No campground site shall be located within fifty (50) feet of any property line. [Ord. No. 99-37] [Ord. No. 01-100]
- 17.1 Camping cabin** means an accessory use to a Recreational Vehicle Park or campground, consisting of a rental cabin used for temporary occupancy. A camping cabin shall comply with the following supplementary use standards. [Ord. No. 01-29]

- a. **Structure.** The cabin shall comply with all structural regulations of the PBC Building Code.
 - b. **Duration.** Time limitations shall be in accordance with Sec. 6.8.H.6.(2)(a). [Ord. No. 01-29]
 - c. **Setbacks.** Camping cabins shall meet the setbacks required for recreational vehicles.
 - d. **Location.** A camping cabin may be located on a recreational vehicle lot or camp site in lieu of a recreational vehicle or campsite. [Ord. No. 01-29]
 - e. **Floor area.** A camping cabin shall not exceed eight hundred (800) square feet of gross floor area. [Ord. No. 01-29]
 - f. **Additional floor area.** Floor area under a solid roof that is utilized as a porch, patio, porte cochere, or carport shall not exceed four hundred (400) square feet.
 - g. **Amenities.** A camping cabin may contain electrical outlets, heating, air conditioning units, fans, cooking facilities and plumbing. [Ord. No. 00-015]
 - h. **Limitations.** A maximum of thirty (30) percent of the total approved lots may be converted to cabin use. [Ord. No. 99-37] [Ord. No. 00-015]
 - i. **Maximum percentage of camping cabin lots.** At no time shall the number of camping cabins exceed forty-nine (49) percent of the developed lots. [Ord. No. 00-015]
 - j. **AP district.** Within the LOST-O, a camping cabin shall be allowed as a principal use or an accessory use to a single family dwelling. A camping cabin shall be allowed as a special use after compliance with the special use standards and shall comply with the following:
 - (1) **Number.** A maximum of four (4) camping cabins shall be permitted per acre.
 - (2) **Setbacks.** Camping cabins shall be setback a minimum of twenty-five (25) feet from all property lines.
 - (3) **Occupants.** Only users of the Lake Okeechobee Scenic Trail such as hikers, bikers and other tourists shall be allowed to occupy camping cabins. [Ord. No. 01-29]
18. **Car wash or auto detailing** means an establishment primarily engaged in the washing or detailing of motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices, and which may employ some hand labor. Detailing includes hand washing and waxing, stripping, and interior cleaning. Car wash and auto detailing uses shall comply with the following supplementary use standards.
- a. **Location.**
 - (1) **CC district.** In the CC district, a car wash or auto detailing use shall be subject to the Major Intersection Criteria as defined in Sec. 7.8.C. [Ord. No. 01-29]
 - (2) **CG district.** In the CG district, a car wash or auto detailing use shall be permitted pursuant to Article 5.6, Site Plan or Final Subdivision Plan, if car washing and auto detailing is limited to hand washing/waxing. [Ord. No. 01-29]
 - (3) **IL district.** In the IL district, a car wash or auto detailing use shall be permitted by right if limited to hand washing/waxing.

- b. **Accessory to automotive service station and convenience store with gas sales.** An automatic car wash shall be considered an accessory use to an automotive service station use when it is located on the same lot, and shall be governed by the use and property development regulations applicable to the automotive service station use. [Ord. No. 01-01]
 - c. **Water recycling.** An automatic car wash facility shall utilize a water recycling system. [Ord. No. 01-01]
 - d. **Loudspeakers.** No outdoor speaker or public address systems which are audible off-site shall be permitted. [Ord. No. 99-37] [Ord. No. 01-29]
- 18.1 Catering service** means an establishment where food and beverages are provided for consumption off the premises. Catering services may also provide personnel, serving equipment, and decorations.
- a. **Accessory use.** Catering may be permitted as an accessory use to a quality or specialty restaurant. The use of more than three (3) delivery vehicles shall require DRC approval. [Ord. No. 97-64]
 - b. **AP district.** Within the LOST-O, catering shall be allowed as an accessory use to a specialty restaurant. Catering shall be allowed as a special use after compliance with the special use standards. The use of more than three (3) delivery vehicles shall require DRC approval. [Ord. No. 01-29]
- 19. Cemetery** means land used or intended to be used for human burial, including a chapel mausoleum or columbarium. A cemetery use shall comply with the following supplementary use standards:
- a. **Site area.** In accordance with the requirements of Sec. 497.027, Fla. Stat., a cemetery shall be located on a site with a minimum contiguous area of fifteen (15) acres.
 - b. **Water supply and sewage disposal.** Potable water supply and sewage disposal systems for a cemetery use shall be provided in accordance with the requirements of the PBCHD.
 - c. **CG and SA.** In the CG and SA district a cemetery for pets is permitted with a conditional use type B. The pet cemetery use includes an accessory office and mausoleum however an accessory crematory is permitted in the CG district only. The accessory crematory must be approved by the DER. The minimum lot size of fifteen (15) acres is not applicable for pet cemeteries.
 - d. **RM and RH.** In the RM and RH districts funeral homes accessory to cemeteries are permitted subject to conditional use Type A. In all residential zoning districts, a cemetery shall be located on a collector or arterial street only.
- 20. Chipping and mulching** means an establishment using equipment designed to cut tree limbs, brush or wood construction debris into small pieces for use as mulch. A chipping and mulching use shall comply with the following supplementary use standards.
- a. **Lot size.** A chipping and mulching use shall be located on a minimum of five (5) acres.
 - b. **Setback from residential districts and uses.** A chipping or grinding machine shall be set back a minimum of five hundred (500) feet from any property line abutting a residential district or use.

- c. **Health and environmental regulations.** The operation shall be subject to all applicable regulations of the FDEP (including Chapter 17-701, F.A.C.), the PBCHD, the Solid Waste Authority, and the Fire Marshall.
- d. **Access.** An access road for collection vehicles shall be provided to the entrance of the facility. Acceptable access does not include local streets. Access shall be restricted to specific entrances with gates that can be locked and that carry official notice that only authorized persons are allowed on the site.
- e. **Storage.** Except in the AP District, on-site storage of unprocessed material shall be limited to forty-five (45) days and the pile height of storage material shall be limited to fifteen (15) feet. Outdoor material storage piles shall be set back a minimum of twenty-five (25) feet from any property line or fifty (50) feet from any property line abutting a residential zoning district or use. Storage areas shall be effectively screened from view, pursuant to Sec. 6.6. (Supplementary Regulations).
- f. **Buffering.** An incompatibility buffer as required in Sec. 7.3 (Landscape and Buffering) may be omitted if the use is adjacent to farm worker quarters or mobile home accessory to agriculture.
- g. **Chipping and grinding hours.** Hours of operation of chipping and grinding machine are limited to 9:00 a.m. to 5:00 p.m. Monday through Friday if adjacent to residential zoned property.
- h. **Supplemental application requirements.** The applicant shall provide the following information.
- (1) **Site plan.** A site plan illustrating how the operation functions including circulation routes and their locations, square footage, height and location of buildings, chipper and storage piles.
 - (2) **Hours of operation.** A statement specifying the hours of operation (hours of operation are limited to 8:00 a.m. to 5:00 p.m. Monday through Friday if adjacent to residential zoned property).
 - (3) **Waste.** An explanation of the quantity of waste to be received expressed in cubic yards per day or tons per day.
 - (4) **Letter of approval.** A notarized letter of approval shall be provided from the property owner verifying consent to use the property for chipping and mulching.
 - (5) **Dust control.** A plan to address dust control in traffic, storage and processing areas. Dust control measures may include: additional setbacks, full or partial enclosure of chipper or grinder and watering or enclosing mulch piles. [Ord. No. 97-64] [Ord. No. 99-37]
21. **Church or place of worship** means a premises or site used primarily or exclusively for religious worship and related religious services or established place of worship, retreat site, camp, convent, seminary or similar facilities owned or operated by a tax exempt religious group for religious activities. A church or place of worship use shall comply with the following supplementary use standards.
- a. **Location.**
- (1) **Rectory.** All places of worship which include a rectory, shall front on a collector or arterial street.
 - (2) **Accessory facilities.** All places of worship which include a day care, school, academy, congregate living facility, cemetery, community center or other similar accessory facilities shall front on an arterial or collector street. In no case shall places of worship with accessory facilities be located on local residential streets.
 - (3) **Agricultural Reserve Tier.** A church or place of worship shall be located east of State Road 7/US 441 only. [Ord. No. 01-100]
- b. **Use limitations.**

- (1) **1,500 square foot facility.** A church or place of worship not exceeding one thousand five hundred (1,500) square feet of gross floor area shall be a permitted use, subject to site plan certification by DRC pursuant to Sec. 5.6 (Site Plan or Final Subdivision Plan) in the following districts:
 - (a) CN, CC and CG districts; and,
 - (b) a commercial pod in a Planned Development Districts (PDD).
- (2) **Accessory residential development. Institutional land use plan classification.** In the Institutional land use plan classification, affordable housing shall be permitted as an accessory use to a church or place of worship subject to approval of a Class A Conditional Use. Such use shall be requested only by a nonprofit organization or community based group. This type of residential development shall be under the direct supervision of a sponsoring nonprofit organization or community based group. Such housing shall be provided at below market rental rates and not for resale.
- (3) **Temporary sales.** Temporary sales events, such as rummage or bake sales, shall be permitted as an accessory use, subject to the Temporary Retail Sales standards of Sec. 6.4.D and Sec. 5.5 (Special Use Permits).
- (4) **Day care center, limited.** A day care center, limited, incorporated into the primary structure of an existing church or place of worship with a minimum seating capacity of 250 seats on a minimum lot of one acre shall be permitted, subject to DRC approval.
[Ord. No.96-28] [Ord. No. 97-14] [Ord. No. 99-37]

22. Communication tower, commercial. A commercial communication tower use shall comply with the following supplementary use standards. If this section prohibits a government-owned tower from being located at a specific site and the tower is required to protect the public health, safety, or welfare, the applicable criteria of this section may be waived or modified by the BCC. In such cases the BCC shall make a finding of fact justifying the modification.

a. **Definitions.** For the purposes of this section the following definitions shall apply.

Abandoned tower means any commercial communication tower whose principal use has been discontinued for a period in excess of three (3) months.

Antenna means a transmitting and/or receiving device used for AM/FM radio, television, microwave, telephone, cellular, personal wireless services, and related forms of electronic communications. This excludes amateur radio antennas and satellite dishes.

Camouflage tower means a tower or structure which is incorporated into and is compatible with existing or proposed uses on site (i.e., antenna incorporated into site lighting at a park or incorporated into an electrical distribution center).

Collocation means the placement of more than one (1) service providers' antenna on a commercial communication tower.

Combined transmission/communication structure means any combination of communication tower and electrical transmission line constructed within an electrical transmission line R-O-W created pursuant to the "Transmission Line Siting Act," Section 403.52, Florida Statutes.

Communication tower, commercial means any tower whose principal use is to facilitate transmissions for AM/FM radio, television, microwave, cellular, digital, personal communication services, enhanced specialized radio, and related communication services. Towers located on school

sites and utilized for educational purposes only, pursuant to Chapter 235, Fla. Stat., shall not be considered commercial communication towers.

Electrical transmission line R-O-W means the area necessary for construction and maintenance of a 230 kilovolt or greater electrical transmission line, as provided in Section 403.52, Florida Statutes.

Existing residential use means any residential structure on a parcel of land or property possessing either residential designation by the future land use atlas of the Comprehensive Plan or a residential zoning designation consistent with the underlying future land use designation.

Guyed tower means a structure that is supported either partially or completely by guy wires and ground anchors.

Jersey barrier means a device installed around the base of towers, guy anchors, or supports to protect structural integrity from vehicular impact.

Monopole tower means a structure that consists of a single pole supported by a permanent foundation.

Propagation Study a method utilized by radio-frequency (RF) engineers for site placement. The study indicates signal strength as it relates to adjacent sites to ensure quality calls and handoffs, including the potential for towers or tall structures within the study area to be utilized for collocation and the avoidance of additional towers.

Public civic sites means any property in any zoning district which accommodates a use under the ownership of or leased by a public agency as defined in Article 3, Section 3.2 of the ULDC.

Residential means property possessing either a residential designation by the future land use atlas of the Comprehensive Plan or a residential zoning designation consistent with the underlying future land use designation.

Self support/lattice tower means a structure that is constructed without guy wires or ground anchors.

Stealth facility means a structure which is not readily identifiable as a tower and is compatible with existing or proposed uses on site. The structure may or may not have a secondary function (i.e., bell tower, spire, etc.).

Tower Hierarchy. For the purpose of determining impact the following hierarchy has been established.

LEAST IMPACT
Stealth
Camouflage
Monopole
Self Support/Lattice
Guyed
MOST IMPACT

Vacant residential parcel means any undeveloped parcel of land or property, including any parcel or property with an approved development order, possessing either a residential designation by the future land use atlas of the Comprehensive Plan or a residential zoning designation consistent with the underlying future land use designation.

Whip Antenna means a cylindrical or similarly shaped omnidirectional antenna utilized for transmission or receiving of electronic communications.

b. Siting requirements.

(1) Stealth towers.

- (a) Permitted Districts.** Stealth facilities may be permitted and shall be reviewed as provided in Table 6.4-4A and Table 6.4.B., and as provided herein.
- (b) Separation and Setbacks.** Separation or setbacks for stealth facilities shall be established as provided in Table 6.4-4C and Table 6.4-4D.
- (c) Criteria.** Stealth structures shall comply with the following criteria.
 - (i)** The structure shall be compatible with the architectural style of the existing buildings/structures on site and with the character of the surrounding area. A determination of architectural compatibility shall include, but not be limited to, color, type of building material, and architectural style.
 - (ii)** The structure shall be consistent with the character of existing uses on site.
 - (iii)** Communications equipment or devices shall not be readily identifiable.
 - (iv)** The structure shall be related to and integrated into the existing natural and/or man-made environment to the greatest extent possible.
 - (v)** The maximum height of the structure shall not exceed 200 feet.
- (d) Stealth towers in certain residential zoning districts.** Subject to the limitations provided in this subsection, stealth towers may be permitted in the following residential zoning districts: RT (Residential Transitional), RTS (Residential Transitional Suburban), RTU (Residential Transitional Urban), RS (Single Family Residential), RM (Multi-Family Residential), RH (Multi-Family Residential/High Density), and PUD (Planned Unit Development) public civic.
 - (i) Approval.** The stealth tower shall be approved by the BCC as a Class A Conditional Use.
 - (ii) Separation and setback from existing residential structures.** The minimum separation from any existing residential structure shall be 300% of tower height. In addition, the tower shall be setback a distance of at least 100% of tower height from any property line adjacent to an existing residential use.
 - (iii) Setback from vacant residential property.** The minimum setback from any adjacent vacant residential property shall be at least 100% of tower height from any such property line.
 - (iv) Setbacks from nonresidential zoning districts.** The minimum setback from any adjacent nonresidential zoning district shall be the greater of the required district setback or 20% of tower height.
 - (v) Associated uses.** The stealth towers shall be permitted only in association with the following uses: assembly, nonprofit institutional; church or place of worship; college or university; electric power facility, excluding electrical transmission line rights-of-way as provided herein; government services; park, passive; park, public; school, elementary or secondary; solid waste transfer station; utility, minor; or water or wastewater treatment plant.

- (e) **Waivers from required dimensional criteria.** A waiver from separation, setback, distance between towers, height, and similar dimensional criteria may be requested as provided in Sec. 6.4.D.22.b.(11).
 - (f) **Mandatory collocation.** A stealth tower shall be required to accommodate a minimum of two (2) providers. However, an applicant may not be required to accommodate the additional providers in the event the shared use/collocation review procedures of this section indicate no other service provider wishes to collocate on the structure.
 - (g) **Public parks five (5) acres or greater.** The minimum separation between any existing residential structure, and stealth towers located in public parks five (5) acres or greater shall be 200% of tower height. In addition, the tower shall be setback a distance of at least 100% of tower height from any property line adjacent to an existing residential use or vacant residential parcel.
- (2) **Camouflage towers.**
- (a) **Permitted districts.** Camouflage towers shall be permitted and reviewed as provided in Table 6.4-4A and Table 6.4-4B and as provided herein.
 - (b) **Separation and setback.** Separation and setbacks for camouflage facilities shall be established as provided in Table 6.4-4C and Table 6.4-4D.
 - (c) **Criteria.** Camouflage towers shall comply with the following criteria.
 - (i) The structure shall have an additional function other than antenna support.
 - (ii) The maximum height of the structure shall not exceed:
 - a) 100 feet for a single provider;
 - b) 125 feet for a minimum of two (2) providers; or,
 - c) 150 feet for a minimum of three (3) providers.
- Prior to the issuance of a building permit for a structure with two (2) or more providers, the applicant shall provide proof of collocation in a form acceptable to the County Attorney and Zoning Director.
- (d) **Camouflage towers in certain residential zoning districts.** Subject to the limitations provided in this subsection, camouflage towers may be permitted in the following residential zoning districts: RT (Residential Transitional), RTS (Residential Transitional Suburban), RTU (Residential Transitional Urban), RS (Single Family Residential), RM (Multi-Family Residential), and PUD (Planned Unit Development) public civic sites, and RH (Multi-Family Residential/High Density).
 - (i) **Approval.** The camouflage tower shall be approved by the Development Review Committee.
 - (ii) **Separation and setback from existing residential structures.** The minimum separation from any existing residential structure shall be 200% of tower height. In addition, the tower shall be setback a distance of at least 100% of tower height from any property line adjacent to an existing residential use.
 - (iii) **Setback from vacant residential property.** The minimum setback from any adjacent vacant residential property shall be at least 100% of tower height from any such property line.
 - (iv) **Setbacks from nonresidential zoning districts.** The minimum setbacks from any adjacent nonresidential zoning district shall be the greater of the required district setback or 20% of tower height.
 - (v) **Associated uses.** The camouflage towers shall be permitted only in association with the following uses: assembly, nonprofit institutional; church or place of worship; college or university; electric power facility, excluding electrical transmission line rights-of-way as provided herein; government services; park, passive; park, public; school, elementary or secondary; solid waste transfer station.

- (e) **Waivers from required dimensional criteria.** A waiver from separation, setback, distance between towers, height, and similar dimensional criteria may be requested as provided in Sec. 6.4.D.22.b.(11).
 - (f) **Additional submission requirements.** Applications for approval to install a camouflage tower shall include the following information.
 - (i) A colorized illustration or representation of the proposed tower.
 - (ii) The height, diameter, and coloration of the proposed facility.
 - (iii) A statement of compatibility to indicate the nature and character of the surrounding area, and how the proposed facility will be consistent with the overall characteristics of the area.
 - (g) **Public parks five (5) acres or greater.** The minimum separation between any existing residential structure, and camouflage towers located in public parks five (5) acres or greater shall be 125% of tower height. In addition, the tower shall be setback a distance of at least 75% of tower height from any property line adjacent to an existing residential use or vacant residential parcel.
- (3) **Electrical transmission line rights-of-way.** Communication towers, antennas, and related facilities may be located in such rights-of-way as provided herein.
- (i) **Transmission poles.** Antennas attached to existing electrical transmission poles shall not be required to obtain building permits. Building permits are required for accessory structures, such as equipment cabinets, constructed to support such antennas or panels. Height increases to transmission poles to allow antenna attachment shall be subject to the provisions of this section.
 - (ii) **Combined transmission/communication structures.** Combined transmission/communication structures may be installed in an electrical transmission R-O-W as provided in Table 6.4-4A and Table 6.4-4B, and subject to the following requirements.
 - a) Structures installed in transmission line rights-of-way with a residential comprehensive plan and zoning designation shall:
 - i) be located in rights-of-way a minimum of 250 feet in width;
 - ii) be limited to combination structures which are similar to monopole towers;
 - iii) not exceed 100 feet in height, however the height may be increased to a maximum of 125 feet if an additional provider is accommodated, and proof of collocation is provided in a form acceptable to the County Attorney and the Zoning Director;
 - iv) be setback a minimum 150 feet from any property line possessing a residential designation;
 - v) not be located within a planned unit development (PUD) unless approved by the BCC as a Class A conditional use; and
 - vi) require review as provided in Table 6.4-4A and Table 6.4-4B.
 - b) Transmission line rights-of-way in areas with a nonresidential comprehensive plan and zoning designation shall:
 - i) be located in rights-of-way a minimum of 250 feet in width;
 - ii) be limited to combination structures which are similar to monopole towers or self support towers; not exceed 300 feet in height;
 - iii) be set back a minimum of 200 feet from any property line possessing a residential designation;
 - iv) be set back a minimum of 100 feet from any property line possessing a nonresidential designation; and
 - v) require review as provided in Table 6.4-4A and Table 6.4-4B.

- (iii) **Separation of new combined transmission/communication structures.** New combined transmission communication structures shall be subject to the separation distances as provided in Table 6.4-4E of this section.
- (4) **Florida Department of Transportation rights-of-way.** Within the rights-of-way for I-95 and the Florida Turnpike owned or controlled by the Florida Department of Transportation, towers, antennas, or panels may be installed as follows.
 - (a) **Installation of antennas and panels.** Antennas and panels may be attached to existing communication towers, light standards, or other structures or facilities subject only to building permit review.
 - (b) **Construction of new towers.** New towers constructed within rights-of-way shall comply with the following requirements.
 - (i) Towers installed in those portions of rights-of-way immediately adjacent to any property possessing a residential designation shall:
 - a) be located in a R-O-W at least 250 feet in width;
 - b) be only a monopole or lattice tower;
 - c) not exceed 150 feet in height;
 - d) be setback a minimum of 150 feet from the nearest property line; and
 - e) require review as provided in Table 6.4-4A and Table 6.4-4B.
 - (ii) Towers installed in those portions of rights-of-way immediately adjacent to any property possessing a nonresidential designation shall:
 - a) be located in a R-O-W at least 200 feet in width;
 - b) be only a monopole or lattice tower;
 - c) not exceed 200 feet in height;
 - d) be setback a minimum of 75 feet from the nearest nonresidential property line and 50 feet from any residential property line; and
 - e) require review as provided in Table 6.4-4A and Table 6.4-4B.
 - (c) **Separation of new towers.** New towers shall be subject to the separation distances as provided in Table 6.4-4E of this section.
 - (5) **Monopole towers.**
 - (a) **Permitted districts.** Monopole towers may be permitted and shall be reviewed as provided in Table 6.4-4A and 6.4-4B.
 - (b) **Separations and setbacks.** Monopole towers shall provide the separations and setbacks as established in Table 6.4-4C and Table 6.4-4D.
 - (c) **Increase in height.** The height of a monopole tower may be increased as provided herein.
 - (i) **Percentage of increase.** The height of a proposed monopole tower may be increased by twenty percent (20%), without regard to required separation or setback requirements, for all applications which provide proof of the collocation of an additional personal wireless service provider.
 - (ii) **Proof of collocation.** Proof of collocation shall be provided in a form acceptable to the County Attorney and the Zoning Director. Proof of collocation shall include an executed contract or lease providing for use of the facility for a period of at least ten (10) years.
 - (6) **Self Support/Lattice towers.**
 - (a) **Permitted districts.** Self support or lattice towers may be permitted and shall be reviewed as provided in Table 6.4-4A and Table 6.4-4B.
 - (b) **Separations and setbacks.** Lattice towers shall provide the separations and setbacks as established in Table 6.4-4C and Table 6.4-4D.

- (7) **Guyed towers.**
- (a) **Permitted districts.** Guyed towers may be permitted and shall be reviewed as provided in Table 6.4-4A and Table 6.4-4B.
 - (b) **Separations and setbacks.** Guyed towers shall provide the separations and setbacks as established in Table 6.4-4C and Table 6.4-4D.
 - (c) **Setbacks.** Breakpoint calculations may be provided to demonstrate a tower will collapse within the minimum required district setbacks. Breakpoint calculations shall be certified by a professional engineer, licensed in the State of Florida.
 - (d) **Anchors.** Peripheral supports and guy anchors may be located within required setbacks provided they shall be located entirely within the boundaries of the property on which the communication tower is located. Peripheral supports and guy anchors shall be located at least ten (10) feet from all property lines.
- (8) **Compatibility.** To assist in ensuring compatibility between a proposed communication tower and surrounding land uses, the information listed below shall be included with all applications for development approval, development order amendments, etc.
- (a) **Site and tower location.** The proposed site of a tower and the proposed location of the tower within that site, indicated on an official Palm Beach County zoning quad sheet.
 - (b) **Aerial photography.** The proposed location of a tower, indicated on an aerial map possessing a scale of not more than one inch equals 300 feet (1" = 300'). The aerial photograph shall indicate all adjacent land uses within a radius of 2,000 feet from the site of the proposed tower.
 - (c) **Visual impact analysis.** A visual impact analysis, consistent with the requirements of Sec. 6.4.D.22.c.(16).
 - (d) **Buffering.** Buffering and landscaping as required by this section.
- (9) **Tower appearance.** The style, height, and overall appearance of any tower or communications facility constructed pursuant to this section shall be consistent with plans and elevations submitted as part of an application for development approval. The DRC shall have the authority to approve additions or minor modifications which do not materially modify the appearance of a tower as approved by the Zoning Commission or BCC. Modification which cannot be approved by the DRC shall be subject to a development order amendment as provided in this code.

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**TABLE 6.4-4A
RESIDENTIAL ZONING DISTRICTS:
TOWER LOCATION AND TYPE OF ZONING REVIEW**

TOWER TYPE	AGR	5 AR/ RR	AR/ USA	CRS	RE	RS	RT	RTS	RTU	RM	RH	PUD (1)	RVPD	MHPD	TND
Stealth Towers	D	D	D	D	D	*	*	*	*	*	*	D	*	*	D
Camouflage Towers	BP	BP	BP	BP	BP	*	*	*	*	*	*	BP	*	*	BP
Monopole Towers < 60'	BP	D	D	D	D	*	*	*	*	*	*	D	*	*	D
Monopole Towers > 60' and < 100'	D	B	B	B	B	*	*	*	*	*	*	B	*	*	B
Monopole Towers > 100' and < 150'	B	B	B	B	B	*	*	*	*	*	*	B	*	*	B
Monopole Towers > 150' and < 200'	B	B	B	B	B	*	*	*	*	*	*	*	*	*	*
Monopole Towers > 200' and < 250'	A	A	A	A	*	*	*	*	*	*	*	*	*	*	*
Monopole Towers > 250'	A	A	A	A	*	*	*	*	*	*	*	*	*	*	*
Self Support Towers < 60'	BP	D	D	D	B	*	*	*	*	*	*	D	*	*	D
Self Support Towers > 60' and < 100'	D	B	B	B	A	*	*	*	*	*	*	B	*	*	B
Self Support Towers > 100' and < 150'	B	A	A	A	A	*	*	*	*	*	*	A	*	*	A
Self Support Towers > 150' and < 200'	A	A	A	A	*	*	*	*	*	*	*	*	*	*	*
Self Support Towers >200' and <250'	A	A	A	A	*	*	*	*	*	*	*	*	*	*	*
Self Support Towers > 250	A	A	A	A	*	*	*	*	*	*	*	*	*	*	*

ARTICLE 6: ZONING DISTRICT

Sec. 6.4 Use Regulations and Definitions

TOWER TYPE	AGR	AR/RR	AR/USA	CRS	RE	RS	RT	RTS	RTU	RM	RH	PUD (1)	RVPD	MHPD	TND
Guyed Towers <60'	BP	D	D	D	B	*	*	*	*	*	*	D	*	*	D
Guyed Towers >60' and <100'	D	B	B	B	A	*	*	*	*	*	*	B	*	*	B
Guyed Towers > 100' and < 150'	B	A	A	A	*	*	*	*	*	*	*	*	*	*	*
Guyed Towers > 150' and < 200'	A	A	A	A	*	*	*	*	*	*	*	*	*	*	*
Guyed Towers > 200' and < 250'	A	A	A	A	*	*	*	*	*	*	*	*	*	*	*
Guyed Towers > 250'	A	A	A	A	*	*	*	*	*	*	*	*	*	*	*
FDOT	D(2)	D(2)	D(2)	D(2)	D(2)	D(2)	D(2)	D(2)	D(2)	D(2)	D(2)	D(2)	D(2)	D(2)	D(2)
FPL (3)	D(3)	D(3)	D(3)	D(3)	D(3)	D(3)	D(3)	D(3)	D(3)	D(3)	D(3)	D(3)	D(3)	D(3)	D(3)

Notes

- D = Development Review Committee (No Public Hearing)
- BP = Building Permit Review (No Public Hearing)
- B = Conditional Use Review by Zoning Commission (1 Public Hearing)
- A = Conditional Use Review by Board of County Commissioners (2 Public Hearings)
- (1) = Public Civic Sites Only
- (2) = I-95 and Florida Turnpike R-O-W at least 250 feet in width
- (3) = Electrical transmission R-O-W at least 250 feet in width
- * = Not permitted in zoning district, unless otherwise allowed in association with non-residential uses as provided in this section.

**TABLE 6.4-4B
NONRESIDENTIAL ZONING DISTRICTS:
TOWER LOCATION AND TYPE OF ZONING REVIEW**

TOWER TYPE	AP	SA	RSER	PO	CG	CN	CLO	CC	CHO	CRE	IL	IG	MUPD (1)	MXPD	PIPD	PC	SWPD
Stealth Towers	D	D	D	D	D	D	D	D	D	D	D	D	D	D(2)	D	D	BP
Camouflage Towers	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP(2)	BP	BP	BP
Monopole Towers <60'	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	D(2)	BP	BP	BP
Monopole Towers >60' and < 100'	D	D	D	D	D	D	D	D	D	D	D	D	D	B(2)	D	D	BP
Monopole Towers >100' and < 150'	D	D	B	D	D	B	B	D	B	B	D	D	B	B(2)	D	B	BP
Monopole Towers > 150' and < 200'	D	D	B	D	D	B	B	D	B	B	D	D	B	B(2)	D	B	D
Monopole Towers >200' and < 250'	D	D	A	A	B	A	A	B	A	A	D	D	A	A(2)	D	A	D
Monopole Towers >250'	B	B	A	A	A	A	A	A	A	A	B	B	A	A(2)	B	A	B
Self Support Towers < 60'	BP	BP	BP	BP	BP	*	*	*	*	*	BP	BP	*	BP(3)	BP	BP	D
Self Support Towers > 60' and < 100'	D	D	D	D	D	*	*	*	*	*	D	D	*	D(3)	D	D	D
Self Support Towers > 100' and < 150'	D	D	D	D	D	*	*	*	*	*	D	D	*	D(3)	D	D	D

TOWER TYPE	AP	SA	RSER	PO	CG	CN	CLO	CC	CHO	CRE	IL	IG	MUPD (1)	MXPD	PIPD	PC	SWPD
Self Support Towers > 150' and < 200'	D	D	B	B	B	*	*	*	*	*	D	D	*	D(3)	D	D	D
Self Support Towers > 200' and < 250'	B	B	B	B	B	*	*	*	*	*	B	B	*	B(3)	B	B	B
Self Support Towers > 250'	B	B	A	A	A	*	*	*	*	*	B	B	*	B	A	A	A
Guyed Towers < 60'	BP	BP	*	BP	BP	*	*	*	*	*	BP	BP	BP	BP(3)	BP	BP	BP
Guyed Towers > 60' and < 100'	D	D	*	D	D	*	*	*	*	*	D	D	D	D(3)	D	D	D
Guyed Towers > 100' & < 150'	D	D	*	D	D	*	*	*	*	*	D	D	D	D(3)	D	D	D
Guyed Towers > 150' & < 200'	D	D	*	B	B	*	*	*	*	*	D	D	B	D(3)	D	B	D
Guyed Towers > 200' & < 250'	B	B	*	B	B	*	*	*	*	*	B	B	B	B(3)	B	B	D
Guyed Towers > 250'	B	B	*	A	A	*	*	*	*	*	B	B	A	B(3)	B	A	B
FDOT (4)	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
FPL (5)	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D

Notes

D = Development Review Committee (No Public Hearing).

BP = Building Permit Review (No Public Hearing).

B = Conditional Use Review by Zoning Commission (1 Public Hearings).

A = Conditional Use Review by BCC (2 Public Hearings).

(1) = Limited to Commercial High (CH) Future Land Use Category.

(2) = Commercial High (CH) and Industrial (IND) Future Land Use Category

(3) = Limited to Industrial (IND) Future Land Use Category

(4) = I- 95 and Florida Turnpike R-O-W at least 250 feet in width

(5) = Electrical transmission line R-O-W at least 250 feet in width

* = Not permitted in zoning district

**TABLE 6.4-4C
SEPARATION AND SETBACK DISTANCES FOR TOWERS LOCATED IN
AND ADJACENT TO RESIDENTIAL ZONING DISTRICTS**

TOWER TYPE		AGR	AR/RR	AR/USA	CRS	RE	RS	RT	RTS	RTU	RM	RH	PUD (1)	RVPD	MHPD	TND
Stealth Towers	residential existing (2)	300%, NLT 100% from PL														
	residential vacant (3)	NLT 100% from PL														
Camouflage Towers	residential existing (2)	200%, NLT 100% from PL														
	residential vacant (3)	NLT 100% from PL														

NOTES:

- (1) = Limited to public civic site locations
- (2) = % measured as a separation between tower and adjacent residential structures
- (3) = Measured as a setback from property line of tower location
- (4) = Height, tower type, and setbacks limited as provided in this section
- % = Separation or setback measured as a percentage of tower height
- < = Less than
- > = More than
- NMT = Not more than
- NLT = Not less than
- PL = Property line

ARTICLE 6: ZONING DISTRICT

Sec. 6.4 Use Regulations and Definitions

TOWER TYPE		AGR	AR/RR	AR/USA	CRS	RE	RS	RT	RTS	RTU	RM	RH	PUD (I)	RVPD	MHPD	TND
Self Support Towers > 60'	residential existing (2)	600%, NLT 150% from PL PL	600%, NLT 150% from PL													
	residential vacant (3)	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL
Self Support Towers > 60' and < 100'	residential existing (2)	600%, NLT 150% from PL PL	600%, NLT 150% from PL													
	residential vacant (3)	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL
Self Support Towers > 100' and < 150'	residential existing (2)	600%, NLT 150% from PL PL	600%, NLT 150% from PL													
	residential vacant (3)	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL
Self Support Towers > 150' and < 200'	residential existing (2)	600%, NLT 150% from PL PL	600%, NLT 150% from PL													
	residential vacant (3)	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL

TOWER TYPE		AGR	AR/RR	AR/USA	CRS	RE	RS	RT	RTS	RTU	RM	RH	PUD (1)	RVPD	MHPD	TND
Guyed Towers > 250'	residential existing (2)	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL
	residential vacant (3)	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL
FDOT		(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)
FPL		(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)

Notes < = Less than (1) = Limited to public civic site locations (2) = % measured as a separation between tower and adjacent residential structures (3) = Measured as a setback from property line of tower location (4) = Height, tower type, and setbacks limited as provided in this section %= Separation or setback measured as a percentage of tower height >= More than NMT = Not more than NLT = Not less than PL = Property line

**TABLE 6.4-4D
SEPARATION AND SETBACK DISTANCES for TOWERS located in
NONRESIDENTIAL ZONING DISTRICTS**

TOWER TYPE		AGR	AR/RR	AR/USA	CRS	RE	RS	RT	RTS	RTU	RM	RH	PUD (1)	RVPD	MHPD	TND	AGR	AR/RR
Stealth Towers	residential existing (3)	300%, but NLT 100% from PL																
	residential vacant	NLT 100% from PL																
	nonresid	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Camouflage Towers	residential existing (3)	200%, but NLT 100% from PL																
	residential vacant	NLT 100% from PL																
	nonresid	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Monopole Towers < 60'	residential	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B
	nonresid	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Monopole Towers > 60' and < 100'	residential	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B
	nonresid	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

TOWER TYPE																		
Monopole Towers > 100' and < 150'	residential	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B
	nonresid	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Monopole Towers > 150' and < 200'	residential	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B
	nonresid	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Monopole Towers > 200' and < 250'	residential	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B
	nonresid	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Monopole Towers > 250'	residential	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B
	nonresid	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

TOWER TYPE		AP	SA	RSER	PO	CG	CN	CLO	CC	CHO	CRE	IL	IG	MUPD	MXPD	PIPD	PC	SWPD
Self Support Towers < 60'	residential	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	nonresid	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Self Support Towers > 60' and < 100'	residential	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	nonresid	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Self Support Towers > 100' and < 150'	residential	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	nonresid	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Self Support Towers > 150' and < 200'	residential	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	nonres	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Self Support Towers > 200' and < 250'	residential	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	nonresid	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Self Support Towers > 250'	residential	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	nonresid	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D

- A = Greater of district setback or 20% of tower height
- B = See Table 6.4-4C for required separations & setbacks from existing residential and vacant residential properties
- C = See Table 6.4-4C for required separations and setbacks from existing residential and vacant residential properties
- D = Lesser of 100% of tower height or minimum district setbacks substantiated by breakpoint calculations
- E = See Table 6.4-4C for required separations and setbacks from existing residential and vacant residential properties
- F = Minimum of 150 feet from abutting residential property line
- G = Minimum of 75 feet from abutting nonresidential property line
- H = Minimum of 100 feet from any nonresidential property line

- (1) = MUPD: Limited to Commercial High (CH) and Industrial (IND) Future Land Use Categories.
- (2) = MXPD: Limited to Commercial High (CH) and Industrial (IND) Future Land Use Categories
- (3) = % measured as a separation between tower and adjacent residential structures
- (4) = Limited to Industrial (IND) Future Land Use Category
- % = Separation or setback as a percentage of tower height
- < = Less than
- > = More than
- NMT = Not more than

TOWER TYPE		AP	SA	RSER	PO	CG	CN	CLO	CC	CHO	CRE	IL	IG	MUPD	MXPD	PIPD	PC	SWPD
Guyed Towers < 60'	residential	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	nonresid	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Guyed Towers >60' and < 100'	residential	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	nonresid	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Guyed Towers > 100' and < 150'	residential	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	nonresid	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Guyed Towers > 150' and < 200'	residential	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	nonresid	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Guyed Towers > 200' and < 250'	residential	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	nonresid	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Guyed Towers > 250'	residential	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	nonresid	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
FDOT	residential	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
	nonresid	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G
PPL	residential	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
	nonresid	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H

Notes:

- A** = Greater of district setback or 20% of tower height
- B** = See Table 6.4-4C for required separations and setbacks from existing residential and vacant residential properties
- C** = See Table 6.4-4C for required separations and setbacks from existing residential and vacant residential properties
- D** = Lesser of 100% of tower height or minimum district setbacks substantiated by breakpoint calculations
- E** = See Table 6.4-4C for required separations and setbacks from existing residential and vacant residential properties
- F** = Minimum of 150 feet from abutting residential property line
- G** = Minimum of 75 feet from abutting nonresidential property line
- H** = Minimum of 100 feet from any nonresidential property line

(1) = MUPD: Limited to Commercial High (CH) and Industrial (IND) Future Land Use Categories

(2) = MXPDP: Limited to Commercial High (CH) and Industrial (IND) Future Land Use Categories

(3) = % measured as a separation between tower and adjacent residential structures

(4) = Limited to Industrial (IND) Future Land Use Category

% = Separation or setback as a percentage of tower height

< = Less than

> = More than

NMT = Not more than

- (10) **Exemptions for existing television broadcast towers.** Guyed towers existing as of December 31, 1997 with a principal use as a television broadcasting tower shall be exempt from the provisions of this section as provided below.
- (a) **Separation and setback distances.** Television towers as provided herein shall be exempt from the separation and setback distances of Table 6.4-4C and Table 6.4-4D of this subsection.
 - (b) **Distance between towers.** Television towers as provided herein shall be exempt from the distance between tower requirements of Table 6.4-4E of this subsection.
 - (c) **Visual impact analysis.** Existing or replacement television towers as provided herein shall be exempt from the visual impact analysis requirements of Section c.(16) of this subsection.
 - (d) **Replacement or reconstruction of existing towers.** Television towers exempted by the operation of this subsection may be replaced or reconstructed on the same parcel as provided below.
 - (i) **Approval.** Television towers to be replaced or reconstructed shall be reviewed as provided in Table 6.4-4A or Table 6.4-4B of this subsection.
 - (ii) **Tower height.** The height of a replacement for or reconstruction of an existing tower may be increased subject to approval as provided in Table 6.4-4A or Table 6.4-4B of this subsection.
 - (iii) **Required setbacks from property lines.** Setbacks from property lines shall be provided as indicated below.
 - a) **Structures of equal or lesser height.** Television towers to be replaced or reconstructed with a structure of equal or lesser height shall provide a setback substantially the same as the existing setbacks, taking into account the continued location of the tower being replaced during construction.
 - b) **Structures of greater height.** Television towers to be replaced or reconstructed with a structure of greater height shall provide a minimum setback of 110% of tower height from any adjacent road R-O-W and a minimum setback of 100% of tower height from all adjacent property lines.
 - c) **Breakpoint calculations.** All setbacks shall be substantiated by certified breakpoint calculations. The breakpoint calculations shall demonstrate that should tower failure occur, the entire height of the tower shall fall within with property lines of the tower site.
 - d) **Nonconformity not created.** Replacement or reconstruction of an television broadcast tower shall not result in creation of a nonconforming structure or nonconforming use. The television broadcast tower resulting from the replacement or reconstruction as provided herein shall be deemed a conforming structure and use.
- (11) **Waiver from required dimensional criteria.** A waiver from the separation, setback, distance between towers, height, and similar dimensional criteria applicable to communication towers may be allowed as provided in this section.
- (a) **Towers approved as a Class A or Class B Conditional Use.** The dimensional criteria required by this section may be reduced by the BCC for Class A conditional uses and Class B conditional uses subject to the criteria contained herein.

- (b) **Towers approved on an administrative basis.** The dimensional criteria required by this section may be reduced by the BCC for towers subject to review by the DRC or the building permit process subject to the criteria contained herein.
- (c) **Requests for a waiver.** When considering a request to allow a waiver from one or more required dimensional criteria, the BCC must determine that: the request complies with the intent of this section and, the request is consistent with the criteria listed below.
- (d) **Criteria for granting a waiver.** The following criteria shall be utilized by the BCC when considering requests for waivers. Each request for a waiver must be consistent with the following criteria listed below: (d)(i), (d)(ii), (d)(iii), (d)(iv), (d)(v), (d)(vi), and (d)(vii). In addition, each request for a waiver must be consistent with one or more of the following criteria: (d)(viii) through (d)(xviii).
 - (i) **Protection of public welfare.** The waiver, if approved, will not be injurious to the uses in the area adjacent to the structure and otherwise will not be detrimental to the public welfare.
 - (ii) **Economics.** The waiver is not granted based solely upon or in large measure due to costs associated with complying with all requirements of this section.
 - (iii) **Incompatibility not created.** The waiver, if granted, will not result in an incompatibility between the proposed tower or communication facility and adjacent uses.
 - (iv) **Exhaustion of other remedies.** The waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as all other waiver alternatives have been exhausted. Alternatives to a waiver shall include but not be limited to such techniques as collocation, use of stealth or camouflage structures, and use of building mounted equipment and facilities.
 - (v) **Minimum waiver.** Grant of the waiver is the minimum waiver that will make possible the reasonable use of the parcel of land, building or structure.
 - (vi) **Consistent with the Comprehensive Plan.** Grant of the waiver will be consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and this Code.
 - (vii) **Not detrimental.** The grant of the waiver will not be injurious to the area involved or otherwise detrimental to the public welfare.
 - (viii) **Prohibition of service.** The waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area so as not to prohibit the provision of personal wireless, television, and related communication services as defined by the Telecommunications Act of 1996 and rules of the FCC, if adopted.
 - (ix) **FAA limitations.** The waiver is required to comply with locational standards established by the Federal Aviation Administration (FAA).
 - (x) **Lack of technical capacity.** The waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as existing towers or other structures do not possess the capacity to allow reasonable technical service.
 - (xi) **Height of existing structures.** The waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as existing towers or other structures are not of sufficient height to provide reasonable service.

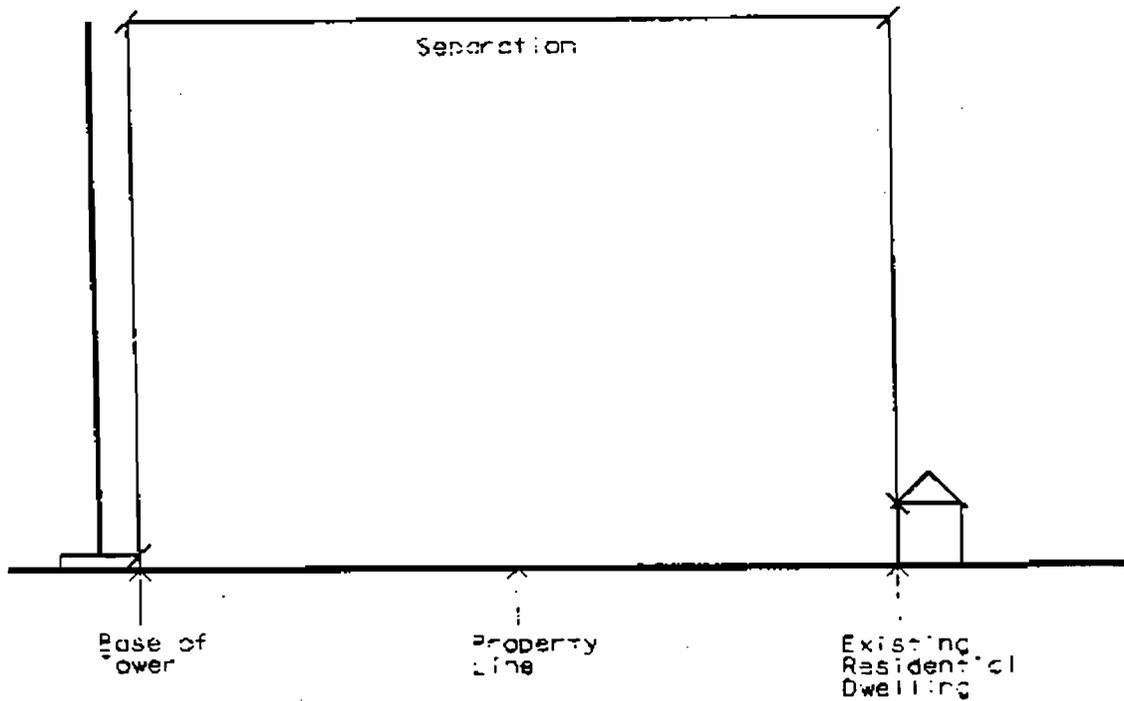
- (xii) **Lack of structural capacity.** The waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as existing towers or structures do not have the structural capacity to accommodate the equipment needed to provide reasonable service within the defined search or propagation study area.
- (xiii) **Interference.** The waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area due to interference that may be caused resulting from such factors as collocation on existing towers or structures, the nature of other communications equipment or signals, or other technical problems that would result in interference between providers.
- (xiv) **Unreasonable costs.** The waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as the fees, costs or contractual provisions to collocate on or adapt an existing tower or structure for collocation are unreasonable.
- (xv) **More appropriate site.** The waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as a result of identification of a more appropriate site that does not meet dimensional criteria, including such factors as distance from residential uses, existence of permanent screening and buffering, and location within a large scale non-residential area.
- (xvi) **Avoid certain locations.** The waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area to avoid location in one or more of the following:
 - a) officially designated wilderness areas, wildlife refuges, and wildlife management areas,
 - b) officially designated vegetation and wildlife preserves,
 - c) habitats of threatened/endangered species,
 - d) historical sites,
 - e) Indian religious sites,
 - f) locations which may cause significant alteration of wetlands, deforestation or water diversion,
 - g) night use of high intensity lights in residential areas,
 - h) environmentally sensitive lands acquired or leased by Palm Beach County,
 - i) linked open space corridors as set forth in the County's Comprehensive Plan.
- (xvii) **Reduce residential impact.** The waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area and will allow a proposed tower location to reduce the impact on adjacent residential uses.
- (xviii) **Effect of governmental regulation or restrictive covenant.** The waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area due to governmental regulations or restrictive covenants which preclude location of a tower.
- (e) **Simultaneous consideration.** A request for a waiver from one or more required dimensional criteria may be considered at the same time a related request for tower approval is considered. However, final BCC, Zoning Commission, or administrative approval shall not be granted until a final decision is rendered by the BCC.

c. Standards.

- (1) Additional uses permitted on lot.** Communication towers may be permitted on a lot with another principal use as provided herein.
 - (a)** Communication towers may be located on lots containing another principal use, including another communication tower. Separation between communication towers and other uses on the lot may be required to ensure compatibility. Towers may occupy a leased parcel on a lot that meets the minimum lot size requirement of the district in which it is located. The County may require execution of a unity of title, or other documentation as determined appropriate by the County Attorney, for lease parcels that do not meet the minimum lot size requirement for the district in which they are located. **[Ord. No. 01-01]**
 - (b) Accessory structures.** Any structure accessory to communication towers, other than peripheral supports and guy anchors, shall conform to the setback requirements for the district in which it is located.
- (2) Measurement of Height.** All antennas, panels, and other attachments shall be included in the height measurement of the tower structure, and shall not extend beyond its maximum permitted height. Lightning rods and whip antennas, less than six (6) inches in diameter, shall be excluded from this requirement.
- (3) Separation and setback from residential uses.**
 - (a) Measurement of separations and setbacks.**
 - (i) Existing residential use.** Separations from existing residential structures shall be measured from the wall of the closest principal residential structure to the base of the tower (See Figure 6.4-1).
 - (ii) Vacant residential parcel.** Setbacks from vacant residential parcels shall be measured from adjacent property lines to the base of the tower (See Figure 6.4-2).

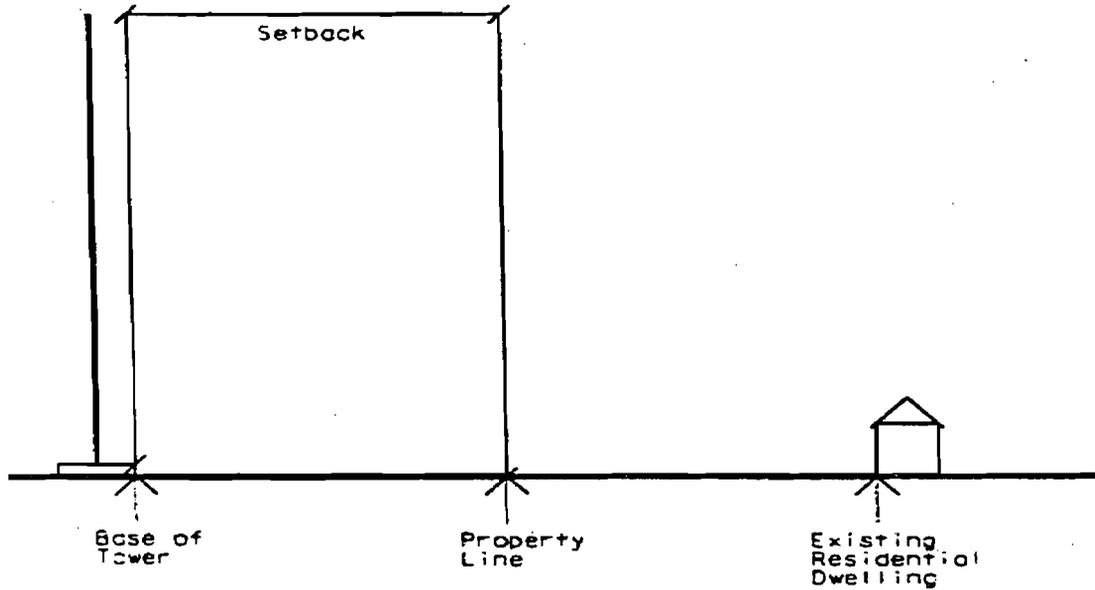
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FIGURE 6.4-1 MEASUREMENT OF SEPARATION



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FIGURE 6.4-2
MEASUREMENT OF SETBACK



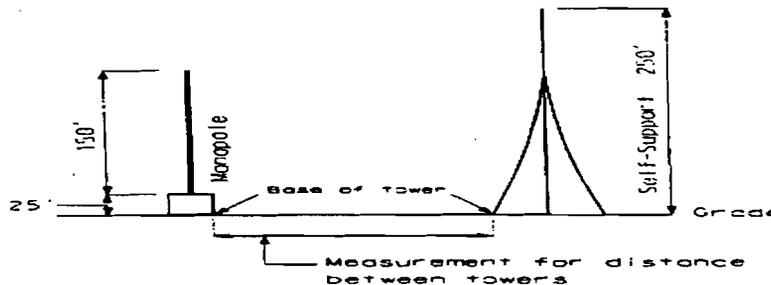
- (4) Distances between towers.
 - (a) Towers shall be subject to the following minimum distances between towers:

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TABLE 6.4-4E

ZONING DISTRICT	AGR, AR less than 10 acres, PC, RSER	CC, CHO, CLO, CN, CRS, RE, RH, RTS, RM, RS, RT, RTS, RTU, SA	CG, CRE, MUPD	AP, IG, IL, PIPD parcels less than 10 acres	AP, AR, IG, IL, PIPD parcels 10 or more acres	PO	Public Civic Sites	FPL Trans. R-O-Ws and FDOT R-O-Ws
Stealth	0	0	0	0	0	0	0	0
Camouflage	0	0	0	0	0	0	0	0
Monopole								
60' or less in height	0	0	0	0	0	0	0	0
>60' and 100' or less in height	500 feet	660 feet	500 feet	0	0	0	300 feet	0
>100' and 150' or less in height	660 feet	660 feet	660 feet	0	0	0	600 feet	0
>150' and 200' or less in height	1,320 feet	1,320 feet	1,320 feet	1,320 feet	660 feet	660 feet	660 feet	660 feet
>200' and 250' or less in height	2,640 feet	2,640 feet	2,640 feet	2,640 feet	1,320 feet	1,320 feet	1,320 feet	1,320 feet
>250' in height	3,960 feet	5,280 feet	5,280 feet	2,640 feet	1,320 feet	2,640 feet	2,640 feet	2,640 feet
Self Support/Lattice	5,280 feet	Not permitted	5,280 feet	1,320 feet	0	0	5,280 feet	5,280 feet
Guyed	5,280 feet	Not permitted	5,280 feet	2,640 feet	0	0	5,280 feet	5,280 feet

- (b) Waiver of distance between towers. A waiver to reduce the distance between towers may be granted subject to the requirements of Section 6.4.D.22.b.(11).
- (c) Measurement. The distance between an existing and a proposed tower shall be measured at grade in a direct lineal fashion between the closest points of the base of the existing and the base of proposed towers (see Figure 6.4-3). Separations between towers located in different zoning districts shall be measured as follows:
 - (i) Residential and residential. The greater of the distance between towers requirements shall apply between residentially zoned parcels.
 - (ii) Residential and non-residential. The greater of the distance between towers requirements shall apply between residentially and non-residentially zoned parcels.
 - (iii) Non-residential and non-residential. The lesser of the distance between towers requirements shall apply between non-residentially zoned parcels.
 - (iv) Certification of distance. The distance between towers shall be certified by a professional engineer or a professional land surveyor, each of whom shall be licensed by the State of Florida.

FIGURE 6.4-3
MEASUREMENT OF DISTANCE BETWEEN TOWERS



(5) Perimeter buffering.

- (a) **Fence/wall.** A fence or wall, a minimum of eight (8) feet in height measured from finished grade, shall be constructed around the base of each communication tower and accessory equipment structure, and around each guy anchor. Access to the communication tower shall be through a locked gate. Barbed wire along the top of the fence or wall may be used in any zoning district to preclude unauthorized tower access.
- (b) **Landscaping.** The landscape and buffer standards provided below shall be required around the perimeter of the tower, accessory structures, and guy anchors, unless waived as provided herein. These standards shall be waived by the Zoning Director, unless otherwise required by the BCC or Zoning Commission (ZC) when the proposed landscaping would not be visible from adjacent lots or rights-of-way. Landscaping shall be installed along the exterior side of the required fence, unless the Zoning Director determines that the viability, survivability or utility of the plant material is enhanced when located along the interior side of the fence or wall.
- (i) **Leased parcels.** Landscaping shall be maintained pursuant to Section 7.3 of the ULDC. The applicant shall execute a perpetual maintenance agreement with the property owner to ensure the maintenance of the landscape buffer if the buffer is installed outside of the leased parcel footprint.
- (ii) **Adjacent to residential uses or districts.**
- a) **Towers less than 50' from existing residential.** A Type 3 landscape buffer shall be installed between towers and adjacent lots with existing residential uses, residential zoning or residential future land use plan designations, pursuant to Section 7.3.F. of the ULDC.
- b) **Towers more than 50' from existing residential.** A Type 1 landscape buffer shall be installed between towers and adjacent lots with existing residential uses, residential zoning or residential future land use plan designations, pursuant to Section 7.3.F. of the ULDC.

- (iii) **Adjacent to non-residential uses or districts.** Towers shall comply with the standards for landscape buffers between compatible uses of Section 7.3.F.2.
 - (c) **Accessory equipment and structures.** All accessory equipment and structures shall be located within the required perimeter buffering.
- (6) **High voltage signs.** If high voltage is necessary for the operation of the communication tower and it is present in a ground grid or in the tower, warning signs shall be permanently attached to the exterior side of the perimeter fence and located every twenty (20) feet. The signs shall display in bold letters at least eight inches high the following: "HIGH VOLTAGE-DANGER."
- (7) **Tower Removal.**
- (a) **Form of agreement.** All obsolete or abandoned communication towers shall be removed within three (3) months following cessation of use. Prior to the issuance of a building permit or site plan approval, whichever occurs first, the property owners or tower operators shall submit an executed removal agreement to ensure compliance with this requirement. The removal agreement shall be in a form acceptable to the County Attorney.
 - (b) **Surety for removal.** Prior to the issuance of a building permit, surety shall be submitted by the property owner or tower operator to ensure the removal of abandoned communication towers. The form of surety shall be subject to approval by the Executive Director of PZ&B and the County Attorney. The required surety shall be irrevocable, unless released by the BCC. The surety shall be utilized to cover the cost of removal and disposal of abandoned towers and shall consist of the following:
 - (i) submittal of an estimate from a certified structural engineer indicating the cost to remove and dispose of the tower;
 - (ii) a surety equivalent to fifty (50) percent of the estimated cost to remove and dispose of the tower;
 - (iii) an agreement to pool multiple sureties of the tower owner or property owner required by this section to allow pooled surety to be used to remove abandoned towers; and,
 - (iv) an agreement by the tower owner or property owner to replenish surety pool upon utilization of surety by the County.
 - (c) **Alternative surety for removal.** The Zoning Director, subject to review by the County Attorney, may accept documentation from a tower owner that adequate resources or irrevocable contractual obligations are available to remove obsolete or abandoned communication towers.
 - (d) **Form of surety.** Surety shall be provided in a form consistent with the requirements of Sec. 8.14.A.6. of this code.
 - (e) **Surety required.** Surety required pursuant to this section shall be provided only for towers constructed after the effective date of this ordinance.
- (8) **Building permits.** In addition to the review processes required in this section, a building permit shall be required for all towers, support and accessory structures, and antenna attachments, except as otherwise provided by State or local law.
- (9) **Parking.** Communication towers shall be exempt from the parking requirements of Section 7.2 of the ULDC, unless otherwise required by the Zoning Director.
- (10) **Signs and advertising.** The placement on a monopole, self-support, or guyed tower, of any signs, flags or appurtenances for advertising purposes, including company name, shall be prohibited. Signs or advertising may be permitted when in conjunction with a stealth tower when that structure is an integral element of a principal building or structure.
- (11) **Identification tags.** Identification tags or signs shall be posted on all communication towers and facilities in accordance with FCC and OSHA requirements. The tags shall include the FCC tower registration number, or television or radio call numbers; the latitude and longitude of the tower;

and, the name, address, and telephone number of the tower owner. The identification tags shall be visible from the perimeter fence, and shall be constructed of durable materials. The Zoning Director shall prescribe the size of the sign and the materials to be used.

- (12) **Location of existing towers.** At the time of any tower application submittal to the appropriate reviewing body, the applicant shall comply with the following:
- (a) Provide or update previously submitted data indicating the location of their towers; latitude and longitude; tower height; and tower type.
 - (b) Submit a search ring a minimum of one (1) mile around the proposed site. The ring shall include the location of all existing towers located within the search area. Search rings shall not be required for television towers.
- (13) **Propagation study.** At the time of application submittal to the appropriate reviewing body, the provider shall submit a propagation study prepared by a professional engineer, licensed in the State of Florida, to justify the need to construct a new tower. Propagation studies shall not be required for television towers.
- (a) **Required information.** Propagation studies shall include the following information:
- (i) the location of other sites considered, including potential options for collocation and alternative sites or properties;
 - (ii) desired signal strength in the area to be served;
 - (iii) current RF coverage and predicted RF coverage following installation and use of the new tower facility; and,
 - (iv) the number of existing users within the area to be served denied access due to lack of capacity.
- (14) **Violation of standards.** The property owners, as well as the tower owners, shall be responsible for violations of applicable standards.
- (15) **Generators.** All permanently installed generators used on site shall use propane fuel. However, generators 125 kilowatts or greater may utilize diesel fuel.
- (16) **Visual Impact Analysis standards.** The requirements of this subsection shall be required for any application to construct a monopole tower greater than 150 feet in height or any guyed or self-support/lattice tower greater than 150 feet in height. The applicant shall be advised of the requirement to submit a visual impact analysis by the Zoning Director within ten (10) working days following the application submittal deadline date.
- (a) **Visual Analysis.** To assess the compatibility with and impact of a proposed tower site on adjacent properties, an applicant seeking to construct a tower subject to the requirements of this Section may be required to submit a visual impact analysis. The applicant may request review of a proposed tower location, prior to application submittal to the appropriate zoning process, to determine whether or not a visual impact analysis will be required. A visual impact analysis may be required under the circumstances listed below.
- (i) Existing residential uses are located along 50 percent or more of the entire perimeter of the proposed tower site.
 - (ii) When the proposed site is located adjacent to:
 - a) officially designated wilderness areas, wildlife refuges, and wildlife management areas,
 - b) officially designated vegetation and wildlife preserves,
 - c) habitats of threatened/endangered species,
 - d) historical sites,
 - e) Indian religious sites,
 - f) locations which may cause significant alteration of wetlands, deforestation or water diversion,
 - g) residential areas when night use of high intensity lights is required,

- h) environmentally sensitive lands acquired or leased by Palm Beach County, or
 - i) linked open space corridors as set forth in the County's Comprehensive Plan.
- (iii) The proposed site does not meet the distance between towers requirements of this section. The applicant may utilize digital imaging technology to prepare the analysis, in a manner acceptable to the Zoning Director. For non-digital methods, the visual impact analysis shall, at minimum, provide the information listed below.
- a) The location of the proposed communication tower illustrated upon an aerial photograph at a scale of not more than one inch equals 300 feet (1"=300'). All adjacent zoning districts within a 3,000 foot radius from all property lines of the proposed communication tower site shall be indicated.
 - b) A line of site analysis, which shall include the following information:
 - (i) identification of all significant existing natural and manmade features adjacent to the proposed tower site and identification of features which may provide buffering and screening for adjacent properties and public rights-of-way;
 - (ii) identification of at least three specific points within a 2,000 foot radius of the proposed tower location, subject to approval by the Zoning Director, for conducting the visual impact analysis;
 - (iii) certification by the professional that the proposed communication tower meets or exceeds the standards contained in this subsection of the ULDC;
 - (iv) copies of all calculations and description of the methodology used in selecting the points of view and collection of data submitted in the analysis;
 - (v) graphic illustration of the visual impact of the proposed communication tower, at a scale that does not exceed 5 degrees of horizontal distance, presented from the specific identified points;
 - (vi) identification of all screening and buffering materials under the permanent control of the applicant; (only screening and buffering materials located within the boundaries of the proposed site shall be considered for the visual impact analysis.)
 - (vii) identification of all screening and buffering materials that are not under the permanent control of the applicant but are considered of a permanent nature due to ownership or use patterns, such as a public park, vegetation preserve, required development buffer, etc.;
 - (viii) screening and buffering materials considered in the visual impact analysis shall not be removed by future development on the site.
 - (ix) screening and buffering materials considered in the visual impact analysis shall be replaced if they die.
 - (x) prohibited plant species, pursuant to Section 7.3 of the ULDC, shall not be considered in the visual impact analysis.
 - (xi) any additional information that may be required by the Zoning Director to fully review and evaluate the potential impact of the proposed communication tower.
- (iv) In addition to all other applicable standards of the ULDC, the following visual impact standards may be applied when a visual impact analysis is required for any application to construct a tower.
- a) At least twenty-five (25) percent of the tower is screened from all rights-of-way other than expressways, or arterials and planned collector rights-of-way with five lanes or more.
 - b) at least three specific points from adjacent rights-of-way, shall be identified, subject to approval by the Zoning Director, for conducting the visual impact analysis.

- c) The results of the line of site analysis performed as part of the visual impact analysis.
 - d) The distance a proposed communication tower, including anchors for guy wires, and guy wires are proposed to be setback from surrounding properties such that its height, bulk and scale is compatible with surrounding residential and nonresidential uses.
 - e) At least twenty-five (25) percent of the tower is screened from view from a majority of the points selected by the Zoning Director for the visual impact analysis.
 - f) The degree or amount of buffering or screening materials permanently included as part of the application.
 - (v) The visual impact analysis shall be prepared and sealed by an architect, engineer, landscape architect, or surveyor registered in the State of Florida. Palm Beach County, at the expense of the applicant and at its own discretion, may employ such consultants as are necessary to review and evaluate the visual impact analysis.
- (17) **Additional Requirements.**
- (a) **Radiation standards.**
 - (i) Towers shall comply with Federal Communications Commission (FCC) standards for non-ionizing electromagnetic radiation (NIER) and other emissions. Prior to issuance of a building permit for a communication towers, proof of compliance with FCC standards shall be provided in a form acceptable to the Zoning Director. All appurtenances and accessory equipment or structures shall comply with FCC standards for NIER.
- (18) **Monitoring of emissions.** All emissions, including radio frequency emissions and microwave emissions from all commercial communication panel antennas and towers shall be monitored to ensure compliance with standards established by the FCC. These sites shall be limited to towers, rooftops, and other facilities which accommodate cellular, PCS, and SMRS antennas. [Ord. No. 99-37]
- (a) **Frequency.** Emissions from all communication facilities and towers shall be monitored as provided below.
 - (i) **Minimum monitoring required.** At least twenty percent (20%) of all communication facilities shall be monitored on an annual basis.
 - (ii) **Monitoring of all facilities.** All communication facilities shall be monitored within a five (5) year period.
 - (iii) **Monitoring standards.** Monitoring for emissions shall be conducted utilizing professionally accepted methods approved by the Zoning Director.
 - (iv) **Emissions to be monitored.** Emissions from all electronic communication equipment located on towers and communication facilities, including antenna, transmitters, etc., shall be included when a site or tower is monitored for compliance with FCC emissions standards.
 - (v) **Measurement of emission.** The County, at its discretion, may monitor the emissions from any tower or commercial communication panel antennas at such times as deemed necessary.
 - (vi) **Priority for towers and facilities to be monitored.** Initial priority in establishing the program to monitor towers and commercial communication panel antennas shall be for those sites located within 200 feet of an existing residential use and within 200 feet of a public or private elementary or secondary school.
 - (vii) **Reduction of monitoring program.** The requirements for monitoring emissions from twenty (20)% of towers and commercial communication panel antennas may be reduced as provided herein.
 - a) During any two consecutive calendar years, if at least 99% of towers and commercial communication panel antennas that are monitored comply with FCC standards, then the

number of facilities to be monitored in the following calendar year shall be reduced by 50%.

- b) During the calendar year following the 50% reduction, if at least 99% of towers and commercial communication panel antennas that are monitored comply with FCC standards, then the BCC shall be notified.
 - c) Following notification, the BCC may: terminate the monitoring requirement; maintain a reduced monitoring requirement; or retain the monitoring requirement and utilize it on an as needed basis to monitor new towers or commercial communication panel antennas or monitor towers or facilities that have been the site of extensive collocation.
- (b) **Regulatory user fee.** The BCC shall by resolution establish a regulatory user fee to defray all or a portion of the costs associated with monitoring for emissions. The fee shall be assessed on an equitable basis, and shall be utilized solely for monitoring purposes.
- (c) **Enforcement.** Violations of FCC emissions standards are a violation of this section and shall be subject to enforcement as provided below.
- (i) **Code Enforcement Board.** If a violation of FCC emission standards is determined to exist, both the owner of property and the operator of facilities violating the standards shall be cited. All violations of FCC emission standards shall be subject to the jurisdiction of the County's Code Enforcement Board.
 - (ii) **Reporting to FCC.** All communication facilities determined to exceed FCC emission standards shall be reported to the FCC.
- (19) **Additional standards and requirements.**
- (a) **Aircraft hazard.**
 - (i) Towers shall not be a hazard to air navigation as determined by the Federal Aviation Administration (FAA).
 - (ii) Prior to the issuance of a building permit for a tower, proof of compliance with applicable requirements of the FAA and Article 18 of the ULDC, shall be provided in a manner acceptable to the Zoning Director.
 - (b) **Lighting.** The least intensive nighttime method of illumination acceptable to the FAA shall be utilized. To the extent possible, strobe lighting or similar types of lighting shall not be utilized. All required lighting shall be maintained on an as needed basis by the owner of the tower.
 - (c) **Inspections.** All towers shall be inspected in compliance with FCC regulations or as required by the Building Division.
 - (d) **Interference.** As provided by the FCC, towers shall not interfere with the normal operation of electrical or mechanical equipment located within surrounding properties.
 - (e) **Wind load standards.** All antennas, panels and other tower attachments shall meet the required wind load standards pursuant to Building Division review. Documentation indicating compliance with the wind load standards shall be certified by a professional engineer, licensed in the State of Florida, and submitted to the Building Division at the time of building permit application.
 - (f) **Airborne spraying.** Towers or guy wires shall not impede the aerial mosquito control activities performed by Palm Beach County, as determined by the BCC, for the health, safety, and welfare of its residents.
 - (g) **Accessory structures.** Building permits shall be required for all accessory structures related to an antenna.
 - (h) **Public utilities.** For the purposes of this section, wireless communications, communication towers, and associated facilities shall not be considered public utilities.
 - (i) **Consultant services.** A qualified telecommunication consultant shall be selected and retained by the Zoning Director, and paid for by an applicant, to review technical documents related to

the siting of communication towers and facilities. The consultant may review technical documents, propagation studies and other related documents to determine the following:

- (i) need for additional towers;
 - (ii) existence of incompatibilities between providers that may hinder collocation;
 - (iii) necessity of waiver relief to deviate from established dimensional criteria; and
 - (iv) compliance with the general requirements of this section.
- (v) The applicant shall reimburse the County for the consultant fees prior to the issuance of the final development order.

(20) Creation of nonconforming use or structure. Construction of any lawful residential or nonresidential structure within the required separation distance shall not create a nonconforming use or structure when an existing communication tower is established pursuant to the provisions of this section.

(21) Nonconforming lots of record. Towers may be located on nonconforming lots of record provided the structure will comply with all siting requirements of this section without a waiver from any dimensional criteria as provided herein.

d. Tower replacement and height increases.

(1) Replacement.

(a) Conforming towers. An existing conforming tower may be replaced subject to the criteria below. If the criteria is not met, the replacement tower shall comply with the siting requirements of this section.

- (i) The replacement tower shall accommodate a minimum of two providers.
- (ii) The replacement tower shall be of the same or lesser impact than the existing structure pursuant to the defined tower hierarchy.
- (iii) The tower may be required to be relocated on site to lessen the impact on adjacent parcels.
- (iv) The replacement tower shall be subject to review by the Zoning Division through the Development Review Committee administrative amendment process.

(b) Nonconforming towers. An existing nonconforming tower may be replaced subject to the criteria below. If the criteria is not met, the replacement shall comply with the siting requirements of this section.

- (i) The replacement tower shall accommodate a minimum of two providers.
- (ii) The replacement tower shall be of the same or lesser impact than the existing structure pursuant to the defined tower hierarchy.
- (iii) The tower may be required to be relocated on site to lessen the impact on adjacent parcels.
- (iv) The replacement tower shall be subject to review by the Development Review Committee (DRC).

(2) Tower height increases.

(a) Conforming and nonconforming towers. Unless otherwise provided herein, the height of a conforming or nonconforming tower may be increased on one (1) occasion subject to the requirements of Table 6.4-4E.

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TABLE 6.4-4F

REVIEW PROCESS	CONFORMING TOWERS	NONCONFORMING TOWERS
Development Review Committee Administrative Amendment	X(1)	N/A
Development Review Committee	X(2)	X(1)
Class B Conditional Use	X(3)	X(2)
Class A Conditional Use	X(4)	X(3,4)

Notes to TABLE 6.4-4F:

1. Increases of 25' or less.
2. Increases greater than 25' and 45' or less.
3. Increases greater than 45' and 65' or less.
4. Increases greater than 65'.

(b) **Monopoles.** The height of an existing monopole may be increased by a maximum of twenty percent (20%) to accommodate a second user subject to standard building permit review. An additional increase of up to twenty percent (20%) may be approved to accommodate an additional user, subject to standard building permit review. Increases shall be based upon the original approved tower height.

(3) **Accessory structures.** The size of an accessory structure or structures may be increased to accommodate collocation. The expansion shall be subject to Zoning Division review through the Development Review Committee administrative amendment process.

e. **Shared use/collocation.** This section is designed to foster shared use of communication towers and their accessory support facilities.

(1) **Collocation.** All communication towers, except stealth and camouflage structures, shall be constructed to accommodate a minimum of two (2) providers.

(a) **Site area.** The site or leased footprint shall contain sufficient square footage to accommodate the equipment/mechanical facilities for all proposed providers based upon the structural capacity of the tower.

(2) **Setbacks.** If it is determined that the proposed tower cannot meet setback requirements due to increases in tower height to accommodate the collocation of at least one additional service provider, minimum setback requirements may be reduced by a maximum of fifteen (15) feet, except from residential property lines.

(3) **Review procedures.** Prior to submittal of an application for approval of a proposed tower for Conditional Use, development order amendment, original DRC, or building permit review, all applicants for communication towers shall comply with the procedures indicated below. An application for the appropriate review process must be submitted within one (1) year of the notice mailing date.

(a) **List.** The Zoning Division shall secure a list of known communication tower users annually by advertisement in a newspaper of general circulation. The Zoning Division may add known communication tower users to this list. This list shall remain valid for one calendar year.

(b) **Notification.** All communication tower applicants shall provide notice by certified mail to all users on the list. The following information shall be included in the notice: description of the proposed tower; general location; longitude and latitude; general rate structure for leasing space, which shall be based on reasonable local charges; proposed height; a phone number to

locate the applicant or agent for the communication tower; and a shared use application form. A copy of the notice shall be mailed to the Communications Division and the Zoning Division. The notices shall invite potential communication tower users to apply for space on the proposed tower.

- (c) **Shared use application.** Potential communication tower users shall respond to the notice within twenty (20) days of receipt of certified mailing. Response shall be submitted utilizing a shared use application form. A completed shared use application form shall be sent to the owner of the proposed communication tower or authorized agent. The tower applicant shall not be responsible for a lack of response or responses received after the twenty (20) day period. The Zoning Division shall provide the shared use application form.
- (d) **Feasibility.** The feasibility of each shared use request shall be evaluated by the applicant. The evaluation shall document the feasibility of shared use between the proposed communication tower owner and a potential lessee or sharer. Factors to be considered when evaluating the feasibility of shared use include but are not limited to: structural capacity, radio frequency (RF) interference, geographic service area requirements, mechanical or electrical incompatibilities, inability or ability to locate equipment on approved and unbuilt communication towers, cost (if fees and costs for sharing would exceed the cost of the new communication tower amortized over a twenty five [25] year period), FCC limitations that would preclude shared use, and other applicable code requirements.
- (e) **Rejection or dispute.** If the applicant rejects one or more request(s) for shared use and if potential tower lessees dispute the rejection(s) for shared use, the following procedure shall occur within ten (10) working days after the shared use response deadline.
 - (i) **Submittal.** Applicant shall submit two (2) copies of the following to the Zoning Division: a brief evaluation of each rejected response; all design data for the proposed communication tower; and, an explanation indicating the structural improvements necessary to facilitate the requests that are rejected due to structural limitations, paid for by the tower space lessee.
 - (ii) **Consultant.** The Zoning Division shall forward copies of all applications for shared use and the applicant's evaluation of each rejected request to a qualified communications consultant. The consultant shall be selected by and retained at the discretion of the Zoning Division and paid by applicant who is refusing to allow collocation from an interested service provider.
 - (iii) **Evaluation.** Within ten (10) working days of receiving the shared use responses that were rejected by the applicant and disputed by the potential tower space lessee, the consultant shall review and prepare an evaluation. Two copies of the consultant's evaluations shall be sent to the Zoning Division. One copy of the evaluation shall be made an official part of the communication tower application and one copy of the evaluation shall be forwarded to the applicant by the Zoning Division. The consultant's report shall be advisory, and made part of the staff report, and considered in reviewing the communication tower application.
- (f) **Acceptance with no dispute.** If the applicant did not reject any requests for shared use or if rejected requests for tower space are not disputed by any potential tower lessee(s), consultant review is not necessary. [Ord. No. 98-1]

22.1 Communication panel antennas, commercial. These standards shall apply to commercial communication panels and antennas mounted on roofs, or attached to buildings or legal billboards.

- a. **Permitted Districts.** Communication panels and antennas, excluding whip antennas not exceeding eight (8) feet in height and six (6) inches in diameter, may be permitted and shall be reviewed as follows in Table 6.4-4G.

TABLE 6.4-4G

ZONING DISTRICT OR USE	Single Family Residential	Multi-Family Residential	Non Residential	IG, IL, PO Districts
Structures 25' or less in height	Not Permitted	Not Permitted	Not Permitted	Building Permit Review
Structures greater than 25' and 45' or less in height	Class B Conditional Use	Development Review Committee	Development Review Committee	Building Permit Review
Structures greater than 45' in height	Class B Conditional Use	Building Permit Review	Building Permit Review	Building Permit Review

- (1) **Applicability and review process.** A building permit shall be required for the installation of all communication panels and antennas in addition to any other review process.
- b. **Communication panel antennas.** The following standards shall apply to communication panel antennas.
 - (1) **Architectural compatibility.** Demonstrate architectural compatibility (color and/or texture) with the structure on which it is located.
 - (2) **Screening.** If the panel is attached to a pole support structure, the pole shall be concealed by an opaque screen.
 - (3) **Size limitations.** Each communication panel shall not exceed a maximum height of eight (8) feet; maximum depth of four (4) feet; and maximum width of four (4) feet.
 - (4) **Supplemental application requirements.** In addition to the requirements indicated above, plans depicting cross sections or elevations of the panel attached to the structure shall be provided at the time of submittal of the application package.
- c. **Setbacks.**
 - (1) **Accessory structures.** Unmanned roof mounted accessory structures shall meet a minimum twenty-five (25) foot setback from the edge of the roof or comply with the architectural compatibility standards pursuant to Section 6.4.D.22.1.B.1.
 - (2) **Communication panels and antennas.** There shall be no minimum setback required for panels or antennas.
- d. **Whip antennas.** Whip antennas not exceeding eight (8) feet in height and six (6) inches in diameter shall be permitted in any zoning district. Whip antennas may be attached to residential structures, utility poles, etc. Whip antennas, unless attached to a residential structure, shall be installed at least fifty (50) feet from any existing residential structure.
- e. **Intergovernmental activities.**
 - (1) **Mapping.** Palm Beach County shall participate in any county-wide mapping program to identify proposed and existing tower sites.
 - (2) **Notification.**
 - (a) Palm Beach County shall participate in an intergovernmental notification program by continuously providing information regarding tower construction applications to the Palm Beach County Intergovernmental Coordination Program Clearinghouse.

- (b) All jurisdictions within a two (2) mile radius of a proposed tower site located in unincorporated Palm Beach County shall be notified at the time of application submittal.
[Ord. No. 98-1]

22.2 Communication cell sites on wheels (COWs) means a temporary facility utilized to ensure adequate telecommunications capacity during periods of high usage or during periods when traditional modes of communication are unavailable. COWs consist of a folding or telescoping monopole or guyed structure, with attached antenna, mounted on a trailer or truck. Communication cell sites on wheels shall comply with the following supplementary use standards.

- a. **States of emergency.** The requirements of this section may be waived in the case of a declared state of emergency, as provided by law.
- b. **Special permit.** A special permit must be obtained from the Zoning Division prior to the placement of the facility.
- c. **Use limitations.** COWs shall be permitted only in association with recognized large scale special events with a minimum projected daily attendance of 30,000 or greater.
- (1) **Exception.** The Zoning Director shall seek BCC direction, and approval, through an Administrative Inquiry (AI) for any event not meeting the minimum projected attendance standards listed above.
- d. **Time limitations.** The special permit shall be valid for seven (7) days, including installation and removal.
- (1) **Time extensions.** The special permit may be extended up to an additional ten (10) days by the Zoning Director based upon individual circumstances and demonstration of need by the applicant.
- e. **Fencing.** The COW shall be enclosed by a temporary fence a minimum of six (6) feet in height, or other barrier approved by the Zoning Division.
- f. **Non-residential districts.**
- (1) **COWs greater than fifty (50) feet in height.** COWs greater than fifty (50) feet in height located on parcels with non-residential zoning designations shall be subject to the following.
- (a) **Setback.** The structure shall meet the greater of the setback requirements of the applicable zoning district or a distance equal to one hundred ten (110) percent of its height.
- (b) **Separation.** The structure shall be separated a minimum of three hundred (300) percent of its height from any residential structure on an adjacent parcel.
- (2) **COWs fifty (50) feet in height or less.** COWs fifty (50) feet in height or less, located on parcels with non-residential zoning designations are subject to the following.
- (a) **Setback.** The structure shall meet the setback requirements of the applicable zoning district, provided that a commercial power source (e.g., electric) is utilized, in lieu of petroleum based auxiliary power (e.g., generator).
- (b) **Separation.** The structure shall be separated a minimum of one hundred fifty (150) percent of its height from any residential structure on an adjacent parcel.
- (c) **Other.** COWS not utilizing a commercial power source shall be subject to the setback requirements of Sec. 6.4.D.22.2.f. (1), above.
- g. **Residential districts.**
- (1) **COWs greater than fifty (50) feet in height.** COWs greater than fifty (50) feet in height located on parcels with residential zoning designations shall be subject to the following.

- (a) **Setback.** The structure shall meet a setback from the property lines equal to one hundred fifty (150) percent of its height.
 - (b) **Separation.** The structure shall be separated a minimum of three hundred (300) percent of its height from any residential structure on an adjacent parcel.
- (2) **COWs fifty (50) feet in height or less.** COWs fifty (50) feet in height or less, located on parcels with residential zoning designations are subject to the following.
- (a) **Setback.** The structure shall meet a setback from the property lines equal to seventy-five (75) percent of its height; provided that a commercial power source (e.g., electric) is utilized, in lieu of petroleum based auxiliary power (e.g., generator).
 - (b) **Separation.** The structure shall be separated a minimum of one hundred fifty (150) percent of its height from any residential structure on an adjacent parcel.
 - (c) **Other.** COWs not utilizing a commercial power source shall be subject to the setback requirements of Sec. 6.4.D.22.2.g.(1) above.
- h. **Removal bond and agreement.** The applicant shall execute a removal agreement and post a \$50,000.00 removal bond, subject to approval by the County Attorney. [Ord. No. 00-015]
- 22.3 **Community vegetable garden** means a plot of land used as a vegetable garden intended to be cultivated and harvested by a group of residents of the surrounding area. The community vegetable garden shall be the primary use of the land. A community vegetable garden shall comply the following supplementary use standards.
- a. **Accessory structures.** Accessory structures shall be limited to a 400 square feet.
 - b. **Setbacks.** The Community Vegetable Garden and accessory activities shall maintain a setback of 5 feet from all property lines adjacent to residentially zoned land. Accessory structures shall meet the setbacks of the district.
 - c. **Spraying.** Aerial application of fertilizer or pesticides shall be prohibited.
 - d. **Parking.** Overnight parking shall be prohibited.
 - e. **Loading.** All loading and unloading activities shall be restricted the site and shall not encroach into any setbacks.
 - f. **Storage.** Outdoor storage shall be prohibited. Storage of all accessory equipment or products shall be contained within the accessory structure. [Ord. No. 97-64] [Ord. No. 99-37]
23. **Composting facility** means a facility that is designed and used for transforming, through biological decomposition, food, yard wastes and other organic material into soil or fertilizer. This use does not include backyard composting bins serving individual families. A composting facility use shall comply with the following supplementary use standards.
- a. **Lot size.** A composting facility use shall be located on a lot with a minimum area of five (5) acres.
 - b. **Setback from residential districts and uses.** A composting facility use shall be set back a minimum of five hundred (500) feet from any property line abutting a residential district or use.

- c. **Health and Environmental Regulations.** A composting facility shall be subject to all applicable regulations of the FDEP (including Chapter 17-701, F.A.C), PBCHD, the Solid Waste Authority, and the Fire-Rescue Department.
- d. **Access.** An access road for collection vehicles shall be provided to the entrance of the facility. Acceptable access does not include local streets. Access shall be restricted to specific entrances with gates that can be locked and that carry official notice that only authorized persons are allowed on the site.
- e. **Storage.** Except in the AP district, on-site storage of unprocessed material shall be limited to forty-five (45) days and pile height of storage material shall be limited to fifteen (15) feet. Outdoor material storage piles shall be set back a minimum of twenty-five (25) feet from any property line or fifty (50) feet from any property line abutting a residential district or use. Storage areas shall be effectively screened from view, pursuant to Sec. 6.6. (Supplementary Regulations).
- f. **Buffering.** An incompatibility buffer as required by Sec. 7.3 (Landscape and Buffering) may be omitted if the use is adjacent to farm worker quarters or mobile home accessory to agriculture.
- g. **Supplemental application requirements.** The applicant shall provide the following information:
- (1) **Site plan.** A site plan illustrating how the operation functions including circulation routes and their locations, square footage, height and location of buildings and storage piles.
 - (2) **Hours of operation.** A statement specifying the hours of operation (hours of operation are limited to 8:00 a.m. to 5:00 p.m. Monday through Friday if adjacent to residential zoned property):
 - (3) **Waste.** An explanation of the quantity of waste to be received expressed in cubic yards per day or tons per day.
 - (4) **Letter of approval.** The applicant shall provide a notarized letter of approval from the property owner verifying consent to use the property for composting.
 - (5) **Dust control.** A plan to address dust control in traffic, storage and processing areas. Dust control measures may include: additional setbacks, full or partial enclosure of air curtain incinerator and watering or enclosing storage piles. [Ord. No. 97-64] [Ord. No. 99-37]
24. **Congregate living facility** shall include the following: assisted living facility as defined by Sec. 400.402, Fla. Stat., extended congregate care as defined by Sec. 400.402, Fla. Stat., transitional living facility as defined by Sec. 400.805, Fla. Stat., community residential home, as defined by Sec. 419.001, Fla. Stat., and community transitional residence as defined by Sec. 393.063, Fla. Stat. means a residential land use consisting of any building or section thereof, residence, private home, boarding home, home for the aged, or any other residential structure, whether or not operated for profit, which undertakes, for a period exceeding twenty-four (24) hours, care, housing, food service, and one (1) or more personal services for persons not related to the owner or administrator by blood or marriage. In addition, the term shall include rehabilitative home care development service. A congregate living facility shall comply with the following supplementary use standards. [Ord. No. 01-01]
- a. **Applicability.** The requirements of this section and Article 5 shall apply to all congregate living facilities within unincorporated Palm Beach County. These standards shall prevail over less restrictive standards applicable to such facilities. [Ord. No. 01-01]
- b. **Permissible occupancy.**
- (1) **Type 1.** The maximum occupancy of a congregate living facility, type 1 shall be six (6) persons, excluding staff

- (2) **Type 2.** The maximum occupancy of a congregate living facility, type 2 shall be fourteen (14) persons, excluding staff
- (3) **Type 3.** The maximum occupancy of a congregate living facility, type 3 shall be determined by multiplying the maximum number of dwelling units that are permitted on the parcel by the density allowed by its Future Land Use Designation or, in the case of a nonresidential district, by the alternative density specified in the Future Land Use Element of the Comprehensive Plan, by two point three nine (2.39), which represents the average household size of all occupied dwelling units in Palm Beach County in the 1990 U.S. Census. The maximum permitted occupancy of a congregate living facility, type 3, located in a planned development district shall be specified on its approved development order.

[Ord. No. 01-01]

**TABLE 6.4-5
Maximum Permissible Occupancy in Type 3
Congregate Living Facilities**

Land Use Plan Category (Residential)	Zoning District	Maximum Occupancy (Residents per Acre)	
		In a Standard Zoning District	In a Planned Development
AGR	AGR	PROHIBITED	.24
RR10	RSER	PROHIBITED	.24
RR10	AR	PROHIBITED	.24
RR20	AR	PROHIBITED	.12
RR10	CRS	PROHIBITED	.24
RR20	CRS	PROHIBITED	.12
LR1	CRS	PROHIBITED	2.4
LR1	RE, RT	PROHIBITED	2.4
LR2	RT, RTS	PROHIBITED	4.8
LR3	RTS	PROHIBITED	7.2
MR5	RS, RTU	PROHIBITED	12
HR8	RS, RM, RH	14.3	19.1
HR12	RM, RH	19.12	28.7
HR18	RM, RH	19.12	28.7

* For the purpose of this section, the required minimum acreage of a Planned Development in Table 6.8-4 may be reduced by fifty percent (50%). [Ord. No. 96-28] [Ord. No. 01-01]

- (4) **Occupancy bonus through planned development district.**
 - (a) **General.** To the extent that the maximum occupancy for a congregate living facility, type 3, would be higher in a planned development district than in a standard residential district, the difference shall be considered an occupancy bonus. Such an occupancy bonus shall be granted only according to the following standards: [Ord. No. 01-01]
 - (i) **Commercial use.** The land has been designated for commercial use by the Comprehensive Plan, or is in an approved commercial pod in a planned development district; [Ord. No. 01-01]
 - (ii) **Density.** The land is designated as MR-5, HR-8, HR-12, or HR-18 by the Comprehensive Plan; [Ord. No. 01-01]
 - (iii) **Consistency.** The proposed facility is consistent with the intent of this section, this Code and the Plan; and [Ord. No. 01-01]

- (iv) **Occupancy bonus.** An occupancy bonus shall not be considered an entitlement. No bonus shall be granted except as an express request in an application for a planned development district and may be declined or reduced if it is determined that additional occupancy is not consistent with the general character of surrounding development, or if the effects of additional occupancy have not been adequately addressed through appropriate site design. [Ord. No. 01-01]
- (b) **No double counting density in planned developments.** The gross area of a pod dedicated to a congregate living facility in a planned development shall be deducted from the gross area of the planned development for the purpose of calculating the maximum density of conventional residential development. [Ord. No. 01-01] [Ord. No. 01-29]
- c. **Location.** For the purposes of the required separation, measurements shall be made from structure to structure, except where the separation required is between a structure and a district boundary, in which case, the separation is measured from structure to district boundary.
- (1) **Location of type 1.** A congregate living facility, type 1 shall be located wherever a single-family dwelling unit is a permitted use, provided that the congregate living facility is not located within one thousand (1,000) feet of another congregate living facility. [Ord. No. 01-01]
- (2) **Location of type 2 and type 3.**
- (a) **Districts.** A congregate living facility, type 2 shall be permitted in the RM and RH districts as a permitted use, provided that it is not located within a radius of twelve hundred (1,200) feet of another congregate living facility, type 2, and five hundred (500) feet from a single-family residential district. [Ord. No. 01-01]
- (b) **Access.** A congregate living facility, type 3 shall have primary access to a collector or arterial roadway, provided that a type 3 facility having twenty-five (25) residents or less may be located on a local street. [Ord. No. 01-01] [Ord. No. 01-29]
- i) **Planned Development Districts.** A type 3 facility having one hundred and fifty (150) residents or fewer may be located in a pod with access to a local street or a parking tract in a PDD. These facilities shall only be permitted in a multi-family, commercial, or institutional pod.
- a) The CLF must be compatible with the surrounding area, including but not limited to height and mass of surrounding building(s).
- i) The CLF shall not be more than one story higher than existing, or proposed, development within a one hundred fifty (150) foot radius of the facility. The measurement shall be made from structure to structure.
- ii) An incompatibility buffer may be required, pursuant to Sec. 7.3.F.4. [Ord. No. 01-01] [Ord. No. 00-015]
- (c) **Location.** A congregate living facility, type 2 or 3, shall be located within five (5) road miles of a full service professional fire-rescue station. [Ord. No. 01-01]
- d. **Water and sewer facilities.** Potable water supply and sewage disposal systems shall be provided for congregate living facilities, types 2 and 3, in accordance with the requirements of the PBCHD. [Ord. No. 01-01]
- e. **Design and compatibility.** Each congregate living facilities, types 2 and 3, shall
- (1) Be physically designed to conform to and be compatible with the general architectural character of the neighborhood in which it is proposed to be developed; and
- (2) Comply with all regulations regarding handicapped access pursuant to State law. [Ord. No. 01-01]

- f. **Minimum lot area.** The minimum lot area standards of the district in which the congregate living facility is located shall apply, except that in no case shall the lot size be less than seven thousand five hundred (7,500) square feet for a congregate living facility, type 2, or one (1) acre for a congregate living facility, type 3. [Ord. No. 01-01]
- g. **Maximum height.** The maximum height of a congregate living facility shall comply with the regulations of the district in which it is located, and in addition shall not exceed seven (7) stories in the RM and RH districts.
- h. **Reserve parking area.** For congregate living facilities, types 2 and 3, adequate provision shall be made to reserve sufficient lot area to meet future parking standards if the facility is converted to other uses. Protected vegetation in this reserve parking area shall be maintained as provided in Sec. 9.5, Vegetation Protection. The boundaries of the reserve parking area shall be identified on the preliminary development plan or site plan and shall not be within any lake, drainage or open space tract used towards meeting PUD exemplary design criteria. [Ord. No. 01-01]
- i. **Drop-off area.** Congregate living facilities, types 2 and 3, shall establish a safe drop-off area for group transportation, such as vans or similar vehicles. [Ord. No. 01-01]
- j. **Cooking facilities.** Each congregate living facility shall provide and continuously maintain central facilities for daily food dispensing and consumption. Food preparation shall be prohibited in sleeping areas or in individual quarters in congregate living facilities, types 1 and 2. Individual kitchen facilities may be provided in the living quarters of a congregate living facility, type 3. [Ord. No. 01-01]
- k. **Maximum occupancy of sleeping areas.** The maximum number of persons in each sleeping area shall be determined in accordance with the space standards of the Department of Children and Family Services. [Ord. No. 01-01]
- l. **Signage.**
- (1) **On premises.** Congregate living facilities, type 1 and 2, shall be limited to one (1) on-premises sign no more than one (1) square foot in face area.
 - (2) **Identification sign.** A congregate living facility, type 3, shall be limited to one (1) on premises identification sign no more than thirty-two (32) square feet in face area.
 - (3) **Standards.** A congregate living facility, type 3, shall have entrance and informational signage that meets the standards of Sec. 7.14, Signage. [Ord. No. 01-01]
- m. **Accessory and associated land uses.**
- (1) **Type 1 and 2.** Congregate living facilities, type 1 and 2, may have those accessory uses customarily incidental to a single-family dwelling unit and permitted home occupations.
 - (2) **Type 3.** A congregate living facility, type 3, may have:
 - (a) **Accessory use.** Those accessory uses customarily accessory to a multi family dwelling unit; and
 - (c) **Noncommercial uses.** Those noncommercial uses customarily incidental to a congregate living facility, such as a common dining room, a central kitchen, a nursing station, a medical examination room, a chapel, a library, and on-site management offices. [Ord. No. 01-01]

- n. **Accessory commercial land uses.** A limited amount of commercial uses may be developed as permitted accessory uses in a congregate living facility, type 3. Such uses shall be limited to retail and personal service uses designed to exclusively serve the residents of the facility, such as a barber or beauty shop, small convenience retail sales and banking services. No more than ten (10) percent of the gross floor area of the facility shall be dedicated to such commercial uses. There shall be no exterior signage or other indication of the existence of these commercial uses that may attract nonresidents. [Ord. No. 01-01]
- o. **Conversion to conventional dwelling units.**
- (1) **Structure.** Prior to conversion to conventional dwelling units, a structure designed to accommodate a congregate living facility shall, if necessary, be structurally modified to comply with the standards of this Code.
- (2) **Restrictions.** No development orders for a Site Plan/Final Subdivision Plan for a congregate living facility, type 3, shall be approved until a declaration of restrictions in a form approved by the County Attorney has been recorded to run with the land records maintained by the Clerk of the Circuit Court for Palm Beach County. This declaration of restrictions shall expressly provide that: (1) the conversion of the premises to conventional dwelling units is prohibited except in compliance with this section; and (2) if permitted, conversion will not result in an increase in the number of "quarters" and residents permitted on the site unless the converted development has obtained a development order for a Planned Development District. If that development order has not been granted, the converted development will have to comply with the density permitted in the district; and (3) the total number of permitted residents may be determined by referring to the approved master or site development plan on file with the Zoning Division of PZB. [Ord. No. 01-01]
- p. **Conversion to other uses.** Congregate living facilities that are converted to other uses, including other residential uses, shall comply with all standards in effect at the time of application for building permits for the new use.
25. **Contractor's storage yard** means the storage of materials, or three or more commercial vehicles or construction equipment and an accessory office used by building trade and service contractors on lots other than construction sites. A contractor's storage yard use shall comply with the following supplementary use standards.
- a. **Office permitted.** An accessory office shall be permitted.
- b. **Screening.** When located in the IL district, outdoor activities and storage shall be completely screened from view from adjacent property and public streets. All storage shall be effectively screened from view by on-site walls, fences or buildings. Such screening shall be designed and installed to ensure that no part of a storage area can be seen from R-O-Ws or adjacent lots. In no case shall the height of materials, stored in outdoor areas exceed twenty (20) feet or the height of the principal building on the lot, whichever is greater. For a storage yard contiguous to property in a residential district, an opaque fence/wall a minimum eight (8) feet in height shall be placed along the inside border of the required landscape buffer.
- c. **Activities.** No major repairs of vehicles or equipment, and no manufacturing or processing shall occur on the site. [Ord. No. 99-37]
26. **Convenience store** means an establishment, not exceeding four thousand five hundred (4,500) square feet of gross floor area, serving a limited market area and engaged in the retail sale or rental, from the premises, of food, beverages, and other frequently or recurrently needed items for household use,

excluding gasoline sales. A convenience store use shall comply with the following supplementary use standards.

a. **CC district.** In the CC district, a convenience store use shall comply with the Major Intersection Criteria of Sec. 7.8.C. [Ord. No. 01-01]

27. Convenience store with gas sales means an establishment, not exceeding four thousand five hundred (4,500) square feet of gross floor area, serving a limited market area and primarily engaged in the retail sale or rental, from the premises, of food, beverages, and other frequently or recurrently needed items for household use, including accessory gasoline sales. A convenience store with gas sales use shall comply with the following supplementary use standards.

a. **Approval criteria.** A convenience store with gas sales use shall be subject to the automotive service station approval criteria of Sec. 6.4.D.15.(a) [Ord. No. 97-64] [Ord. No. 01-29]

b. **Location.**

(1) A maximum of two (2) convenience stores with gas sales or automotive service stations shall be permitted within one thousand (1,000) feet of any intersection, measured from the intersection of the centerline of each street.

(2) A convenience store with gas sales shall not be located within one thousand (1,000) feet of an existing or approved convenience store with gas sales or automotive service station, measured by drawing a straight line between the nearest point on the perimeter of the exterior wall of the proposed convenience store with gas sales to the nearest point on the existing or approved convenience store with gas sales or automotive service station. A convenience store with gas sales within one thousand (1,000) feet of an intersection in accordance with the locational criteria in 6.4.D.27.b(1) shall be exempt from this requirement.

(3) **Urban/Suburban Tier.** A convenience store with gas sales in the Commercial Low (CL) Future Land Use designation shall comply with the Major Intersection Criteria as defined in Sec. 7.8.C, unless located within a planned development.

(4) **Rural, Exurban, Glades and Agricultural Reserve Tiers.** A convenience store with gas sales shall be located at the intersection of one collector and arterial street, or two arterial streets, as listed in the Florida Department of Transportation Palm Beach County Federal Functional Classification Table.

(5) **Existing Convenience Store with Gas Sales.** The locational criteria contained in Sec. 6.4.D.27.b above shall not affect a convenience store with gas sales that is a conforming use as of the effective date of this ordinance.

[Ord. No. 01-29] [Ord. No. 01-100]

c. **Parking.** If a convenience store greater than three thousand (3,000) square feet in gross floor area is associated with the service station, one half (½) of the required parking spaces shall be located adjacent to the store. [Ord. No. 99-37] [Ord. No. 01-01]

d. **Accessory restaurant.** In the CC, CG, MUPD, and MXPB districts, an accessory restaurant shall require the following.

(1) **Approval.** A restaurant without a drive-thru may be permitted as an accessory use subject to DRC approval. A restaurant with drive thru service may be permitted as an accessory use subject to Class A conditional use or requested use approval.

(2) **Size.** The restaurant shall not exceed thirty (30%) of the gross floor area of the primary use.

(3) **Parking.** Adequate parking shall be provided on site. Parking for uses shall be calculated separately to determine the total amount of required parking. The gas pump stacking lanes shall not be counted toward the minimum parking requirements of the restaurant use.

(4) **On-site circulation.** On-site circulation and maneuvering area shall be adequate to accommodate all uses at any given time.

[Ord. No. 01-01]

e. **Gas canopy signs.**

(1) **Maximum number.** Two (2) gas canopy signs shall be permitted in addition to the permitted building wall signs.

(2) **Maximum height.** Eighteen (18) inches.

[Ord. No. 01-01]

27.1 **Day camp** means an establishment which provides care, protection and programmed activities for children five (5) years of age and older for a period of less than twenty-four (24) hours per day. This use shall not operate as a day care as defined and regulated by the Department of Children and Family Services.

a. **Duration.** The camp use shall be permitted for a period not to exceed sixteen (16) weeks per calendar year.

b. **Operation.** The camp use shall operate only during those times when local public and private schools are not in session. [Ord. No. 97-14]

c. **Accessory use.** A camp for two hundred (200) or fewer children may be permitted as an accessory to a legally established institutional, civic, recreational, or educational use. [Ord. No. 00-015] [Ord. No. 01-01]

28. **Day care center, limited or general.** Day care center, general, means an establishment, licensed by the Department of Health and Rehabilitative Services, which provides daytime or nighttime care, protection for twenty-one (21) or more children or adults for a period of less than twenty-four (24) hours per day on a regular basis. Day care center, limited, means an establishment, licensed by the Department of Health and Rehabilitative Services, which provides daytime care, protection and supervision for six (6) to twenty (20) children or three (3) to twenty adults for a period of less than thirteen (13) hours per day on a regular basis. Limited day care centers shall not provide nighttime care. An adult or child day care center, limited or general, shall comply with the following supplementary use standards.

a. **CRE district.** In the CRE district, a general day care center use shall not be located in an RR10 land use designation of the Comprehensive Plan.

b. **Industrial land use category or land use zone.** Day care centers located in a development with a designation on the Comprehensive Plan of Industrial or within a Planned Development industrial land use zone shall be designed exclusively to serve on-site employees or contiguous site employees. No other types of day care center facilities shall be permitted in an industrial land use category or in a Planned Development industrial land use zone.

c. **Minimum lot area.** The minimum lot area shall be no less than six thousand (6,000) square feet or the minimum required by the district in which the day care center is located, whichever is greater.

d. **Minimum floor area.**

(1) **Child day care centers.** For a child day care center of forty (40) children or less, the minimum usable floor area, exclusive of any area devoted to the kitchen, office, storage and toilet facilities, shall be fifteen hundred (1,500) square feet. An additional thirty-five (35) square feet of floor area

shall be provided for each child in a child day care center that is proposed to accommodate more than forty (40) children.

- (2) **Adult day care centers.** For an adult day care center of twenty persons or less, the minimum usable floor area, exclusive of any space devoted to the kitchen, office, storage, and toilet facilities shall be fifteen hundred (1,500) square feet or more. An additional seventy-five (75) square feet of floor area, or the amount required by the PBCHD, shall be provided for each person in an adult day care center that is proposed to accommodate more than twenty (20) persons.
- e. **Outdoor activity area.**
- (1) **General.** An outdoor activity area shall be provided on the same lot as the day care center. It shall not be located in the required front yard or adjacent to any outdoor storage area of any existing adjacent use.
 - (2) **Child day care centers.**
 - (a) **General.** There shall be provided a minimum of fifteen hundred (1,500) square feet of outdoor activity area or seventy-five (75) square feet of outdoor activity area for each child (licensed capacity), whichever produces the larger area. The outdoor activity area shall include a shaded area. The Child Care Facilities Board shall approve a reduction in the size of this area where the operator utilizes split shifts for its use. Under no circumstances shall the outdoor activity area be reduced to less than the area required to accommodate one-third (c) of the area required under this general standard.
 - (b) **Infants.** Where a child day care center is limited solely to the care of infants (2 years of age and younger), the outdoor activity area provided shall be a minimum of forty-five (45) square feet per child. The Child Care Facilities Board shall approve a reduction in the size of this area where the operator utilizes split shifts for its use. Under no circumstances shall the outdoor activity area be reduced to less than would be required to accommodate one-half (½) of the area required under this general standard.
 - (c) **Location of outdoor play equipment.** Stationary outdoor play equipment with a permanent foundation shall be located twenty-five (25) feet from any residentially zoned or used property line, and ten (10) feet from any other property line. If applicable, the location of stationary play equipment shall be depicted on the site plan. Outdoor play equipment shall not be located in any required landscape area or easements.
 - (3) **Adult day care center.** There shall be provided a minimum of fifteen hundred (1,500) square feet of outdoor activity area or one hundred (100) square feet of outdoor activity area per person for an adult day care center, whichever produces the larger area.
 - (4) **Shade trees.** A minimum of one (1) twelve (12) foot tall native canopy tree shall be provided or preserved per one thousand five hundred (1500) square feet of outdoor activity area provided. All trees required by this condition shall be within the interior of the outdoor activity area.
 - (5) **Fencing.** A six (6) foot high fence or wall shall surround the outdoor activity area. Where the provisions of this subsection conflict with the height limitations of Sec. 6.6.A.2 (Fences, walls, hedges and utility poles), the provisions of this subsection shall apply. [Ord. No. 99-37]
- f. **Loading and access.**
- (1) **Drop-off stalls.** Loading and access shall be developed pursuant to Sec. 7.2. A sufficient number of drop-off stalls located out of the main travel way shall be provided. Drop-off stalls shall be a minimum of twelve (12) feet wide. [Ord. No. 01-01]
 - (2) **Sidewalk access.** A four (4) foot wide walkway running in front of the drop-off spaces and connecting to the day care entrance shall be provided. [Ord. No. 97-14] [Ord. No. 01-01]

- g. **AGR and CCSO districts.** A day care center may be permitted with DRC approval as an accessory use to a church, place of worship, farm worker quarters, an assembly non-profit, institutional and membership use, and a bona fide agricultural use. [Ord. No. 98-11]
29. **Day labor employment service** means an establishment engaged in providing temporary day labor services for the construction or industrial trades. A day labor employment service use shall comply with the following supplementary use standards.
- a. **No loitering.** No outside waiting or loitering shall be permitted on the site.
 - b. **WCRA-O, Westgate/Belvedere Homes Overlay District.** In the overlay district, day labor employment service shall adhere to the following standards:
 - (1) **Use limitation.** Day labor employment service offices shall include any service that selects or assigns manual laborers for temporary work.
 - (2) **Location.** The service shall be located within and totally surrounded by an industrially zoned and utilized area. Minimum distance of all principal structures, accessory structures and outdoor activity areas shall be situated as follows:
 - (a) 1000 feet from any nonindustrial use;
 - (b) 1000 feet from any other day labor service.
 - (3) **Hours of operation.** No service shall commence business prior to 7:00 a.m. nor continue business later than 6:00 p.m.
 - (4) **Minimum building size.** No service shall operate in any building that is less than 10,000 square feet. All outdoor areas shall be screened from view by opaque fencing or hedges.
 - (5) **Loitering.** No outside loitering shall be permitted on the site.
 - (6) **Loudspeakers.** No outdoor speakers or public address systems that are audible from the exterior of the site shall be permitted.
 - (7) **Records.** The service shall maintain all business records on the premises for inspection by Palm Beach County.
 - (8) **Advertising.** Advertising shall be limited a two faced sign with a maximum of twelve (12) square feet per face.
 - (9) **Development standards.** All services shall adhere to the nonresidential development standards contained in this Code as well as all the nonresidential development standards of Sec. 6.7.B.
30. **Dispatching office** means an establishment principally involved in providing services off-site to households and businesses using land-based communication. Typical uses include janitorial services, pest control services, and taxi limousine, and ambulance services. A dispatching office use shall comply with the following supplementary use standards.
- a. **CG district.** In the CG district, a dispatching office use shall be limited to the use of no more than three (3) service or delivery vehicles. The use of more than three (3) delivery or service vehicles shall require a conditional use type A.
- 30.1. **Dog day-care** means an establishment which provides daytime care and training for domesticated dogs. A dog day-care shall be subject to the following supplementary use standards.
- a. **Operating hours.** Day-care activity shall not commence prior to 6:00 a.m. and shall terminate no later than 9:00 p.m.
 - b. **Use approval.** Prior to DRC review, approval shall be obtained from the Division of Animal Care and Control.

- c. Health regulations and waste disposal.** The dog day-care shall meet the ECR I and ECR II standards of Article 16., and shall be subject to all applicable rules and regulations of the FDEP, the PBCHD and the Solid Waste Authority.
- d. Facilities.** Facilities shall be subject to the following standards:
- (1) outdoor runs, play areas, yards, etc., shall be prohibited;
 - (2) adequate drop-off areas shall be provided; and
 - (3) three (3) transient spaces measuring twelve (12) feet by twenty (20) feet shall be provided for every fifty (50) dogs.
- e. Number of dogs.** The number of dogs permitted shall be based upon the square footage of the facility pursuant to the PBC Division of Animal Care and Control. [Ord. No. 00-015]
- 31. Electrical power facility** means a principal use of property for an electrical generation, or transmission voltage switching station. An electrical power facility use shall comply with the following supplementary standards.
- a. Location.** The location of the proposed electrical power facility shall be within reasonable proximity of the area to be served by the facility.
 - b. Buffers and screening.** Buffers and screening around the perimeter of the proposed electrical power facility use shall be provided at the time the facility is constructed or when surrounding development occurs. The standards shall be waived if any of the required landscape buffer is not visible from adjacent lots or R-O-Ws.
 - c. Setbacks.** Structures and their accessory uses (excluding poles) shall be setback a minimum of fifty (50) feet. [Ord. No. 99-37]
- 32. Entertainment, indoor** means an establishment offering entertainment or games of skill to the general public for a fee or charge and wholly enclosed in a building, excluding fitness centers and gun clubs. Typical uses include bowling alleys, bingo parlors, pool halls, billiard parlors and video game arcades. An indoor entertainment use shall comply with the following supplementary use standards.
- a. CRE district.** In the CRE district, an indoor entertainment use shall not be located in an RR10 land use designation of the Comprehensive Plan. If the entertainment facility exceeds three (3) acres in the IL zone then the use must rezone to the CRE district.
 - b. CG, CC and MUPD districts.** In the CG, CC and MUPD districts, video arcades not exceeding two thousand five hundred (2,500) square feet are a permitted use. [Ord. No. 97-14]
 - c. CCSO district.** Indoor entertainment uses shall not exceed five thousand (5,000) gross square feet floor area. [Ord. No. 98-11] [Ord. No. 99-37]
- 33. Entertainment, outdoor** means an establishment offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open, excluding golf courses and public parks. Typical uses of an athletic nature include archery ranges, athletic fields, batting cages, golf driving ranges and tennis courts. Other uses include go-cart tracks, miniature golf courses, jet skiing, swimming pools, tennis courts and wind surfing but excluding gun clubs. An outdoor entertainment use shall comply with the following supplementary use standards:

- a. **CRE district.** In the CRE district, an outdoor entertainment use shall not be located in an RR10 land use designation of the Comprehensive Plan unless it is owned or operated by a public agency. If the entertainment facility exceeds three (3) acres in the IL zone then the use must rezone to the CRE district.
- b. **CC district.** In the CC district an outdoor entertainment facility shall be limited to such uses that are of a community nature and that serve the residential neighborhood within a three to five mile radius.
- c. **Location.** No outdoor entertainment facility use consisting of an outdoor wildlife preserve or attraction shall be permitted within five hundred (500) feet of an existing residential development or an area designated in the Future Land Use Element of the Comprehensive Land Use Plan for residential development.
- d. **Access.** Access to an outdoor entertainment use shall be from a hard surfaced, public road. The minimum required frontage on a public road to be used for the primary point of access shall be two hundred (200) feet.
- e. **Safety.** Safety fences up to a height of ten (10) feet shall be required around a recreation facility if deemed necessary. [Ord. No. 99-37]
- f. **Setbacks.** No building, mobile home, trailer, vehicle, mechanical device, or outdoor area or facility of an outdoor entertainment use shall be located closer to the property line than as follows.

Type of Use	Minimum Setback
Athletic Field	50 feet
Other Recreation Area or Structure	100 feet

- 34. **Equestrian arena, commercial** means an establishment engaged in commercial spectator activities involving equestrian events, but excluding any establishment engaged in gaming, pari-mutual wagering, off-track betting, events or activities held or broadcast for similar purposes. A commercial equestrian arena use shall comply with the following supplementary use standards: [Ord. No. 01-62]
 - a. **Urban/Suburban Tier.**
 - (1) **Location.** The project in which an equestrian arena is located shall be located on a collector or higher classification street.
 - (2) **Operating Hours.** Outdoor activity shall be limited to the hours of 6:00 a.m. and 10:00 p.m. daily.
 - (3) **Loudspeakers.** Loudspeakers shall not be used before 8:00 a.m. or after 8:00 p.m.
 - (4) **Minimum lot size.** In the Urban/Suburban Tier, the minimum lot size shall be five (5) acres. [Ord. No. 01-62]
[Ord. No. 01-01]
 - b. **Rural, Exurban, Agricultural Reserve and Glades Tiers.**
 - (1) **Location.** The project in which an equestrian arena is located shall be located on a paved street.
 - (2) **Operating Hours.** Outdoor activity shall be limited to the hours of 5:00 a.m. and 10:00 p.m.

- (3) **Loudspeakers.** Loudspeakers shall not be used before 8:00 a.m. or after 8:00 p.m. (6.4.D.34e) [Ord. No. 01-62]
- c. **Setbacks.** Riding, spectator viewing areas, and show rings shall not be located within one hundred (100) feet of any property line. [Ord. No. 01-62]
- d. **Compatibility.** The use shall assure that there is no incompatibility with surrounding land uses. When an incompatibility exists, the petitioner shall satisfactorily mitigate the incompatibility prior to receiving conditional or DRC approval. The Board of County Commissioners and Zoning Commission may impose conditions of approval. The DRC may impose conditions of approval pursuant to Sec. 5.6.D.5 of this Code. [Ord. No. 01-62]
- 34.1. **Estate kitchen** means an accessory use which is physically integrated with the main residence. There shall not be the presence of a complete living environment associated with the estate kitchen. Lot size for the house with an estate kitchen shall be twice in size of the minimum lot size requirement.
35. **Excavation.** Refer to Sec. 7.6 (Excavation) for development regulations of all excavation types.
- a. **Type I(A) excavation** means excavation necessary to create a pond to obtain fill for the construction of a single family dwelling or an accessory structure on a lot one (1) acre or greater with an excavated surface area less than two-tenths (0.2) of an acre.
- (1) **Criteria.**
- (2) **Use approval.** Application shall be made concurrent with application for a building permit. Approval shall be issued concurrent with receipt of a building permit for a single family dwelling pursuant to the procedural and site development standards of this section and Sec. 7.6.F.1.
- (a) **Minimum lot area.** The minimum lot area shall be one (1) acre.
- (b) **Maximum excavated surface area.** The maximum excavated surface area of all excavated areas shall be less than two tenths (0.2) acre (8,712 square feet).
- (c) **Off-site removal.** No off-site removal of extracted material shall be permitted.
- (3) **Use approval.** Application shall be made concurrent with application for a building permit. Approval shall be issued concurrent with receipt of a building permit for a single family dwelling pursuant to the procedural and site development standards of this section and Sec. 7.6.F.1.
- (a) **Application requirements and procedures.** The building permit drawings shall be supplemented with the information below.
- (b) **Determination of sufficiency, review and decision.** A permit shall be issued by PZ&B, with or without conditions of approval after the application has been determined complete and in compliance with this section and the standards in Sec. 7.6.F.1. and 7.6.H.1. and 7.6.H.2.
- (i) **Site Plan.** A general site plan complying with the standards in Sec. 7.6.F.1.; and
- (ii) **Statement.** A statement estimating the amount of excavated material, in cubic yards; and
- (iii) **Notarized Authorization.** Notarized authorization from the property owner to excavate.
- (b) **Determination of sufficiency, review and decision.** A permit shall be issued by PZ&B, with or without conditions of approval after the application has been determined complete and in compliance with this section and the standards in Sec. 7.6.F.1. and 7.6.H.1. and 7.6.H.2.

- (c) **Reclamation.** Prior to issuance of a certificate of occupancy, the property owner shall submit to the Building Division a Certificate Of Compliance in accordance with the requirements of Sec. 7.6.F.1.c.
- b. **Type I (B) excavation** means excavation necessary for the creation of a pond or lake for the construction of a single family dwelling or accessory use on a lot two and one half (2.5) acres or greater with an excavated surface area in excess of two-tenths (0.2) of an acre but less than two (2.0) acres.
- (1) **Criteria.**
- (a) **Minimum Lot area.** The minimum lot area shall be 2.5 acres.
- (b) **Maximum surface area.** The maximum surface area of all excavation on the premises shall be less than twenty-five (25%) percent of the gross lot area and shall not exceed two (2.0) acres.
- (2) **Use Approval.** Prior to initiating excavation activity use approval shall be required in accordance with the development standards in Sec. 7.6.F.2., procedural requirements defined in this subsection and the supplemental application requirements in Sec. 6.4.D.35.g.
- (a) **DRC approval.** DRC review and approval shall be required pursuant to Sec. 5.6. DRC shall review for compliance with the standards in Sec. 7.6.F.2 and may approve the application with conditions.
- (b) **Commencement of excavation activity.** Once DRC approval has been obtained, authorization to excavate shall be received concurrent with the receipt of a valid building permit for the proposed structure on site.
- (c) **Duration.** A Type I (B) excavation permit shall expire after one hundred and twenty (120) days from the date authorization is received to begin excavation activity.
- (d) **Reclamation.** Prior to issuance of a certificate of occupancy or as conditioned by DRC, the property owner shall submit to the Building Division, a certificate of compliance in accordance with Sec. 7.6.F.2.c.
- c. **Agricultural excavation** means excavation necessary to support bona fide agricultural production operations, including but not limited to the creation of ponds or lakes to construct accessory structures supporting the agricultural use, livestock ponds, canal laterals and roads, but excluding customary agricultural activities such as plowing and maintenance of canals and roads.
- (1) **General.** All Agricultural and WCAA excavations shall submit a detailed explanation of the proposed bona fide agricultural use. This explanation shall demonstrate consistency with applicable Industry Standards and shall satisfy the definition requirements of bona fide agriculture pursuant to Article 3. Excavation shall be the minimum necessary to implement the bona fide agricultural use.
- (2) **Criteria and review procedures.**
- (a) **Excavations two (2) acres or less in surface area.**
- (i) **Use approval.** DRC review and approval shall be required pursuant to Sec. 5.6. DRC shall review for compliance with the standards in Sec. 7.6.F.3. and may approve the application with conditions.
- (b) **Excavations greater than two (2) acres in surface area.** Excavation activity shall be subject to the submission, review and approval as a Class A Conditional Use pursuant to Sec. 5.4. and Sec. 7.6.F.3. The Board of County Commissioners may permit offsite removal and may apply the appropriate compatibility criteria in Sec. 7.6.F.6.d. to approve, approve with conditions, or deny the application for a Class A Conditional Use.
- (i) **Use approval.** DRC review and approval shall be required pursuant to Sec. 5.6. DRC shall review for compliance with the standards in Sec. 7.6.F.3. and may approve the application with conditions.

- (c) **Notice of Intent to Construct.** Prior to initiating any on-site excavation activities, a Notice of Intent to Construct shall be submitted to and receive approval from ERM in accordance with Sec. 7.6.G.
- d. **West County Agricultural Area (WCAA) Excavation** means excavation necessary to support bona fide agricultural operations located within the WCAA and has the Agriculture Production designation on the land use map in the land use element of the Palm Beach County Comprehensive Plan.
- (1) **Review procedures and standards.**
- (a) **Notice of Intent to Construct.** Notice of Intent to Construct shall be submitted to and receive approval from ERM in accordance with Sec. 7.6.G. prior to initiating any on-site excavation activities.
- (b) **Standards.** Excavation activities shall comply with the standards in Sec. 7.6.F.4.
- e. **Type II excavation** means excavation necessary to create a lake which is required to implement a development order for a final site development plan provided a minimum of 90% of the extracted material remains on-site.
- (3) **Criteria.**
- (a) **Location.** Type II excavation may be permitted to implement a site development plan for a primary use as permitted in the Use Regulation Schedule in Section 6.4.D., and to implement a Preliminary Development Plan (Master Plan) within any Planned Development District.
- (b) **Limited off-site removal.** Type II excavations are allowed to permit earth work associated with land development activities. A minimum of 90% of the fill shall be used on site, unless unusual site conditions exist. If the applicant must remove more than 10% of the fill from the site, then use approval shall be requested as defined in 6.4.D.35.e.(2)(e) below.
- (2) **Use approval.**
- (a) **DRC approval.** Prior to initiating Type II excavation activities, DRC review and approval shall be required. Application shall be made in accordance with Sec. 5.6 and the supplemental application requirements in Sec. 6.4.D.35.g below. If approval of a final site development plan is required, application for the Type II excavation shall be submitted simultaneously with the DRC application. DRC shall review for compliance with the standards in Sec. 7.6.F.5. and may approve with conditions.
- (b) **Removal of excess fill from the site.** DRC may approve removal of more than 10% of the extracted material from the site if:
- (i) The applicant demonstrates that the make up of the natural soil contains an excessive amount of silt, rock, or muck and construction of required drainage structures or construction of required structural foundations require removal of an excessive amount of silt, rock or muck; and,
- (ii) The removal of the material is the minimum necessary to accommodate on-site drainage requirements or structural fill requirements; and,
- (iii) The impact of hauling the material off-site will not cause adverse affects to adjacent property owners or rights-of-way.
- (c) **Notice of Intent to Construct** shall be submitted to and receive approval from ERM in accordance with Sec. 7.6.G. prior to initiating any on-site excavation activities.
- (d) **Standards.** Type II excavation shall comply with the standards in Sec. 7.6.F.5.
- (e) **Exception to off-site removal limitation.** An excess of ten percent (10%) of the fill may be removed off-site for the following types of excavation activities:
- (i) **Excavation associated with the approval of a final development plan.** If an excess of 10% of fill is proposed to be removed from a site and no unusual conditions exist justifying removal of more than ten (10) percent of the excavated material, as specified in Sec. 6.4.D.35.e.(2)(b) above, then the excavation shall be considered a Type IIIA mining

operation. This exception applies only to sites located within the Urban Service Area or a site in the rural service area which has a valid development order approved prior to (effective date of this ordinance). The applicant shall apply for a Class A Conditional Use for a Type III A excavation pursuant to the standards of Sec. 5.4. and shall comply with the following requirements.

- a) Operational and Construction standards in Sec. 7.6.H.1 and 7.6.H.2.; and
- b) Littoral standards in Sec. 7.6.H.3.c; and
- c) Upland Reclamation Standards in Sec. 7.6.H.3.d; and
- d) Maintenance and Monitoring requirements for excavated areas, and littoral plantings in Sec.7.6.H.5.
- e) Buffer requirements in Sec. 7.6.F.6.d.(2).(a).(iii); and,
- f) Setbacks shall be provided pursuant to Type II setback requirements in Sec. 7.6.F.5.c.
- g) Location and Access. The development shall have direct frontage on and access to a collector or arterial street depicted on the County's Thoroughfare Identification Map.

The following standards, set forth in Sec. 7.6.F.6., shall not apply, unless the BCC makes a finding of fact that waiver of these standards violates the compatibility standards in Section 7.6.F.6.d.

- 1) Separation from other land uses pursuant to Sec. 7.6.F.6.(2)(a)(i)(1); and,
- 2) Minimum acreage requirement pursuant to 7.6.F.6.(2)(b).
 - (i) **Excavation, performed by public agency, to provide drainage for a public R-O-W.** Excavation activity located outside the R-O-W boundary, conducted solely to accommodate drainage for a public road R-O-W, and performed or caused to be performed by contract by a public agency, as defined herein, shall comply with the standards below. The excavation activity shall:
 - b) be on land owned by Palm Beach County, the State or a Water Control District created by special act to operate under Fl. Statutes Chapter 298 (1996); or
 - c) be on land granted by easement to and accepted by Palm Beach County, the State or a Water Control District; and,
 - d) be the absolute minimum necessary to comply with the surface water drainage requirements for the public R-O-W.

For the purposes of this section, authorization by Palm Beach County, Florida Department of Transportation or a Water Control District to construct a public R-O-W shall constitute a valid development order.

The excavation activity shall comply with the standards below.

- a) **Notice of Intent to Construct** pursuant to Sec. 7.6.G.;
 - b) **Operational and Construction standards** pursuant to Sec. 7.6.H.1. and 7.6.H.2., except for Sec. 7.6.H.1.j. (haul permits);
 - c) **Littoral zone and general upland reclamation requirements** pursuant to Sec. 7.6.H.3.c and d.(1).(b); and,
 - d) **Maintenance and Monitoring requirements** pursuant to Sec. 7.6.H.4.
- (f) **Type IIIA Excavations** means mining activity, primarily for commercial purposes, that extracts materials from the earth and may require limited on-site processing by using mobile crushers, sifters and conveyor systems. A Type IIIA excavation activity shall not include the use of explosive devices or permanent structures or equipment used to process material.
- (1) **Classification.** Excavations that meet the definition of mining are considered commercial operations. Type II, or Agricultural excavations that exceed established criteria, as defined in this section, are also considered to be a Type III excavation. Two classes of Type III

excavations (Type IIIA and Type IIIB) are established to distinguish between the types of mining operations.

- (a) **Type IIIA.** Mining activity, primarily for commercial purposes, that extracts materials from the earth and may require limited on-site processing by using temporary or portable crushers, sifters and conveyor systems. A Type IIIA excavation activity may use dragline, dredging or earthmoving equipment to perform the mining operation provided the operation complies with the standards of this Section and Sec. 7.6. The use of explosive devices or permanent structures or equipment used to crush or sift material shall be prohibited.
 - (b) **Type IIIB.** Mining activity, primarily for commercial purposes, that extracts materials from the earth and may require extensive processing of the material on site. Type IIIB excavations may use dragline, dredging, earthmoving equipment to perform the mining operation. The use of explosives and heavy industrial equipment to crush, sift and transport the material on site may be permitted subject to compliance with the standards of this Section and Sec. 7.6.
- (2) **Use Approval.** A Class A Conditional Use is required for all Type III excavations pursuant to Sec. 5.4. and the supplemental application requirements of Sec. 6.4.D.35.g. below. Simultaneously with submittal of the Class A Conditional Use Application to the Zoning Division, the applicant shall submit a duplicate copy to the Water Control District that has jurisdiction to maintain roads and drainage within the area. The Water Control District may provide comments to the Zoning Division within 20 calendar days in order for comments to be included in the staff report for presentation to the BCC.
- (a) **Certification of a final site (excavation) plan.** Prior to starting any activity associated with the excavation project, the applicant shall submit an excavation plan to DRC for review and approval in accordance with Sec. 5.6.b.2.
 - (i) **Phasing of excavation activity.** In the event that excavation and reclamation is to be conducted in phases, the applicant shall submit a phasing plan complying with the requirements of Sec. 6.4.D.35.g and Sec. 7.6.H.
 - (ii) Once reclamation and rehabilitation of the preceding phase of excavation has commenced, a subsequent phase of excavation may begin after receipt of all guarantees, required by Sec. 7.6.H.5, and written authorization by DRC
 - (b) **Haul permit.** The BCC may require as a condition of approval, a haul permit for unpaved collector or arterial streets as defined in Sec. 7.6.F.6.d.(1)(a). If required, a haul permit application shall be submitted to and approved by the Land Development Division in accordance with Sec. 7.6.H.1.j. prior to Notice of Intent to Construct.
 - (c) **Notice of Intent to Construct** shall be submitted to and receive approval from ERM in accordance with Sec. 7.6.G. prior to initiating any on-site excavation activities.
 - (d) **Reclamation plan approval and release of performance guarantees.** Prior to the release of any performance guarantee, in accordance with Sec. 7.6.H.5, DRC shall approve an "as built" reclamation plan.

The plan shall include certified as-built drawings and written certification, bearing the seal of an engineer registered in the State of Florida, certifying compliance with Sec. 7.6.H (excluding littoral and upland planting requirements), and that all construction related development order conditions and guarantees have been satisfied. Performance guarantees for planting areas shall be released in accordance with Sec. 7.6.H.4.g.(3).

- (3) **Location.** All Type III excavations may be permitted in accordance with the Use Regulation Schedule in 6.4.D. Mining may be permitted with limitations in the districts identified below.

- (a) **AP District in the AP land use category.** The use of extractive material mined in the AP zoning district shall be limited to public road construction projects only and shall demonstrate compliance with the criteria in Sec. 7.6.F.6.d.
 - (b) **SA District.** All applications for mining in the SA district shall demonstrate compliance with the criteria in Sec. 7.6.F.6.d.
 - (4) **Standards.** All Type III excavations shall comply with the standards in Sec. 7.6.F.6
- g. **Type IIIB Excavations** means mining activity, primarily for commercial purposes, that extracts materials from the earth and may require extensive processing of the material on-site. Type IIIB excavations may involve the use of explosives and permanent heavy industrial structures or equipment to crush, sift and transport the material on site.
- h. **Supplemental application requirements.**
- (1) All Type I(B), Type II, Type IIIA and Type IIIB excavations shall supplement the application requirements set forth in Sec. 5.4, Sec. 5.6, and the official application form with the materials and information listed below.
 - (a) **Statement** listing the nature of the excavation operation, including but not limited to the:
 - (i) **Site (excavation) Plan.** A site plan depicting:
 - (ii) Duration of the excavation activity and reclamation activity,
 - (iii) The proposed method of excavation,
 - (iv) The amount of fill to remain on site,
 - (v) If permitted, the amount of fill to be removed from site, and intent to comply with Sec. 7.8.C, Archeological Resource Protection.
 - (b) **Site (excavation) Plan.** A site plan depicting:
 - (i) Boundaries, dimensions and acreage of the site and excavated surface area(s);
 - (ii) All existing and proposed improvements including easements, rights-of-way, weigh stations, and other structures;
 - (iii) Setbacks and separations;
 - (iv) Preservation areas;
 - (v) Water table elevations, including Ordinary Water Level
 - (c) **Vegetation permit application.** A vegetation permit application pursuant to Sec. 9.5.
 - (d) **Aerial.** An aerial at a scale of 1:200 or better, clearly depicting the site; and
 - (e) **Fees.** Fees as adopted by the established Fee Schedules.
 - (2) **All applications for Type II, Type IIIA and Type IIIB excavations** shall require the additional information listed below:
 - (a) **Soil boring statement.** A statement, certified by an Engineer indicating the type of soils to be excavated and that the: (1) soils are suitable for road or structural fill construction; or (2) the soil contains excessive amounts of silt, rock or muck.
 - (b) **Site (excavation) plan depicting:**
 - (i) Operational standards pursuant to Sec. 7.6.H.1 as applicable;
 - (ii) Equipment storage, and stockpile areas, including sizes and heights.
 - (iii) The proposed method of excavation,
 - (iv) The amount of fill to remain on site,
 - (v) If permitted, the amount of fill to be removed from site, and intent to comply with Sec. 7.8.C, Archeological Resource Protection.
 - (c) **Landscape Plan.** A landscape plan indicating the buffers and reclamation plantings.
 - (d) **Cross Sections** delineating compliance with the following requirements, as applicable:
 - (i) Construction standards pursuant to Sec. 7.6.H.2.;
 - (ii) Reclamation standards pursuant to Sec. 7.6.H.3.;

- (iii) Buffer details.
 - (e) **Operations plan.** An operations plan shall be submitted in the form of a statement and shall include the methods of material extraction, on site processing including erosion and sediment control methods and particulate matter control. The plan shall also delineate how the impacts from the hauling operations will be controlled.
 - (f) **Haul route plan.** The plan shall include a map indicating all possible proposed haul routes within the radius of impacts as defined in Sec. 7.6.F.6.d.
- (3) **All applications for Type IIIA and Type IIIB excavations** shall require the additional information listed below.
- (a) **Site (excavation) plan.** A site plan depicting:
 - (i) Location of grading, sorting, crushing and similar equipment necessary for the operation and distribution of the excavated material.
 - (b) **Additional Information:**
 - (i) Surrounding uses map depicting the location of the outer boundary of area to be excavated and distances to surrounding land uses; including all residences within the applicable specified distance in the separation standards in Sec. 7.6.D.6.d.
 - (ii) Maintenance and Monitoring Report Schedule pursuant to Sec. 7.6.H.5;
 - (iii) **Phasing Plan.** A phasing plan and tabular data depicting acreage, location, sequence of operations and schedule of reclamation requirements.
 - (iv) **Tree survey.** A tree survey shall be submitted as required by Sec. 7.6.H.3.d.(4).
- (4) **The Zoning Director may request any other information as deemed reasonable and necessary to evaluate the application.**
36. **Farm residence** means a dwelling unit, other than a mobile home, located on a parcel of land used for a bona fide agricultural use and occupied by the owner or operator of the farm operation. A farm residence shall comply with the following supplementary use standards.
- a. **Principal dwelling unit.** One (1) principal dwelling unit shall be permitted for each bona fide farm operation.
 - b. **Accessory uses.** Garages and swimming pools shall be permitted as accessory uses to bona fide farm residences.
37. **Farm workers quarters** means one (1) or more residential structures located on the site of a bona fide agricultural use and occupied by farm workers who provide labor in conjunction with the agricultural operation. Farm workers quarters shall comply with the following supplementary use standards.
- a. **Density.** One (1) dwelling unit shall be permitted for each twenty-five (25) acres.
 - b. **SA district.** In the SA district, a farm tenant quarters use shall not be permitted within the RR10 land use designation in the Future Land Use Element of the Comprehensive Plan.
 - c. **Clustering.** If there are more than ten units on any one lot, they shall be clustered and subject to DRC approval. [Ord. No. 98-11]
- 37.1 **Farmer's market** means an establishment for the wholesale sale of farm produce. A farmer's market shall comply with the following supplementary use standards.
- a. **Accessory use.** A retail produce market shall be permitted as an accessory use.

- b. **Setback.** The use shall be setback a minimum of one hundred (100) feet from all property lines adjacent to a residential use, existing as of the effective date of this ordinance, excluding farm worker quarters and mobile homes accessory to agriculture.
- c. **Buffer.** An incompatibility buffer as required by Sec. 7.3 (Landscape and Buffering) may be omitted if the use is adjacent to a farm worker quarters or mobile home accessory to agriculture.
- d. **Location.** The use shall be located on an arterial road. [Ord. No. 98-11] [Ord. No. 99-37]
38. **Financial institution** means an establishment engaged in deposit banking. Typical uses include commercial banks, savings institutions, and credit unions, including outdoor automated teller machine and drive-thru facilities. A financial institution use shall comply with the following supplementary use standards.
- a. **CN and CLO districts.** A financial institution use shall not consist of more than three thousand (3,000) square feet of total floor area or have a drive- thru facility. [Ord. No. 01-01]
- b. **CC, CG, CHO, and Planned Development districts.** [Ord. No. 98-11] [Ord. No. 01-01]
- (1) A financial institution of up to five thousand (5,000) square feet of total floor area without a drive-thru facility shall be a permitted use.
- (2) A financial institution use shall not consist of more than ten thousand (10,000) square feet of total floor area or have more than three (3) drive-thru facilities, unless it is approved as a Class A conditional use or requested use, whichever is applicable. [Ord. No. 01-01]
39. **Fitness center** means an enclosed building or structure generally containing multi-use facilities for conducting, including but not limited to, the following recreational activities: aerobic exercises, weight lifting, running, swimming, racquetball, handball, and squash. A fitness center may also include the following customary accessory activities as long as they are intended for the use of the members of the center and not for the general public: babysitting service, bathhouse, food service, and the serving of alcoholic beverages consumed on the premises. This use also includes dance studios and karate schools. Fitness center uses shall comply with the following supplementary use standards.
- a. **RM, RH and CN districts.** In the RM, RH and CN districts, a fitness center use shall not occupy more than one thousand five hundred (1,500) square feet of gross floor area, and shall not have outdoor activities.
- b. **CC CHO, CG and Planned Development districts.** A fitness center shall not exceed fifteen thousand (15, 000) square feet of gross floor area unless approved as a Class A Conditional Use or Requested Use, whichever is applicable. [Ord. No. 01-100]
- c. **CRE district.** In the CRE district, a fitness center use shall not be located in an RR10 land use designation of the Comprehensive Plan.
40. **Flea market, enclosed** means retail sales within a building permanently enclosed by walls and roof in which floor space is rented to individual merchants to display and sell goods. An enclosed flea market use shall comply with the following supplementary use standards:
- a. **Walls or partitions.** Walls or partitions shall be allowed separating individual rental spaces from each other, provided that they are temporary in nature.

41. **Flea market, open** means an outdoor retail sales area in which parcels of land are rented to individual merchants to display and sell goods. An open flea market use shall comply with the following supplementary use standards.

- a. **Sanitary facilities.** Walls or partitions shall be allowed separating individual rental spaces from each other, provided that they are temporary in nature.

41.1 **Freestanding Kiosk** means a free-standing unmanned structure which offers products for sale. A freestanding kiosk shall comply with the following standards:

- a. **Uses.** Kiosks shall be limited to general retail and convenience uses.
- b. **Property development regulations.** Kiosks shall comply with the requirements of Sec. 6.5, Property development regulations, and Sec. 6.6, Supplementary standards.
- c. **Architecture compatibility.** Kiosks shall be architecturally compatible with the principle structure or the closest structure within the development.
- d. **Parking.** Kiosks shall not occupy any required parking space.
- e. **Landscaping and buffering.** Kiosks shall be landscaped consistent with the provisions of Sec. 7.3, Landscape and Buffering, including but limited to foundation planting, terminal islands, interior landscaping, irrigation, and curbing requirements.
- f. **Maximum number of freestanding structures.**
 - (1) **Standard zoning districts:** One (1) kiosk per development.
 - (2) **Planned development districts:** Two (2) kiosk per development.
- g. **Maximum square footage per kiosk:** One hundred (100) square feet.

[Ord. No. 01-01]

42. **Fruit and vegetable market** means an establishment engaged in the retail sale of fruits, vegetables, flowers, containerized house plants and other agricultural food products, such as jelly, jam, honey, and juice. The sale of grocery or convenience-type foods or products shall not be permitted. A fruit and vegetable market use shall comply with the following supplementary use standards.

- a. **Size and configuration.** For the purposes of this section, the square footage of the establishment shall include both the structure and all accessory areas devoted to display or storage.
- b. **Outdoor display and storage.** Outdoor storage shall be subject to the provisions contained in Sec. 6.6.A.3 of this code. Outdoor display of only fresh fruits and vegetables is permitted, along the property's frontage, except within the required setbacks.
- c. **Uses.** The use shall be limited to those uses identified above. No additional special permits shall be permitted in conjunction with the stand except for seasonal sales. Seasonal sales that require additional storage area may be permitted in accordance with Sec. 6.4.D.83 of this code. No vending machines or other similar equipment shall be permitted on site.

- d. **Building construction.** The fruit and vegetable market shall be contained in either an entirely enclosed or roofed open air structure. Motor vehicles, including vans, trucks, semi-trucks, mobile homes, travel trailers, and other permanent or temporary structures shall not be used for storage or display purposes.
 - e. **Sanitation.** Sanitary facilities shall be provided in accordance with the laws of Palm Beach County and State of Florida, as applicable.
 - f. **Site development standards.** The property shall be developed in accordance with the provisions set forth in this code, unless otherwise provided in subsection 6.4.D.42.g. below.
 - g. **AR/Rural, SA, AGR, or RSER districts.** In addition to the above standards, fruit and vegetable markets shall comply with the following:
 - (1) **Locational criteria.** The stand and accessory area shall be:
 - (i) located on an arterial designated on the Palm Beach County Thoroughfare Plan;
 - (ii) located at least 500 feet from adjacent existing residential uses.
 - (2) **Lot size.** The market shall be located on a legal lot of record. A minimum of one acre shall be allocated to the exclusive use of the stand and accessory parking area.
 - (3) **Setbacks.** The structure and accessory area shall be setback at least fifty (50) feet from the front and side corner property lines. The rear and side interior setbacks shall meet the minimum standards of the district.
 - (4) **Intensity in the AR zoning district.** In the AR zoning district, the area devoted to the fruit and vegetable market shall not exceed 3,000 square feet.
 - (5) **Markets less than 1,500 square feet.** In addition to the standards stated above, fruit and vegetable markets less than 1,500 square feet (including both the structure and all accessory areas devoted to display or storage) in all zoning districts referenced above, may apply the following less restrictive development standards.
 - (a) **Paving.** The surface parking lot may be constructed of shellrock or other similar material. At a minimum, the following areas shall be paved in accordance with Sec. 7.2.C.12.b.(3) of this code:
 - (i) a paved driveway apron area, connecting the R-O-W to the site shall be subject to approval by the County Engineer; and,
 - (ii) handicap parking spaces and handicap access. [Ord. No. 99-37]
43. **Funeral home or crematory** means an establishment engaged in preparing the human deceased for burial and arranging and managing funerals. A funeral home use shall comply with the following supplementary use standards. [Ord. No. 99-37]
- a. **RSER district.** In the RSER district, the water supply, sewage disposal and disposal of wastewater from embalming operations shall be in accordance with the requirements of the PBCHD. The funeral home shall not include a crematory.
 - b. **CC district.** In the CC district, a funeral home use shall not include a crematory.
 - c. **CG district.** In the CG district, a funeral home use may include a crematory only if located within the principal building.
 - d. **IL district.** In the IL district, a funeral home use shall be limited to an embalming service. A crematory facility must be approved through the State Department of Environmental Regulation. No public observances, sermons or funerals shall be held in the IL district. Disposal of wastewater from

embalming operations shall be in accordance with the requirements of the PBCHD or approval of disposal to public water or sewer shall be through the local utility.

44. **Garage sale** means the casual sale of household articles by occupants of private households. A garage sale use shall be subject to the following supplementary use standards.
- a. **Duration.** An individual garage sale shall not exceed seventy-two (72) hours.
 - b. **Number.** The number of garage sales shall be limited to two (2) per year per dwelling unit.
45. **Golf course** means a facility providing a private or public golf recreation area designed for executive or regulation play along with accessory golf support facilities, but excluding miniature golf. A golf course facility shall comply with following supplementary use standards.
- a. **Accessory use.** A golf course use may also include a clubhouse facility. In addition to the traditional and customary services provided by clubhouse services, the clubhouse may also contain such uses as financial institutions, ATM machines, financial brokerages and other personal services. [Ord. No. 98-11] [Ord. No. 00-015]
 - (1) a residential use shall not exceed fifteen (15) feet in height.
 - (2) a public or private R-O-W or easement shall not exceed thirty (30) feet in height and shall be located in the interior of the required landscape buffer.
 - (3) a non-residential use shall not exceed thirty (30) feet in height. [Ord. No. 97-14]
 - b. **Protective fencing.** Protective fencing or netting may be erected to protect neighboring property, automobiles, pedestrians, or bicyclists from golf balls that are hit beyond golf course boundaries. A protective fence abutting:
 - c. **AGR-PUD District limitations.** A golf course shall be permitted in the development area of an AGR-PUD in conjunction with residential development and shall comply with the following standards.
 - (1) **Management Plan.** To protect adjacent farmland from golf course maintenance practices, a maintenance plan shall be developed and complied with in perpetuity. Prior to DRC approval of the Preliminary Development Plan, a management plan shall be submitted to and approved by the Department of Environmental Resources Management. At a minimum, the maintenance plan shall include the items listed below.
 - a. **Best Management Practices Plan** detailing procedures for the construction, irrigation, operation, and maintenance of the golf course, designed to prevent contamination of adjacent properties and ground and surface waters.
 - b. **Pest Management Plan** designed to prevent contamination of ground and surface water from pesticides, herbicides, and fertilizers.
 - c. **Water Quality and Quantity Monitoring Plan** designed to protect adjacent wetlands and surface waters. [Ord. No. 98-11]

46. **Government services** means buildings or facilities owned or operated by a government entity and providing services for the public, excluding utility and recreational services. Typical uses include administrative offices of government agencies, public libraries, and police and fire stations. A government services use shall be subject to the following supplementary use standards.

- a. **CN and CLO districts.** In the CN and CLO districts, a government services use, except for a fire station, shall be limited to a maximum of one thousand five hundred (1,500) square feet of gross floor area.

- b. **CRE district.** In the CRE district, a government services use, except for a fire station, shall not be located within three hundred fifty (350) feet of any residential district.
 - c. **AGR district.** Libraries shall not be permitted. [Ord. No. 98-11]
 - d. **Prisons.** Jails, correctional facilities and prisons shall only be permitted in the PO and IPF Districts and shall be subject to Class A Conditional Use review and approval. Expansion of existing facilities shall be exempt from this requirement. [Ord. No. 00-015]
- 46.1 **Green market** means the temporary gathering of vendors for the purpose of selling agricultural products on a retail basis. The products shall consist of fresh unprocessed fruit, vegetables and flowers. The sale of other consumable items such as coffee, bread and sandwiches in conjunction with agricultural products is permitted.
- a. **Lot size.** The minimum lot size shall be one acre.
 - b. **Site plan and authorization.** A site plan depicting the location and quantity of parking, separation of pedestrian and vehicular traffic and the location and size of the vendor area shall be submitted to the Zoning Director along with a notarized letter from the property owner authorizing the use of the property.
 - c. **Duration.** The market shall operate only on weekends.
 - d. **Stands.** Each stand shall not exceed 150 square feet. The stand shall remain transportable. Motor vehicles such as vans or small trucks may be permitted provided the vehicle is removed from the site at the close of the market each weekend.
 - e. **Signage.** One free-standing, non-illuminated sign shall be permitted for the entire site. The sign shall not exceed twenty five (25) square feet in area nor six (6) feet in height. The sign must be five (5) feet from any base building line. It shall not be located in a safe distance triangle.
 - f. **Debris.** All debris must be removed from the site at the end of each weekend. [Ord. No. 98-11]
47. **Groom's quarters** means on-site living quarters for persons responsible for grooming and caring for horses boarded at the stable. Occupancy of the groom's quarters shall be limited to on-site employees and members of the employees' family only. Groom's quarters may be permitted as an accessory use for stables with four or more stalls only, subject to the following supplementary standards.
- a. **Number of groom's quarters permitted.**
 - (1) **Twenty (20) acres or less:** One (1) groom's quarters shall be permitted for each four (4) stalls
 - (2) **More than twenty (20) acres:** One (1) groom's quarters shall be permitted for each three (3) horse stalls.
 - b. **Floor Area.**
 - (1) Each groom's quarters shall not exceed five hundred (500) square feet of gross floor area per unit. (6.4.D.47.a)
 - (2) **Twenty (20) acres or less:** The total gross floor area for all groom's quarters shall not exceed five thousand (5,000) square feet per lot. (6.4.D.437.a)
 - c. **Number of bedrooms.** Groom's quarters shall contain a maximum of one (1) bedroom.

- d. Approval Process. The approval process shall be as follows:**
- (1) **Special Permit.** One (1) groom's quarters.
 - (2) **DRC.** Two (2) through twenty-one (21) groom's quarters.
 - (3) **Class B Conditional Use.** Twenty-one (21) through one hundred (100) groom's quarters.
 - (4) **Class A Conditional Use.** One hundred one (101) or more groom's quarters.
- e. Agricultural Reserve Tier.** For parcels in the Agricultural Reserve Tier with more than twenty (20) groom's quarters, or more than twenty (20) groom's quarters on the preserve area of an AGR-PUD, the allowable density shall be decreased by one unit for each groom's quarter to a maximum reduction of one-half of the number of dwelling unites associated with the property.
- f. Facilities.** Groom's quarters may contain individual cooking facilities and/or one (1) common dining facility.
- g. Kitchen removal.** An agreement to remove all kitchen equipment shall be executed prior to approval of the groom's quarter. The agreement shall require the kitchen to be removed if the unit ceases to operate as a groom's quarter.
[Ord. No. 97-14] [Ord. No. 97-64] [Ord. No. 99-37]
- h. Restrictive covenant.** A restrictive covenant, in a form and content acceptable to the County Attorney, limiting the use of the units to groom's quarters in accordance with the standards of Section 6.4.D.47 shall be recorded in the public records of Palm Beach County prior to special permit or DRC approval, whichever is applicable.

[Ord. No. 01-62]

- 47.1 Groves/row crops** means the cultivation of fruits and vegetables for bona-fide agricultural purposes. Groves/row crop uses within the Urban Service Area shall comply with the following supplementary use standards.
- a. Setbacks.** Structures and accessory activities shall be setback a minimum of fifty (50) feet.
 - b. Buffering.** A buffer adjacent to residentially zoned areas shall be provided along all property lines that are not screened by plant material.
 - c. Equipment.** Use of heavy equipment, except irrigation pumps, shall be limited to daylight hours.
 - d. Loading.** All loading and unloading of trucks shall be restricted to the site and shall not encroach on any setbacks.
 - e. Office.** An office may be permitted as an accessory use provided it is not a mobile home.
 - f. Minimum lot size.** In the Urban Service Area, the minimum lot size shall be five (5) acres.
 - g. Compatibility.** The use shall assure that there is no incompatibility with surrounding land uses. In the event that an incompatibility exists, the petitioner shall satisfactorily mitigate the incompatibility prior to receiving conditional or DRC approval. The Board of County Commissioners may impose conditions to the approval including but not limited to: controlling objectionable odors; fencing; sound limitations; inspections; reporting or monitoring; preservation areas; mitigation; and/or limits of operation.

- h. Preservation.** The use shall conform with all preservation, and vegetation removal requirements of the Palm Beach County ULDC for the underlying permitted use, and shall conform with the provisions of Secs. 9.5 Vegetation Protection, and Sec. 9.4 (Wetlands Protection) of this Code. A minimum setback (buffer) of one hundred (100) feet shall surround all designated wetland areas.
- i. Spraying.** No aerial application of any pesticides, fungicides, fertilizers or any other chemical shall be allowed. In the event that overspraying of pesticides, fungicides, fertilizers, herbicides or any other chemical is experienced, the petitioner shall provide an increased buffer to insure that no further overspraying will occur, or will cease to operate.
- j. Notification.** Notification of the existence of the agricultural operation shall be submitted to the South Florida Water Management District. [Ord. No. 99-37]

47.2 Guest cottage means accessory sleeping quarters provided for non-paying guests by the occupant of a principal single-family dwelling unit. A guest cottage shall be considered an accessory use to a single family home and shall comply with the following supplementary use standards.

- a. Occupancy.** Occupancy of guest cottage shall be limited to a non-paying guest for a period not to exceed eight (8) months per year.
- b. Number of units.** A maximum of one (1) guest cottage may be permitted as an accessory use to a principal single-family dwelling unit. The guest cottage may be attached to the principal dwelling unit or may be freestanding.
- c. Floor area.** The guest cottage shall not exceed eight hundred (800) square feet gross floor area, except when located on a lot that is at least one (1) acre in size, in which case the cottage shall not exceed one thousand (1,000) square feet gross floor area or thirty (30%) percent of the principal dwelling, whichever is greater. The floor area calculation shall include that area of the accessory dwelling under a solid roof, whether the area is air-conditioned space or not.
- d. Additional floor area.** Floor area under a solid roof that is utilized as a porch, patio, Porte cochere, or carport shall not exceed five hundred (500) square feet.
- e. Kitchen or cooking facilities.** There shall be no kitchen or cooking facilities contained within the guest cottage.
- f. Architectural style.** The accessory dwelling shall be constructed of materials substantially equivalent to the principal dwelling unit, provided that such materials comply with all other applicable standards of the building code.
- g. Compatibility.** The accessory dwelling shall be compatible in character and subordinate in size to the principal dwelling unit.
- h. Setbacks.** The accessory dwelling shall comply with the minimum yard setbacks applicable to the principal single-family dwelling unit.
- i. No separate ownership.** The accessory dwelling shall remain accessory to and under the same ownership as the principal single-family dwelling unit, and shall not be subdivided or sold as a condominium.
[Ord. No. 97-64] [Ord. No. 99-37]

48. **Gun club enclosed or open** means a facility used for the discharge of firearms or projectiles at targets. An enclosed or open gun club use shall comply with the following supplementary standards.
- a. **Setbacks and buffers.**
 - (1) **Enclosed gun club.** An enclosed gun club shall have a one hundred (100) foot setback in addition to a fifty (50) foot buffer from a residentially occupied or zoned property. These setbacks are in addition to the minimum required setbacks of the district.
 - (2) **Open gun club.** An open gun club and its accessory shooting areas shall have a three hundred (300) foot setback in addition to a one hundred (100) foot buffer from residentially occupied or zoned property. These setbacks are in addition to the minimum required setbacks of the district.
 - b. **Lot size.** Except in the IL district, the gun club use must be located on a minimum of five (5) acres or meet the minimum lot and setback requirements of the district in which it is located, whichever requires a greater lot size. [Ord. No. 99-37]
49. **Gun (Shooting) Range, private** means a private facility used for the discharge of firearms or projectiles at targets and shall not be used for commercial purposes or by the general public. An enclosed or open gun club use shall comply with the following supplementary standards.
- a. **Districts.** A private gun range shall be allowed in the AP, AR, SA and AGR district.
 - b. **Private use only.** A private open or enclosed gun range shall not be used for commercial purposes or by the general public.
 - c. **Required lot size, buffer and approval process:**
 - (1) **Enclosed private gun range:** An enclosed private gun range shall be located on a lot of five (5) acres or greater, and shall be subject to special permit issued by the Zoning Director. Further, an enclosed shooting gun range shall have a one hundred (100) foot setback and an additional fifty (50) foot buffer from residentially occupied property in addition to the required minimum setbacks.
 - (2) **Open private gun range:** Certain requirements for open private gun ranges vary based on location of proposed range and type of weapons to be fired. An outdoor gun range use for small caliber and rim fire shall have a one hundred (100) foot setback and an additional fifty (50) foot buffer from residentially occupied property. An outdoor gun range for large caliber or center fire shall have a three hundred (300) foot setback and an additional one hundred (100) foot buffer from residentially occupied property. These setbacks are in addition to the required minimum setbacks. The discharge of firearms shall not occur within three hundred (300) yards of a structure. The shooter must have the written permission of the property owner. Also, a bullet trap is required in all locations.
 - (a) **Small caliber and rim fire.** The open firing of handguns of twenty-two (22) calibers and less which are rim-fire or the firing of any type of shotgun shall be allowed on lots of 2.5 acres or greater. A private gun range use which lies east of the L-40 canal, as defined below, shall be subject to DRC approval. A private gun range use which lies west of the L-40 canal, as defined below, shall require a special permit approved by the Zoning Director.
 - (b) **Larger caliber or center-fire.** The open firing of any center-fire gun or of handguns of more than twenty-two (22) calibers shall require a minimum lot size of ten (10) acres. A private gun range located east of the L-40 canal, as defined below, shall be subject to Class A Conditional Use approval. A private gun range located west of the L-40 canal, as defined below, shall be subject to DRC review and approval.
 - (c) **L-40 Canal.** For the purpose of this subsection, the boundaries of the L-40 Canal are: From the Broward County Line north along Canal L-36 to the Loxahatchee National Wildlife Refuge. Thence north to Southern Boulevard along Canal L-40. Thence west along Southern

Boulevard to a north-south line 1-1/2 miles west of Canal L-8, which coincides with a private agricultural road heading north from Southern Boulevard at that point where State Road 880 intersects Southern Boulevard from the south. Thence north along the line of this north-south road to the boundary of the J. W. Corbett Wildlife Management Area. Thence east and north along the boundary at the J. W. Corbett Wildlife Management Area to the Martin County Line.

50. **Home occupation** means a business, profession, occupation, trade, artisan, or hand craft, conducted within a dwelling unit for gain or support by a resident of the dwelling unit pursuant to the limits of this code. A home occupation use shall not include those businesses which are required by state agencies to be open to the public such as gun dealers. A home occupation use shall be subject to the following supplementary use standards.
- a. **Incidental nature.** The home occupation shall be clearly incidental and secondary to the residential use of the building and shall be confined to no more than ten (10) percent of the total floor area of the dwelling.
 - b. **Location.** A home occupation with the exception of outside instructional services, shall be conducted within the principal dwelling or off-site, and shall not be conducted within any accessory building or structure or within any open porch or carport that is attached to and part of the principal structure. Instructional services, which by their nature, must be conducted outside of the principal structure, such as swimming lessons, shall be located in a rear or side yard.
 - c. **No change to character of dwelling.** The home occupation shall not change the essential residential character of the dwelling in terms of exterior appearance and interior space.
 - d. **Employees.** Home occupations shall be conducted by members of the immediate family residing in the dwelling unit. A maximum of one (1) person who is not a member of the immediate family may assist in the operation of the home occupations. In addition, only one (1) person outside of the home may be employed by one of the services provided by one of the home occupations.
 - e. **Occupational license.** Home occupations shall be operated pursuant to a valid occupational license for the use held by the resident of the dwelling.
 - f. **No advertising.** No external evidence or sign shall advertise, display, or otherwise indicate the presence of the home occupation, nor shall the street address of the home occupation be advertised through signs, billboards, television, radio or newspapers. Advertising on vehicles shall be limited to the minimum necessary to meet code requirements as mandated by PBC Contractors Certification Division Chapter 67-1876, or Fla. Stat. Sec. 489.
 - g. **No on-premise sales.** A home occupation shall not involve the sale of any stock in trade, supplies, products or services on the premises, except for home instructional services.
 - h. **Instructional Services.** Instructional services may be approved as home occupations, provided the services meet the following additional regulations.
 - (1) **Resident.** The instruction must be conducted by a resident of the dwelling where lessons are provided. Only one instructor shall be permitted to provide instruction. The occupational license shall be issued to the instructor.
 - (2) **Insurance.** Proof of liability insurance in the amount of at least \$300,000 covering the instructional service shall be submitted to obtain the home occupation.

- (3) **Cars.** No more than two (2) cars associated with the lessons shall be permitted to be parked at the instructor's home at a time.
 - (4) **Location, inside.** Home instruction, inside.
 - (a) **Number of students.** A maximum of three (3) students at a time shall be permitted to receive instruction during a lesson.
 - (b) **Hours of operation.** Instruction shall occur only between the hours of 9:00 a.m. and 8:00 p.m.
 - (5) **Location, outside.** Home instruction, outside.
 - (a) **Lots less than 1.25 acres.** On lots of less than one and one quarter (1.25) acres only one student at a time shall be permitted to receive instruction during a lesson.
 - (b) **Larger lots.** On lots that are one and one quarter (1.25) acres or larger, up to three students at a time shall be permitted to receive instruction during a lesson.
 - (c) **Hours of operation.** Outside instruction shall occur only between the hours of 9:00 a.m. and 8:00 p.m.
 - (d) **Screening.** On lots of two and one-half (2.5) acres or less, the instruction area shall be screened from view from adjoining property lines with fencing or vegetation.
 - i. **No outside storage.** No equipment or materials used in the home occupation shall be stored or displayed outside of the dwelling including driveways.
 - j. **Nuisances prohibited.** No home occupation shall involve the use of any mechanical, electrical or other equipment, materials or items which produce noise, electrical or magnetic interference, vibration, heat, glare, smoke, dust, odor or other nuisance outside the residential building. There shall be no storage of hazardous or noxious materials on the site of the home occupation. There shall be no noise of an objectionable nature from the home occupation audible at adjoining property lines.
 - k. **Violations or hazard.** If any of the above requirements are violated, or if the use, or any part thereof, is determined by the Zoning Director to create a health or safety hazard, then the occupational license may be revoked.
 - l. **Vehicles.** One business related vehicle per dwelling unit not over one (1) ton rated capacity may be parked at the home, providing all of the following conditions are met: vehicle is registered or licensed; used by a resident of the premises; gross weight does not exceed ten thousand (10,000) pounds, including load; height does not exceed nine (9) feet, including any load, bed, or box; and total vehicle length does not exceed twenty-six (26) feet. This provision excludes construction equipment.
 - m. **Number.** More than one home occupation may be permitted on a residential lot.
[Ord. No. 97-14] [Ord. No. 99-37]
51. **Hospital or medical center** means a facility licensed by the State of Florida which maintains and operates organized facilities for medical or surgical diagnosis, care, including overnight and outpatient care, and treatment of human illness. A hospital is distinguished from a medical center by the provision of surgical facilities. A hospital or medical center use shall be subject to the following supplementary use standards.
- a. **SA district.** In the SA district, a hospital or medical center use shall be limited to public health or government operated clinics servicing the rural community.
 - b. **Minimum lot area.** The minimum lot area shall be five (5) acres or the minimum requirement of the district, whichever is greater.

- c. **Frontage.** The minimum frontage for the lot shall be three hundred (300) feet or the minimum requirement of the district, whichever is greater.
 - d. **Density.** The number of patient rooms for the hospital or medical center shall not exceed one (1) patient room for each one thousand (1,000) square feet of lot area (43.56 patient rooms per acre).
 - e. **No housekeeping.** Rooms or suites of rooms shall not be designed, altered or maintained for housekeeping or family living purposes.
 - f. **Food preparation.** The preparation of food shall be accomplished at a central kitchen facility under the auspices of a trained nutritionist. Meals may be served to persons in their rooms.
 - g. **Heliport or helipad.** Accessory heliport or helipad is permitted provided the use is explicitly requested during the approval process, or approved separately by DRC review.
 - h. **Incinerators.** Biohazardous waste incinerators with an allowable operating capacity equal to or less than one thousand (1,000) pounds per hour are permitted as an accessory to a hospital use with the following supplementary use standards.
 - (1) **Setbacks.** An incinerator use shall be set back a minimum of five hundred (500) feet from any property line abutting a residential district or use. Incinerators approved prior to the effective date of this section shall not be considered nonconforming uses. Expansion of existing facilities may be allowed with lower setbacks provided the expansion is reviewed and approved by the DRC.
 - (2) **Regulations.** An incinerator use shall be subject to all applicable rules and regulations of the FDEP (including Chapter 17-2, F.A.C.), the Solid Waste Authority and the PBCHD.
 - (3) **Site plan.** A site plan shall be provided illustrating how the operation functions including circulation routes and their locations, square footage, height and location of buildings, incinerator and storage areas.
 - i. **Autoclaves.** Biohazardous waste autoclaves are permitted as an accessory to a hospital use with the following supplementary use standards.
 - (1) **Regulations.** An autoclave use shall be subject to all applicable rules and regulations of the FDEP (including Chapter 17-2, F.A.C.), the Solid Waste Authority and the PBCHD.
 - (2) **Site plan.** A site plan shall be provided illustrating how the operation functions including circulation routes and their locations, square footage, height and location of buildings, autoclave and storage areas.
52. **Hotel, motel, SRO, boarding and rooming house** means a commercial establishment used, maintained or advertised as a place where sleeping accommodations are supplied for short term rent to tenants, in which rooms are furnished for the accommodation of such guests, which may have as an accessory use one or more dining rooms. Typical uses include hotels, motels, single room occupancy (SROs) and rooming and boarding houses. A hotel, motel, SRO, boarding and rooming house use shall comply with the following supplementary use standards.
- a. **CHO and CG districts.** In the CG and CHO districts, the following supplementary standards shall apply to a hotel, motel, SRO, boarding and rooming house use.
 - (1) **Minimum lot size.** The minimum lot area shall be one (1) acre or the minimum required by the district, whichever is greater.
 - (2) **Minimum lot width.** The minimum lot width shall be at least one hundred (100) feet or the minimum required by the district, whichever is greater.

- (3) **Density.** The number of sleeping units shall not exceed one (1) per one thousand (1,000) square feet of lot area.
- b. **SRO (single room occupancy).** SROs are permitted only in the CHO and CG districts, and the following supplementary standards shall apply to a single room occupancy use. An SRO establishment shall be used or maintained for occupancy as an alternative to primary type housing. The facility will customarily include one kitchen, sleeping and bath facility per person, or shared bath or kitchen facilities.
- c. **RH district.** A rooming and boarding house shall be permitted in the RH district. All other commercial hotel and motel establishments are prohibited in the RH district.
- d. **CRE district.** In the CRE district, a hotel, motel, SRO, boarding and rooming house use shall only be located in an RR10 land use designation of the Comprehensive Plan, as a Class A Conditional Use.
- e. **Accessory lounge.** A hotel may have an accessory lounge not to exceed to twenty-five percent (25%) of the gross floor area of the hotel, exclusive of parking. [Ord. No. 99-37]
53. **Kennel, commercial** means a commercial establishment, including any building or land used, for the raising, boarding, breeding, sale or grooming of such domesticated animals such as dogs and cats, not necessarily owned by the occupants of the premises, for profit. A commercial kennel use may be operated in conjunction with a residence and shall be subject to the following supplementary use standards.
- a. **Limitations of use.** A commercial kennel use shall be limited to the raising, breeding, boarding, sale, and grooming (herein after collectively referred to as "commercial care") of domesticated animals such as dogs and cats. In addition, the commercial care of snakes or birds may be permitted provided this use is explicitly requested during the approval process. Care of domestic animals is subject to the Division of Animal Care and Control. The keeping of wild or exotic animals is subject to the regulations of the Florida Game and Fresh Water Commission.
- b. **Minimum lot size.** The minimum lot size shall be two (2) acres.
- c. **Frontage.** The minimum required frontage on a public road to be used for the primary point of access shall be one hundred (100) feet.
- d. **Setbacks.** Outdoor run shall not be located within fifty (50) feet of any property line adjacent to a residential zoning district or twenty five (25) feet of any property line adjacent to a non-residential zoning district. [Ord. No. 01-01]
- e. **Outdoor runs.** Outdoor runs shall be hard surfaced or grassed with drains provided every ten (10) feet, and shall be connected to an approved sanitary facility. Outdoor runs shall provide a chain-link material on the walls and the top. Safety fences of up to a height of six (6) feet shall be required around outdoor runs. If the safety fence is not opaque, a continuous solid opaque hedge a minimum of four (4) feet at installation, shall be provided around the outdoor run.
- f. **SA district.** In the SA district, on land designated RR10 by the Future Land Use Atlas of the Comprehensive Plan, a commercial kennel shall have a minimum of ten (10) acres and shall have a two hundred (200) foot setback from residentially zoned property in addition to the required minimum

setbacks. The commercial kennel may be located on a local street in the SA district. The commercial kennel must meet the ECR I and ECR II standards of Article 16. [Ord. No. 99-37] [Ord. No. 01-01]

54. Kennel, private means any building used, designed or arranged to facilitate the non-commercial care of domesticated animals such as dogs and cats owned by the occupants of the premises. A private kennel use shall comply with the following supplementary use standards.

- a. **Limitations of use.** A private kennel use shall be limited to domestic animals owned by the occupants of the premises only. The care, breeding, boarding, raising, sale or grooming of dogs, cats, or any other domestic animal, bird, reptile or mammal is prohibited except as permitted by the Animal Care and Control Regulations pursuant to Ord. 89-2, as amended. The raising of domestic animals for sale is prohibited. The sale of domestic animals on site is prohibited. Property size and restrictions on numbers of animals shall be regulated according to the PBC Division of Animal Care and Control.
- b. **Setbacks.** Enclosed structures or runs shall comply with the minimum yard setbacks applicable to the principal dwelling unit provided that openings do not face adjacent residential uses.
 - (1) **Hobby breeders.** Outdoor runs or non- enclosed structures used by the hobby breeders shall not be located within fifty (50) feet of any property line adjacent to a residential zoning district or twenty- five (25) feet of any property line adjacent to a non-residential zoning district.
 - (2) **Private kennels.** Outdoor runs or non-enclosed structures shall not be located within twenty- five (25) feet of any property line.
 - (3) **Outdoor runs.** Safety fences not to exceed a height of six (6) feet shall be required around outdoor runs. If the safety fence is not opaque, a continuous solid opaque hedge a minimum of four (4) feet at installation, shall be provided around the outdoor run.

[Ord. No. 99-37] [Ord. No. 01-01]

55. Landscape maintenance service means an establishment engaged in the provision of landscape maintenance services, such as lawnmowing, tree, shrub or hedge trimming, and leaf blowing. A landscape maintenance service shall comply with the following supplementary use standards.

- a. **AR district.**
 - (1) **Location.** In the AR district, a landscape maintenance service as a principal use shall be located on a collector or higher classification street. [Ord No. 01-62]
 - (2) **Minimum lot size.** The minimum lot size shall be three (3) acres.
- b. **Landscape and Buffering.**
 - (1) An incompatibility buffer as required by Sec. 7.3, Landscape and Buffering, may be waived if the use is adjacent to farm worker quarters or mobile home accessory to agriculture. [Ord No. 01-62]
- c. **Storage.** Accumulation of debris shall be prohibited.
- d. **Office warehouse.** A landscape maintenance service shall be a permitted use if there is no outdoor storage.
- e. **CCSO and AGR districts.** Landscape maintenance services shall be permitted only in conjunction with a nursery.
- f. **Accessory use.** A landscape maintenance service may be an accessory use to a retail or wholesale nursery or landscape installation service on a minimum of three (3) acres.
[Ord. No. 97-64] [Ord. No. 98-11] [Ord. No. 99-37] [Ord. No. 01-62]

55.1 Landscape Installation Service means an establishment engaged in the provision of landscape installation services, such as landscape design, plant selection and tree installation. A landscape installation service use shall comply with the following supplementary use standards.

- a. **Accessory use.** A landscape installation service may be an accessory use to a retail or wholesale nursery or landscape maintenance service on a minimum of three (3) acres.
- b. **AR district.** In the AR district, a landscape installation service as a principal use shall be located on a collector or higher classification street. [Ord. No. 01-62]

56. Laundry services means an establishment that provides home-type washing, drying, drycleaning, or ironing machines for hire, to be used by customers on the premises, or that is engaged in providing household laundry and dry cleaning services with customer drop-off and pick-up. A laundry service use shall comply with the following supplementary standards.

- a. **CN district.** In the CN district, a laundry service use shall not exceed one thousand five hundred (1,500) square feet of gross floor area.
- b. **CC district.** In the CC district, a laundry service use shall not exceed five thousand (5,000) square feet of gross floor area.
- c. **Size.** Any laundry service use over fifteen thousand (15,000) square feet shall be a Class A Conditional Use or a Requested Use, whichever is applicable.

56.1 Livestock raising means the breeding, raising and caring for animals that are used for products. Livestock shall include horses. In the Urban Services Area, livestock raising shall comply with the following supplementary use standards.

- a. **Minimum lot size.** The minimum lot size for livestock raising shall be five (5) acres.
- b. **Setbacks.** All accessory uses such as troughs, feed mechanisms and storage shall be setback a minimum of one hundred (100) feet.
- c. **Palm Beach County Animal Control Department.** The Palm Beach County Animal Control Department shall be notified as to the type of livestock and details of animal care to be provided.
- d. **Processing and Slaughtering.** Processing and slaughtering shall be prohibited.
- e. **Loading.** All loading and unloading of trucks shall be restricted to the site and shall not encroach on any setbacks.
- f. **Waste.** A plan outlining a method of waste removal shall be submitted to and approved by the County Health Department.
- g. **Compatibility.** The use shall assure that there is no incompatibility with surrounding land uses. In the event that an incompatibility exists, the petitioner shall satisfactorily mitigate the incompatibility prior to receiving conditional or DRC approval. The Board of County Commissioners may impose conditions to the approval including but not limited to: controlling objectionable odors; fencing; sound limitations; inspections; reporting or monitoring; preservation areas; mitigation; and/or limits of operation.

- h. Preservation.** The use shall conform with all preservation, and vegetation removal requirements of the Palm Beach County ULDC for the underlying permitted use, and shall conform with the provisions of Sec. 9.5 (Vegetation Protection), Sec. 9.4 (Wetlands Protection) of this Code. A minimum setback (buffer) of one hundred (100) feet shall surround all designated wetland areas.
 - i. Spraying.** No aerial application of any pesticides, fungicides, fertilizers or any other chemical shall be allowed. In the event that overspraying of pesticides, fungicides, fertilizers, herbicides or any other chemical is experienced, the petitioner shall provide an increased buffer to insure that no further overspraying will occur, or will cease to operate.
 - j. Notification.** Notification of the existence of the agricultural operation shall be submitted to the South Florida Water Management District.
- 57. Lounge, cocktail** means a use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, lounges, and similar uses other than restaurants or alcohol sales for off-premises consumption. A cocktail lounge is distinct from a restaurant that sells alcohol when the establishment cannot qualify for a "Consumption on Premises, Special Restaurant Exemption" pursuant to the State Beverage Law. A cocktail lounge use shall be subject to the following supplementary use standards:
- a. Locational criteria.** A cocktail lounge shall not be located within two hundred fifty (250) feet of a residential zoning district, measured by drawing a straight line between the nearest point on the perimeter of the exterior wall or bay housing the proposed lounge to the nearest point on the property line of the residential zoning district, nor within seven hundred and fifty (750) feet of another cocktail lounge use, measured by drawing a straight line between the nearest point on the perimeter of the wall or bay of the proposed lounge to the nearest point on the existing lounge.
 - b. CN district.** In the CN district, a cocktail lounge use shall not consist of more than one thousand (1,000) square feet of gross floor area.
 - c. CHO district.** In the CHO district, a cocktail lounge use shall be contained within an office, hotel or motel structure and shall be limited to a total floor area that does not exceed thirty (30) percent of the gross floor area of the entire structure excluding vehicular parking and service areas.
 - d. CG and Planned Development Districts.** A cocktail lounge within the CG and Planned Development Districts shall meet the locational criteria of this section unless approved as a Class A Conditional Use.
 - e. Outdoor areas.** Outdoor and open lounge areas shall be subject to additional site design requirements to protect neighboring residential districts or uses against negative impacts from the open lounge area. [Ord. No. 99-37] [Ord. 01- 01]
- 58. Machine or welding shop** means a workshop where machines, machine parts, or other metal products are fabricated. Typical uses include machine shops, welding shops and sheet metal shops. A machine or welding shop use shall be subject to the following supplementary use standards:
- a. IL district.** In the IL district, a machine or welding shop use shall not exceed two thousand (2,000) square feet of gross floor area without a Class B Conditional use approval. [Ord. No. 99-37]

59. **Marine facility** means a commercial facility relating to boating. Typical uses include boatdocks, marinas, boatyards, yacht clubs and marina boatels. A marine facility use shall be subject to the following supplementary use standards.
- a. **Dock length.** All docks, buildings or other structures shall extend beyond the shallow water depth in accordance with ERM regulations.
 - b. **Sewage and water facilities.** All marine facilities shall provide at each boat slip an individual sewer and water hook-up that shall be connected to a sewage and potable water supply system approved by the PBCHD.
 - c. **Boatel units.** The total number of units in a boatel shall be prorated on the basis of one thousand (1,000) square feet of dry land lot area for each unit.
 - d. **Setbacks.** Dry storage of boats and other marina related uses may be placed against the water's edge.
 - e. **Boatyards and charter boat operations.** Boatyards and charter boat operations shall be subject to a Class B Conditional Use approval in the IL district. [Ord. No. 99-37]
60. **Medical or dental office or clinic** means an establishment where patients, who are not lodged overnight are admitted for examination or treatment by one (1) person or group of persons practicing any form of healing or health-building services to individuals, whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida. A medical office or dental clinic use shall comply with the following supplementary standards.
- a. **CN district.** In the CN district, a medical office or dental clinic use shall not exceed one thousand five hundred (1,500) square feet of gross floor area per use, and shall not exceed eight thousand (8,000) square feet of gross floor area per lot, unless approved as a Class A Conditional Use.
 - b. **SA, AP, AGR CCSO district.** In the SA, AP and AGR districts, a medical office or dental clinic use shall be limited to public health or government owned clinics servicing the rural community. [Ord. No. 98-11]
61. **Migrant farm labor quarters** means one (1) or more residential buildings occupied or intended for seasonal occupancy by transient farm workers who are employed by the owner of the farm. A migrant farm labor quarters and camp use shall be subject to the following supplementary use standards
- a. **SA district.** In the SA district, no migrant farm labor quarter and camp use shall be permitted within an RR10 land use designation in the Future Land Use Element of the Comprehensive Plan.
 - b. **Buffering and screening.** There shall be a twenty-five (25) foot buffer surrounding migrant farm labor quarters in all zoning districts. Buffer strips shall be landscaped pursuant to Sec. 7.3.E to ensure compatibility with surrounding land uses.
62. **Mobile home dwelling** means the use of a lot or a unit for one (1) mobile home. A mobile home dwelling use shall be subject to the following supplementary use standards.
- a. **Accessory dwelling to agriculture.** One (1) mobile home dwelling shall be permitted as an accessory use to a principal bona fide agricultural use.

- (1) **Minimum lot size.**
 - (a) five (5) acres in the AR-Urban and AGR and CCSO districts. If the site is a maximum five (5) acres, no other dwelling unit shall be permitted on the property.
 - (b) ten (10) acres in the LR1, RR10, and AP land use designations in the Future Land Use Element of the Comprehensive Plan; If the site is a maximum ten (10) acres, no other dwelling unit shall be permitted on the property.
 - (c) twenty (20) acres in the RR20 land use designation in the Future Land Use Element of the Comprehensive Plan. [Ord. No. 00-015]
 - (2) **Permits.** Permits and inspections for trailer tie-down and, electric, water supply and sewage disposal facilities are approved by all governmental agencies having appropriate jurisdiction.
 - (3) **R-O-W setback.** The mobile home shall be set back a minimum of two hundred (200) feet from the public road rights-of-way.
 - (4) **Property setback.** The mobile home shall be set back a minimum of one hundred (100) feet from other property lines other than public road rights-of-way.
 - (5) **Additions.** No additions shall be permitted to the mobile home, except awnings demountable screen panels, stairs, decks and trellises.
 - (6) **Number.** Where more than one (1) mobile home is authorized for a parcel of land, the mobile homes shall be separated by a minimum distance of twenty (20) feet.
 - (7) **Separation.** The mobile home shall be separated from an existing single-family dwelling unit by a minimum of two hundred (200) feet.
 - (8) **Unity of title.** A unity of title document shall be executed and recorded.
 - (9) **Removal agreement.** A notarized removal agreement shall be executed.
 - (10) **Renewal of Special Permit.** The special permit shall be renewed annually in accordance with Sec. 5.5.E.9 [Ord. No. 01-01]
- b. Temporary dwelling during home construction.** In the AR-Rural and CRS districts, placement of a mobile home dwelling shall be permitted on a temporary basis subject to the following standards.
- (1) **Agency approval.** Sanitary sewage facilities shall be approved by all governmental agencies having appropriate jurisdiction, permits, and inspections for the installation must be obtained from the PZB Department.
 - (2) **Building permit.** A valid building permit for a single-family dwelling unit on the land shall have been approved by the Building Director.
 - (3) **Special permit.** A special permit valid for two (2) years shall be obtained. In no case shall the total time exceed the permitted maximum of two (2) years.
 - (4) **Removal agreement.** Execution of a notarized Mobile Home Removal Agreement, which establishes that the mobile home shall be removed within thirty (30) days after certificate of occupancy or at the end of the maximum two (2) year timeframe. Additionally, the building permit shall be stamped with the requirement to remove the mobile home within thirty (30) days after c/o is issued.
 - (5) **Additions.** No additions shall be permitted to the mobile home, except awnings and demountable screen panels, stairs, decks and trellises.
 - (6) **Proof of ownership.** A current recorded warranty deed for the subject property shall be submitted.
- c. Storage.** A mobile home dwelling shall not be used for storage in any district.
[Ord. No. 97-64] [Ord. No. 99-37]

63. Reserved for future use.

- 64. Motion picture production studio** means the use of a lot or building for the production of films or videotapes for exhibition or sale. A motion picture production studio use shall comply with the following supplementary use standards.
- a. CHO and CG districts.** Motion picture production studios shall be located as least three hundred and fifty (350) feet from a residential district. Accessory offices shall meet the setbacks of the district
 - b. Temporary film permit.** A temporary film permit to allow locational shooting for a period of less than three (3) weeks may be permitted with an approved special permit from the Zoning Division. This permit may be issued in all districts subject to the following requirements:
 - (1) Coordination.** The Director of the Film Liaison Office shall coordinate with the Zoning Director to schedule the proposed film shooting.
 - (2) Conditions.** Reasonable conditions of approval shall be recommended which are designed to mitigate any anticipated impacts on neighboring properties.
 - (3) Renewal.** One (1) additional renewal may be granted for an additional three (3) weeks, for a maximum duration of six (6) weeks.
 - c. Extended film permit.** An extended film permit shall be issued for a period greater than three (3) weeks but not to exceed six (6) months plus three (3) additional renewals thereof, each of which may not exceed six (6) months. The duration of the permit with extensions shall not exceed twenty-four (24) months.
 - (1) Permit.** A permit may be renewed upon the following circumstances:
 - (a) Request.** The applicant has submitted to the Zoning Director a written request for renewal of the Permit and the Zoning Director approves the renewal;
 - (b) Conditions.** The applicant has abided by all conditions of approval;
 - (c) Impacts.** No significant or on going negative impacts on neighboring properties have been identified; and
 - (2) Renewal.** In addition to the above requirements, any renewal that extends beyond one (1) year shall also abide by the following:
 - (a) Amendment.** The property owner shall apply for a Site Specific (Future Land Use Map) amendment to the Comprehensive Plan or an amendment to the Official Zoning Map to allow the film making use on a permanent basis, and shall pursue such application in good faith.
 - (b) Denial.** The rezoning request or Comprehensive Plan Amendment has not been denied.
 - d. Film liaison office.** The Director of the Film Liaison Office shall coordinate with the Zoning Director to schedule the proposed film permit.
 - e. Public notification.** Courtesy notices are mailed by the applicant to all property owners within a three hundred (300) to five hundred (500) feet radius of the property to be used as a film location for the extended film permits or for a permanent production studio.
 - f. Site plan review and approval.** The proposed location and site plan shall be subject to review by the Development Review Committee. Reasonable conditions of approval shall be recommended which are designed to mitigate any anticipated impacts on neighboring properties. Conditions may include but are not limited to duration, restrictions of hours of operation, setback requirements, obtaining approvals from other appropriate agencies, and safety related requirements. The conditions shall be incorporated into the permit approval.

- g. **Posting of permit.** A copy of the permit shall be posted on the site by the property owner. Copies of the permit shall be kept by the Zoning Director and the Code Enforcement Director for record keeping purposes. Any violation of these conditions may result in revocation of the permit or code enforcement action.
- h. **CRE district.** In the CRE district a permanent motion picture and T.V. production studio shall be permitted subject to a conditional use type A.
- i. **IL and IG districts.** In the IL, and IG districts a permanent motion picture and T.V. production studio shall be permitted.
65. **Multi-family** means the use of a structure designed for two (2) or more dwelling units which are attached, or the use of a lot for two or more dwelling units excluding mobile homes. Typical uses include apartments and residential condominiums. A multi-family use shall be subject to the following supplementary use standards.
- a. **Accessory uses.** Accessory commercial uses contained within a multi-family structure for the multi family zoning district, shall be permitted subject to the DRC, provided that the use is limited to a total floor area not to exceed ten (10) percent of the gross residential floor area contained therein, exclusive of vehicular parking and service areas, and limited to such uses as restaurants, delicatessens, and such personal services as beauty shops, barber shops, drug stores and professional offices. This provision is for twenty (20) units or more and utilizing twenty (20) square feet per unit with a maximum of two thousand (2000) square feet per each project or development as indicated on the site or subdivision plan. The accessory use must meet parking requirements subject to Sec. 7.2.
- b. **Developments of ten (10) units or more.** Multi-family development consisting of ten (10) or more units shall be subject to the multi-family recyclable material storage area standards of Sec. 6.6. (Supplementary Regulations). [Ord. No. 99-37]
66. **Nursery, retail** means the cultivation of horticultural specialties such as flowers, shrubs, sod, and trees, intended for ornamental or landscaping purposes for retail sale. A retail nursery shall comply with the following supplementary use standards:
- a. **Location.** A retail nursery shall be located on a street of collector or higher classification street.
- b. **Minimum lot size.** In a residential zoning district, the minimum lot size shall be one (1) acre.
- c. **Sod.** Retail sale of sod shall be limited to retail nurseries in commercial or industrial zoning districts only.
- d. **Hours of operation.** Operation of commercial vehicles over one (1) ton rated capacity or gross vehicle weight of ten thousand (10,000) pounds, including load from 5:00 p.m. to 8:00 a.m. is prohibited.
- e. **Setbacks.** Setbacks shall be as follows:
- (1) All structures, and outdoor storage areas shall be setback a minimum of fifty (50) feet except for shadehouses which shall comply with Sec. 6.4.D.87.1.b., Shadehouse.
- (2) Container plants shall be setback a minimum of fifteen (15) feet.
- f. **Loading.** All loading and unloading of trucks shall be restricted to the site.

- g. Office.** An office may be permitted as an accessory use provided it is not a mobile home.
- h. Compatibility.** The use shall assure that there is no incompatibility with surrounding land uses. When an incompatibility exists, the petitioner shall satisfactorily mitigate the incompatibility prior to receiving conditional or DRC approval. The Board of County Commissioners and Zoning Commission may impose conditions to the approval to address compatibility. The DRC may impose conditions of approval pursuant to Sec. 5.6.D.5.
- i. Spraying.** No aerial application of any pesticides, fungicides, fertilizers or any other chemical shall be allowed. [Ord. No. 99-37]
- j. Buffering.** A buffer shall be provided along all property lines that are not screened by plant material.
- (1) Incompatibility Buffer.** A Type 3 incompatibility buffer as defined in Sec. 7.3.F.4 shall be required adjacent to all retail, office, parking, loading and other non-growing areas within fifty (50) feet of a property line. The buffer requirements may be satisfied by plant material for sale provided that the plant material is grown in the ground, ten (10) feet on center, six (6) feet high and the growing area is at least twenty (20) feet wide. The width of the Type 3 incompatibility buffer may be reduced to ten (10) feet if the buffer contains permanent landscaping only and not for-sale plant inventory.
 - (2) Compatibility Buffer.** A compatibility buffer as defined in Sec. 7.3.F.3 shall be provided around all growing areas less than fifty (50) feet in width. The buffer requirements may be satisfied by plant material for sale provided that the plant material is grown in the ground, ten (10) feet on center, six (6) feet high and the growing area is a minimum of five (5) feet wide.
 - (3) Right-of-Way-Buffer.** A right-of-way buffer as defined in Sec. 7.3.F. shall be required adjacent to all office, parking, loading, internal roads and other non-growing areas within fifty (50) feet of a right-of-way. A right-of-way buffer as defined in Sec. 7.3.F. shall be required adjacent to all growing areas unless the growing area is at least fifty (50) feet in width, and contains plant materials providing a six (6) foot high visual buffer equivalent in opacity to a right-of-way buffer as defined in Sec. 7.3.F. Existing native vegetation within the right-of-way buffer shall be preserved.
 - (4) Barbed Wire.** The use of barbed wire shall be prohibited.
- k. Outdoor bulk storage.** Outdoor bulk storage of mulch, rock, soil or similar material shall comply with the outdoor storage standards contained in Sec. 6.6.A.3. Outdoor bulk storage in residential zoning districts shall be setback a minimum of fifty (50) feet or the district setback, whichever is greater.
- l. DRC.** Relocation of structures on the DRC certified site plan or ZC or BCC reviewed site plan due to SFWMD or ERM requirements may exceed the threshold limitations contained in Sec. 5.6.D.10.a. [Ord. No. 01-62]
- 66.1 Nursery, wholesale** means the cultivation of horticultural specialties such as flowers, shrubs, sod, and trees, intended for ornamental or landscaping purposes for wholesale sale. A wholesale nursery shall comply with the following supplementary use standards:
- a. Limitations of sales.** Sales from a wholesale nursery are limited to exporters, distributors, landscape contractors, retailers, or other businesses.
 - b. Approval Process.** The approval process shall be as follows:
 - (1) Residential Zoning Districts in the Urban/Suburban Tier.**

- (a) **Special Permit.** Five (5) acres or less.
 - (b) **DRC.** More than five (5) but less than twenty (20) acres.
 - (c) **Class B Conditional Use or Requested Use.** Twenty (20) or more acres.
 - (2) **AR-Rural/Exurban (AR-R/EX) and CRS districts.**
 - (a) **Permitted.** Ten (10) acres or less.
 - (b) **Special Permit.** More than ten (10) but less than forty (40) acres.
 - (c) **DRC.** Forty (40) or more acres.
 - (3) **All Other Zoning Districts.** Permitted.
- c. **Hours of operation.** Operation of commercial vehicles over one (1) ton rated capacity or gross vehicle weight of ten thousand (10,000) pounds, including load, from 7:00 p.m. to 6:00 a.m. is prohibited.
- d. **Parking and loading.** All parking and loading shall occur on site.
- e. **AR district.** In the AR district, wholesale nursery may be operated in conjunction with a residence.
- f. **Buffering.** A buffer shall be provided along all property lines that are not screened by plant material.
- (1) **Incompatibility Buffer.** A Type 3 incompatibility buffer as defined in Sec. 7.3.F.4 shall be required adjacent to all office, parking, loading, internal roads and other non-growing areas within fifty (50) feet of a property line. The buffer requirements may be satisfied by plant material for sale provided that the plant material is grown in the ground, ten (10) feet on center, six (6) feet high and the growing area is at least twenty (20) feet wide. The width of the Type 3 incompatibility buffer may be reduced to ten (10) feet if the buffer contains permanent landscaping only and not for-sale plant inventory.
 - (2) **Compatibility Buffer.** A perimeter compatibility buffer as defined in Sec. 7.3.F.3 shall be provided around all growing areas less than fifty (50) feet in width. The buffer requirements may be satisfied by plant material for sale provided that the plant material is grown in the ground, ten (10) feet on center, six (6) feet high and the growing area is a minimum of five (5) feet wide.
 - (3) **Right-of-Way-Buffer.** A right-of-way buffer as defined in Sec. 7.3.F. shall be required adjacent to all office, parking, loading, internal roads and other non-growing areas within fifty (50) feet of a right-of-way. A right-of-way buffer as defined in Sec 7.3.F. shall be required adjacent to all growing areas unless the growing area is at least fifty (50) feet in width, and contains plant materials providing a six (6) foot high visual buffer equivalent in opacity to a right-of-way buffer as defined in Sec. 7.3.F. Existing native vegetation within the right-of-way buffer shall be preserved.
 - (4) **Barbed Wire.** The use of barbed wire shall be prohibited.
- g. **Office.** An office may be permitted as an accessory use, provided it is not a mobile home. (Relocated form 6.4.D.66.g).
- h. **Urban/Suburban Tier.** In addition to the above standards, a wholesale nursery in the Urban/Suburban Tier shall comply with the following standards.
- (1) **Minimum lot size.** The minimum lot size shall be one (1) acre.
 - (2) **Setbacks.** Setbacks shall be as follows:
 - (a) All structures, greenhouses and outdoor storage areas shall be setback a minimum of fifty (50) feet except for shadehouses which shall comply with Sec. 6.4.D.87.1.b., Shadehouse.
 - (b) Container plants shall be setback a minimum of fifteen (15) feet.
 - (3) **Compatibility.** The use shall assure that there is no incompatibility with surrounding land uses. When an incompatibility exists, the petitioner shall satisfactorily mitigate the incompatibility prior to receiving conditional or DRC approval. The BCC and ZC may impose conditions to the

approval to address compatibility. The DRC may impose conditions of approval pursuant to Sec. 5.6.D.5. The Zoning Director may impose conditions of approval pursuant to Sec. 4.20.

- (4) **Spraying.** No aerial application of any pesticides, fungicides, fertilizers or any other chemical shall be allowed.
- i. **Outdoor bulk storage.** Outdoor bulk storage of mulch, rock, soil or similar material shall comply with the outdoor storage standards contained in Sec. 6.6.A.3. Outdoor bulk storage in residential zoning districts shall be setback a minimum of fifty (50) feet or the district setback, whichever is greater.
- j. **Agricultural Reserve Tier.** In the Agricultural Reserve Tier, a retail nursery may be permitted as an accessory use to a wholesale nursery.
[Ord. No. 98-11] [Ord. No. 99-37] [Ord. No. 01-62]

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67. **Nursing or convalescent facility** means an establishment where, for compensation pursuant to a previous arrangement, care is offered or provided for three (3) or more persons suffering from illness, other than a contagious disease, or sociopathic or psychopathic behavior, which is not of sufficient severity to require hospital attention, or for three (3) or more persons requiring further institutional care after being discharged from a hospital, other than a mental hospital. Patients usually require domiciliary care in addition to nursing care. A nursing or convalescent facility use shall be subject to the following supplementary use standards.
- a. **Location and access.** If ambulance service is required, a nursing or convalescent facility use shall have access from a collector road designed to minimize the adverse effects on adjacent property. The environment created for a nursing or convalescent facility use should be of a pronounced residential nature and should be designed to minimize any adverse conditions that might detract from the primary convalescent purpose of the facility.
 - b. **Minimum lot area.** The minimum lot area shall be ten thousand (10,000) square feet in area or the minimum requirement of the district, whichever is greater.
 - c. **Frontage.** The minimum frontage for the lot on which the nursing or convalescent facility is located shall be one hundred (100) feet, or the minimum requirement of the district, whichever is greater.
 - d. **Density.** Except in the Rural Services (RSER) district and any land designated RR10 in the Future Land Use Element of the Comprehensive Plan, the number of patient rooms shall not exceed one (1) for each one thousand (1,000) square feet of lot area. In the Rural Services (RSER) district and any land designated RR10 in the Future Land Use Element of the Comprehensive Plan, patient density shall not exceed one quarter (.25) patient room for each one thousand (1,000) square feet of lot area.
[Ord. No. 01-100]
 - e. **Minimum leisure floor area.** At least ten (10) square feet of total floor area per patient shall be devoted to a common area exclusive of halls, corridors, stairs and elevator shafts, wherein a variety of recreational or therapeutic activities shall occur. [Ord. No. 99-37]
68. **Office, business or professional** means an establishment providing executive, management, administrative or professional services, but not involving medical or dental services or the sale of merchandise, except as incidental to a permitted use. Typical uses include property and financial management firms, employment agencies, travel agencies, advertising agencies, secretarial and telephone services, contract post offices; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; and business offices of private companies, utility companies, public agencies, and trade associations. A business or professional office use shall be subject to the following supplementary use standards.
- a. **CN and CCSO districts.** An office building shall not exceed eight thousand (8,000) square feet of gross floor area per lot. A contract post office or an office for utility bill collection shall be permitted by right if it occupies less than two thousand (2,000) square feet of gross floor area.
 - b. **CLO district.** In the CLO district, a business or professional office building shall not exceed eight thousand (8,000) square feet of gross floor area per lot.
 - c. **CC district.** In the CC district, a business or professional office building shall not exceed fifteen thousand (15,000) square feet of gross floor area per lot.

- d. **IL and IG districts.** In the IL and IG districts, only offices accessory to another permitted use and real estate or property management offices for industrial parks shall be permitted.
- e. **Accessory uses.** Except in the CN and CCSO districts, an office may have a convenience store not exceeding five hundred (500) square feet or twenty-five (25) percent of the gross floor area, exclusive of parking, whichever is less. All such uses shall be completely internal to the office and shall not have a separate entrance nor any exterior signage.
- f. **AP district.** Within the LOST-O, an office shall be permitted as a special use after compliance with the special use standards. An office shall be allowed for the sole purpose of arranging nature or heritage based activities such as bicycle tours and bus tours to natural, agricultural, or historic points of interest of the area. An office shall be limited to a maximum of one thousand five hundred (1,500) square feet of total floor area. [Ord. No. 01-29]
[Ord. No. 98-11] [Ord. No. 99-37]
- 68.1 **Packing plant** means a facility, accessory to bona fide agriculture, used for the packing of produce. A packing plant shall be subject to the following supplementary use standards.
- a. **Urban Service Area.** A packing plant in the urban service area shall comply with the following supplementary use standards.
- (1) **Location.** A packing plant shall be located on a collector or higher classification street.
 - (2) **Minimum lot size.** The minimum lot size for a packing plant shall be ten (10) acres.
 - (3) **Setbacks.** The minimum setback shall be one hundred (100) feet from any property line.
 - (4) **Noise.** There shall be no outdoor loud speaker system.
 - (5) **Loading and unloading.** All loading and unloading must be confined to the property and shall not encroach upon the setbacks.
 - (6) **Storage.** Only equipment directly related to products packed at this plant shall be stored on the property and the equipment shall be screened from adjacent property.
 - (7) **Compatibility.** The use shall assure that there is no incompatibility with surrounding land uses. In the event that an incompatibility exists, the petitioner shall satisfactorily mitigate the incompatibility prior to receiving conditional or DRC approval. The BCC may impose conditions to the approval including but not limited to: controlling objectionable odors; fencing; sound limitations; inspections; reporting or monitoring; preservation areas; mitigation; and/or limits of operation.
 - (8) **Preservation.** The use shall conform with all preservation, and vegetation removal requirements of the Palm Beach County ULDC for the underlying permitted use, and shall conform with the provisions of Secs. 9.4 (Wetlands Protection) and 9.5 (Vegetation Preservation and Protection). A minimum setback (buffer) of one hundred (100) feet shall surround all designated wetland areas.
 - (9) **Spraying.** No aerial application of any pesticides, fungicides, fertilizers or any other chemical shall be allowed. In the event that overspraying of pesticides, fungicides, fertilizers, herbicides or any other chemical is experienced, the petitioner shall provide an increased buffer to insure that no further overspraying will occur, or will cease to operate.
 - (10) **Notification.** Notification of the existence of the agricultural operation shall be submitted to the South Florida Water Management District. [Ord. No. 97-64]
- b. **AGR district.**
- (1) **Accessory use.** A packing plant may be permitted as an accessory use to a bona fide agricultural operation provided the use does not exceed twenty-five thousand (25,000) square feet.
 - (2) **Buffer.** An incompatibility buffer as required by Sec. 7.3 (Landscape & Buffering) may be omitted if the use is adjacent to a farm workers quarters or mobile home accessory to agriculture. [Ord. No. 98-11] [Ord. No. 99-37]

69. **Park, passive** means a public or private outdoor recreational use relying on a natural or man-made resource base and developed with a low intensity of impact on the land. Typical uses include trail systems, wildlife management and demonstration areas for historical, cultural, scientific, educational or other purposes that relates to the natural qualities of the area, and support facilities for such activities. A passive park use shall be subject to the following supplementary use standards.
- a. **PC district.** In the PC district, a passive park use shall be limited to nature and foot trails; canoe trails; wildlife management performed by official game, fish and wildlife commissions; public hunting and fishing camps; the use of boats, airboats and wheeled and tracked vehicles under policies and regulations prescribed by the appropriate government agencies; hunting and fishing camps on private property under policies prescribed by official game, fish and wildlife commissions; exploration, observation and archeological studies supervised by recognized authorities or persons granted permission to proceed by the State of Florida; publicly operated passive parks and recreation areas; and residences for preservation management officers.
 - b. **Accessory use.** Accessory water craft rental and use in a passive park shall be regulated by the Department of Parks and Recreation.
[Ord. No. 97-14] [Ord. No. 99-37]
70. **Park, public** means a publicly-owned or operated park or beach providing opportunities for active or passive recreational activities to the general public. A public park use shall be subject to the following supplementary use standards.
- a. **CRS district.** In the CRS district, a public park use shall not include golf courses and there shall be no outdoor lighting for nighttime activities. [Ord. No. 97-14]
 - b. **Infill neighborhood parks.** Infill neighborhood parks shall be permitted uses in all residential zoning districts and planned development districts and shall be subject to the requirements of Sec. 17.G., Infill neighborhood park. [Ord. No. 01- 29]
71. **Parking garage or lot, commercial** means a building or other structure that provides temporary parking or storage for motor vehicles, where some or all of the parking spaces are not accessory to another principal use. A commercial parking garage or lot use shall be subject to the following supplementary use standards.
- a. **CRE district.** In the CRE district, commercial parking use shall not be located in an RR10 land use designation of the Comprehensive Plan.
 - b. **Principal use.** A commercial parking garage or lot use shall be the principal use. Parking spaces may be rented for parking. No other business of any kind shall be conducted on the lot, including repair, service, washing, display or storage of vehicles or other goods.
 - c. **Proximity to residential district.** A commercial parking garage or lot shall not be contiguous to lands in the residential districts.
 - d. **Dead storage of vehicles.** Dead storage of vehicles shall be permitted in the IL district if screened from view with a six (6) foot high fence or hedge. [Ord. No. 99-37]

- 71.1 **Pawnshop** means the location at which a pawnbroker, as defined in 539.001(2)(i), Fla. Stat., as amended, does business. Consignment activities are excluded from this definition. A pawnshop shall comply with the following supplementary use standards.
- a. **Separation.** A pawnshop use shall be located a minimum of (2,000) feet from another pawnshop. The distance shall be measured by drawing a straight line between the nearest point on the perimeter of the exterior wall or bay of the proposed or existing pawnshop and the nearest point on the exterior wall or bay of the closest pawnshop. Measurement shall be made in a straight line, without regard to intervening structures or objects.
 - b. **Setback.** Pawnshops shall be setback a minimum of one-hundred and fifty (150) feet from any property line abutting any area designed as residential by any Local Comprehensive Plan or any conforming residential use.
 - c. **Operating hours.** A pawnshop shall not be open to the public prior to 7:00 a.m. or later than 10 p.m. [Ord. No. 01-01]
72. **Personal services** mean an establishment engaged in the provision of frequently or recurrently needed services of a personal nature, or the provision of informational, instructional, personal improvement or similar services, which may involve the limited accessory sale of retail products. Typical uses include art and music schools, beauty and barber shops, driving schools, licensed therapeutic massage studios, photography studios and tanning salons. A personal services use shall be subject to the following supplementary use standards.
- a. **CN district.** In the CN district, a personal services use shall not exceed one thousand five hundred (1,500) square feet of gross floor area.
 - b. **CLO district.** In the CLO district, personal service uses shall not occupy more than one thousand five hundred (1,500) square feet of gross floor area for each lot.
73. **Potting soil manufacturing** means an establishment engaged in producing potting soil, including the use of incineration. A potting soil manufacturing facility is usually a combination of other types of facilities listed in this section. If a potting soil facility includes chipping, mulching, grinding, or air curtain incinerator, adherence to the supplementary use standards applicable to such uses shall also be required. A potting soil manufacturing use shall comply with the following supplementary use standards.
- a. **Setback from residential districts and uses.** A potting soil manufacturing use shall be setback a minimum of five hundred (500) feet from any property line abutting a residential district or use.
 - b. **Health and environmental regulations.** A potting soil facility shall be subject to all applicable regulations of the FDEP (including Chapter 17-701, F.A.C), the PBCHD, the Solid Waste Authority, and the Fire Marshall. [Ord. No. 99-37]
 - c. **Access.** An access road for collection vehicles shall be provided to the entrance of the facility. Acceptable access does not include local streets. Access shall be restricted to specific entrances with gates that can be locked and that carry official notice that only authorized persons are allowed on the site.

- d. **Storage.** On-site storage of unprocessed material shall be limited to forty-five (45) days and pile height of storage material shall be limited to fifteen (15) feet. Outdoor material storage piles shall be set back a minimum of twenty-five (25) feet from any property line or fifty (50) feet from any property line abutting a residential district or use. Storage areas shall be effectively screened from view, pursuant to Sec. 6.6 (Supplementary Regulations).
- e. **Buffering.** An incompatibility buffer as required by Sec. 7.3 (Landscape and Buffering) shall be provided if the facility is adjacent to an existing residential zoning district or use.
- f. **Supplemental application requirements.** The applicant shall provide the following information.
- (1) **Site plan.** A site plan illustrating how the operation functions including circulation routes and their locations, square footage, height and location of buildings, chipper and storage piles; and
 - (2) **Hours of operation.** A statement specifying the hours of operation (hours of operation are limited to 8:00 a.m. to 5:00 p.m. Monday through Friday if adjacent to residential zoned property);
 - (3) **Waste.** An explanation of the quantity of waste to be received expressed in cubic yards per day or tons per day; and
 - (4) **Letter of approval.** The applicant shall provide a notarized letter of approval shall be provided from the property owner verifying consent to use the property for potting soil manufacturing.
 - (5) **Dust control.** A plan to address dust control in traffic, storage and processing areas. Dust control measures may include: additional setbacks, full or partial enclosure of chipper or grinder and watering or enclosing mulch piles.

73.1 **Printing and copying services** means an establishment engaged in retail photocopy, reproduction, or blueprinting services. [Ord. No. 99-37]

73.2 **Real estate sales model, non-planned development** means a single family residential unit used for real estate marketing, real estate sales, builder's office, and other services directly associated with the

sale of a residential unit and limited to the areas referenced in c. below. In a real estate sales model, sales shall be limited to new units built by the company operating the sales model. A real estate sales office shall be subject to the following supplementary use standards.

- a. **Approval.** The special permit or completion agreement obtained from the Zoning Division shall be valid for five (5) years.
- (1) All models constructed before January 1, 1998 shall be required to obtain a completion agreement from the Zoning Division.
 - (2) All models constructed after January 1, 1998 shall be required to obtain a special permit and a completion agreement from the Zoning Division.
- b. **Location.** A real estate sales model shall be located on a paved street or other instrument establishing legal ingress and egress that is designated as a local paved street.
- c. **Number.** A builder may construct and operate a maximum of two (2) manned and two (2) unmanned Real Estate Sales models within a platted residential subdivision, or in one of the following residential areas:
- (1) Jupiter Farms;
 - (2) The Acreage;
 - (3) Loxahatchee Groves;

- (4) North Palm Beach Heights; and
 - (5) Palm Beach Country Estates.
- d. **Office.** A builder's office may be permitted provided such use is limited to the garage area of the Real Estate Sales model. Unmanned models shall not have employee office space.
- e. **Structural or exterior modifications.** Non-residential interior modifications shall not be permitted. The following improvements may be permitted only within the garage of the sales model:
- (1) room divider partitions;
 - (2) electrical improvements; and
 - (3) a temporary facade in lieu of a garage door.
- f. **Permitted signs.** The following signs shall be permitted.
- (1) **Temporary.** One temporary freestanding sign measuring not more than eight (8) feet in height and thirty-two (32) square feet per side, or one (1) temporary monument sign measuring not more than six (6) feet in height and eighteen (18) square feet per side.
 - (2) **Directional.** A maximum of two (2) directional signs measuring not more than four (4) feet in height and two (2) square feet in face area per side.
 - (3) **Flags.** A maximum of three (3) roadside flags shall be permitted per lot between the hours of 9:00 a.m. and 6:00 p.m.
- g. **Prohibited signs.** Banners, sign lighting, snipe signs, or other means of drawing attention to the model shall be prohibited.
- h. **Parking.** Driveways may be paved. The driveway and required handicap spaces shall be the only paved parking areas. The unmanned models shall not have additional parking.
- i. **Outdoor storage.** Outdoor storage of construction materials, supplies, or equipment shall not be permitted.
- j. **Completion agreement.** All sales models including those in existence prior to January 1, 1998 shall execute a completion agreement in a manner and form acceptable to the County Attorney. The completion agreement shall include any modification(s) necessary to convert the model to a residential use.
- (1) **Existing models.** All sales models existing on January 1, 1998 shall file a completion agreement with the County by July 1, 1998. This agreement shall specifically identify all improvements, which are not consistent with the provisions of this section, such as but not limited to additional parking or location on unpaved roads. At the time of executing the completion agreement, all signage shall comply with the requirements of this section.
- k. **Electrical service.** Electrical service shall be provided upon recordation of a completion agreement in the public records of Palm Beach County. [Ord. No. 97-64] [Ord. No. 99-37]
- 73.3 **Recycling center** means a permanent facility designed and used for collecting, purchasing, storing and redistributing resorted recyclable materials that are not intended for disposal. A recycling center shall be used for limited processing of recyclable materials such as can and glass crushing and sorting. [Ord. No. 99-37]

74. **Recycling collection station** means a totally enclosed structure or mobile container, containing more than four (4) cubic yards, within which pre-sorted, recyclable and recovered materials are collected for the redistribution or sale for the purposes of reuse. A recycling collection station use shall comply with the following supplementary use standards.
- a. **Screening.** Storage areas shall not be visible from residential uses or residential districts. In addition, mobile containers shall not be visible from public streets.
 - b. **Size.** A recycling collection station shall not exceed five hundred (500) square feet of gross floor area.
 - c. **Manning.** A recycling collection station containing forty (40) cubic yards or more shall be monitored by a person.
 - d. **Location.** A recycling collection station shall be located in or adjacent to an off-street parking area and shall not be located within a required parking space(s).
 - e. **Containers.** Recyclable materials shall be contained within a leak-proof bin or trailer. There shall be no outdoor storage of materials.
 - f. **Processing.** Only limited sorting, separation or other processing of deposited materials shall be allowed on the site. The unit shall employ no mechanical sorting or processing equipment.
 - g. **Type of materials.** There shall be no collection or storage of hazardous or non-biodegradable wastes on the site. There shall be no chipping, mulching or receiving of construction debris.
 - h. **Signage.** The name and phone number of a responsible party shall be clearly posted on the collection station. The name of the organization that is collecting the recyclable materials, if different than the responsible party, shall also be posted on the collection station.
 - i. **Maintenance.** The container and adjacent area shall be maintained in good appearance and free from litter, debris, and residue on a daily basis. Failure to maintain a good appearance shall result in the revocation of the special permit by the Zoning Director.
 - j. **Number.** Only one (1) mobile container per development, including out parcels, shall be permitted. [Ord. No. 97-64]
 - k. **Hours of operation.** Collection activities shall be limited to 7:00 a.m. to 8:00 p.m.
 - l. **Renewal of Special Permit.** The special permit shall be renewed annually in accordance with Sec. 5.5.E.9. [Ord. No. 01-01]
75. **Recycling drop-off bin** means a totally enclosed mobile structure, containing no more than four (4) cubic yards, within which pre-sorted, non-biodegradable recovered materials are collected for redistribution or sale for the purpose of reuse. A recycling drop-off bin use shall be subject to the following supplementary use standards.

- a. **Mobility.** The mobility of the drop-off bin shall be retained.
 - b. **Location and size.** The drop-off bin shall be located in or adjacent to an off-street parking area, and shall not be located within a required parking space(s).
 - c. **Maintenance.** The bin and adjacent area shall be maintained in good appearance and free from litter, debris, and residue on a daily basis. Failure to maintain a good appearance shall result in the revocation of the special use permit by the Zoning Director.
 - d. **Processing.** Only limited sorting, separation or other processing of deposited materials shall be allowed on the site. The unit shall employ no mechanical sorting or processing equipment.
 - e. **Type of materials.** Collection and storage of deposited materials shall be limited to pre-sorted, recyclable glass, plastic, aluminum and steel containers, paper, newsprint and cardboard.
 - f. **Signage.** The name and phone number of a responsible party shall be clearly posted on the drop-off bin. The name of the organization that is collecting the recyclable materials, if different than the owner, shall also be posted on the drop-off bin.
 - g. **Number.** Only one (1) bin per material type per development, including out parcels, shall be permitted.
 - h. **Locks.** To prevent accidental entrapment, no padlock or other locking device shall be permitted.
[Ord. No. 97-64] [Ord. No. 99-37] [Ord. No. 01-01]
76. **Recycling plant** means a permanent facility designed and used for receiving, separating, storing, converting, baling or processing of non-hazardous recyclable materials that are not intended for disposal. The use may include construction debris recycling or other intensive recycling processes such as chipping and mulching. A recycling plant use shall comply with the following supplementary use standards:
- a. **Compatibility, screening, buffering.** To ensure use compatibility with surrounding uses, adequate setbacks, and screening and buffering around the perimeter of the proposed recycling plant shall be required at the time the facility is constructed. The standards shall be waived if any of the required landscape buffer is not visible from adjacent lots or R-O-Ws. Required minimum lot size, setbacks, screening and buffering shall include, but not be limited to the following.
 - (1) **Minimum lot size.** The minimum lot size for recycling plants in industrial districts shall be five (5) acres. The minimum lot size for such facilities in other districts shall be ten (10) acres, provided that underlying district lot sizes shall apply to recycling plants that operate completely in enclosed buildings that are located in the CC, CG, IG, and IL districts.
 - (2) **Setbacks.** Except for a freestanding office, no part of a recycling plant and its accessory ramps, on site circulation system or storage areas, shall be located within fifty (50) feet of any property line. However, if the facility is in an industrial district and is contiguous to land in an industrial district or designated for an industrial use on the Future Land Use Atlas in the Comprehensive Plan, the setback shall be twenty-five (25) feet of that contiguous property line. No part of a recycling plant, its accessory ramps, on site circulation system or storage areas shall be sited within one hundred fifty (150) feet of a school, park, church, library or residential lot. In no case shall the setback be less than the requirement of the district. No additional setback beyond district setbacks shall apply to recycling plants that operate completely in enclosed buildings and are located in the CC, CG, IG, and IL districts.

- (3) **Screening and fencing.** All storage areas shall be effectively screened from view by on-site walls, fences or buildings. Such screening shall be designed and installed to ensure that no part of a storage area can be seen from R-O-Ws or adjacent lots. In no case shall the height of recyclable or recovered materials, or non-recyclable residue stored in outdoor areas exceed twenty (20) feet or the height of the principal building on the lot, whichever is greater. For an outdoor recycling plant contiguous to property in a residential district, an opaque fence/wall a minimum of eight (8) feet in height shall be placed along the inside border of the required landscape buffer. The purpose of the fence/wall inside the buffer is to supplement and protect the buffer from the intensive activity of the recycling facility.
 - (4) **Buffers.** When the property line is contiguous to a residential district, the incompatibility buffer shall be fifty (50) feet in width.
- b. **Access.** An access road that can be negotiated by loaded collection vehicles shall be provided to the entrance of the recycling plant. Access shall not be provided on a residential street. Access shall be restricted to specific entrances with gates which can be locked at all times and which carry official notice that only authorized persons are allowed on the site.
 - c. **Drainage.** Untreated surface water runoff shall not be permitted to discharge directly into lakes, streams, drainage canals or navigable waterways other than into or through approved on-site containment areas.
 - d. **Storage areas.** All outdoor storage of recyclable materials shall be in leak-proof containers or located on a paved area that is designed to capture all potential run-off associated with the stored material. Run-off shall be handled in a manner that is in conformance with local, state and Federal regulations.
 - e. **Chipping and mulching.** If a recycling plant facility includes chipping or grinding, adherence to chipping and mulching standards of Sec. 6.4.D.20 is required.
 - f. **Supplemental application requirements.** In addition to the standard requirements of this Code, applications for recycling plants shall include the following.
 - (1) **Access.** Graphic illustration and narrative analysis of year round access routes to the site.
 - (2) **Type of facility.** An explanation of the type of facility requested. It shall specify the type of materials to be handled and include a description of the proposed method of operation, including special waste handling procedures and limitations.
 - (3) **Quantity of waste.** An estimate of the quantity of waste to be received, expressed in cubic yards per day or tons per day.
 - (4) **Hours of operation.** A statement specifying the hours of operation.
 - (5) **Dust control.** A plan to address dust control in traffic, storage and processing areas and contingency during high winds. Dust control measures may include: additional setbacks, full or partial enclosure of chipper or grinder, screening/fencing, vacuuming or watering traffic areas and watering or enclosing storage piles.
 - (6) **SWA permit.** Verification that the applicant has obtained a permit from and posted a bond with the Solid Waste Authority (SWA) before Site Plan approval. This SWA permit shall be approved consistent with the procedures for obtaining an amendment to the Official Zoning Map.
 - (7) **Fire protection.** A recycling plant shall be located within ten (10) miles of a full-service fire station or have and maintain on-site fire fighting equipment acceptable to the Palm Beach County Fire Marshall.

[Ord. No. 99-37]

77. **Repair and maintenance, general** means an establishment engaged in the repair and maintenance of motor vehicles or other heavy equipment or machinery, including automobiles, boats, golf carts, mopeds, motorcycles, personal watercraft and trucks, excluding paint and body work. Typical uses include automobile repair garages, automobile tune-up stations, automotive glass shops, quick-lubes and muffler shops. A general repair and maintenance use shall comply with the following supplementary use standards.
- a. **CC district limitations.** In the CC district, a repair and maintenance use shall not exceed five thousand (5,000) square feet of gross floor area.
 - (1) **Use limitations.** In the CC district, repair and maintenance facilities that perform limited services such as, but not limited to, alignment and balancing, brake repair, air conditioning recharging and repair, automatic car wash (tunnel), washing, waxing, upholstery shops, and detailing shops may be permitted. General engine type repair such as, but not limited to, rebuilding or removing engines, transmissions, starters, alternators, radiators, air conditioners, compressors, and steam cleaning, and auto paint and body shops, and transmission shops shall not be permitted.
 - b. **Enclosed repair activities.** Except in industrial districts, all repair and maintenance activities shall be conducted within an enclosed structure, and there shall be no outside storage of disassembled vehicles, or parts thereof.
 - c. **Setbacks.** No repair or maintenance activity shall be conducted within one hundred (100) feet of any property line adjacent to a residential district.
 - d. **Service bay orientation.** Service bay doors shall not be oriented toward any local residential street or residential district unless separated by an arterial or collector street.
 - (1) **Buffer requirements.** Bay doors adjacent to an arterial or collector street shall require a Type 2 incompatibility buffer per Sec. 7.3 (Landscape and Buffering).
 - (2) **Bay doors facing a residential district or use.** Bay doors facing a residential district or use separated by an arterial or collector street, shall require a Type 3 incompatibility buffer per Sec 7.3 (Landscape and Buffering).
 - e. **No loudspeakers.** No outdoor speaker or public address system that is audible off-site shall be permitted.
 - f. **Vehicle testing on residential streets.** Vehicles shall not be tested off-site on residential streets. [Ord. No. 97-14] [Ord. No. 99-37]
 - g. **Architecture.** Stand alone or freestanding general repair and maintenance facilities contiguous to a public street or residential zoning district shall comply with Sec. 6.6.E Architectural Guidelines. [Ord. No. 01- 28]
78. **Repair services, limited** means an establishment engaged in the repair of personal apparel and household appliances, furniture, and similar items, excluding repair of motor vehicles. Typical uses include apparel repair and alterations, small appliance repair, small motor repair(including golf carts, mopeds and lawn mowers), bicycle repair, clock and watch repair, and shoe repair shops. A limited repair services use shall comply with the following supplementary use standards:
- a. **CN and CHO districts.** In the CN and CHO districts, a limited repair services use shall not occupy more than one thousand five hundred (1,500) square feet of gross floor area.

- b. **CLO district.** In the CLO district, a limited repair services use shall not occupy more than five hundred (500) square feet of gross floor area.
 - c. **CC district.** In the CC district, a limited repair services use shall not occupy more than fifteen thousand (15,000) square feet of gross floor area.
 - d. **Enclosed repair activities.** All repair activities shall be conducted within an enclosed structure in all districts except IL and IG.
 - e. **IL and IG districts.** In the IL and IG districts, outdoor storage or outdoor repair activities shall be completely screened from view with a combination of fencing and vegetation to a height of six (6) feet.
79. **Restaurant, fast food** means an establishment where food and beverages are primarily pre-cooked, prepackaged, served in disposable wrapping and containers and where orders are taken at a counter or drive-thru. Traffic generation rates are normally in the range of six hundred (600) to eight hundred (800) trips per day, per one thousand (1,000) square feet of gross floor area, or as otherwise identified by the Institute of Traffic and Engineering.
- a. **Location.** A fast food restaurant shall comply with the Major Intersection Criteria in Sec. 7.8.C.
 - b. **MUPD and MXPD districts.** In the MUPD and MXPD districts, a fast food restaurant, in a tenant space, less than three thousand (3,000) square feet of gross floor area shall require DRC approval and shall not:
 - (1) be located in an out parcel or free-standing building; or
 - (2) have a drive-thru.
 - c. **Outdoor dining areas.** Outdoor dining areas under a solid roof shall be considered a part of the gross floor area, comply with district setback requirements for structures, and require DRC approval.
[Ord. No. 97-64] [Ord. No. 01-01]
- 79.1 **Restaurant, high turnover sit-down** means an establishment where food and beverages are prepared, served, and consumed primarily on the premises. The restaurant may be open 24 hours and serve food cafeteria or buffet style and orders may be taken at a drive -thru. Traffic generation rates are normally in the range of 200-300 trips per day per one thousand (1,000) square feet of floor area, or as otherwise identified by the Institute of Traffic and Engineering.
- a. **Development Standards.**
 - (1) **Outdoor dining areas.** Outdoor dining areas under a solid roof shall be considered as part of the gross floor area, comply with district setback requirements for structures and shall require DRC approval.
[Ord. No. 97-64] [Ord. No. 99-37]
80. **Restaurant, quality** means an establishment where food and beverages are prepared, served and consumed primarily on the premises. Traffic generation rates are normally in the range of ninety (90) to one hundred (100) trips per day, per one thousand (1,000) square feet of gross floor area or as otherwise identified by the Institute of Traffic and Engineering.
- a. **Alcohol.** This use may include the on-premise sale, service and consumption of alcoholic beverages as an accessory use. A quality restaurant with less than one hundred fifty (150) seats that does not qualify for a 4COP/SRX license, shall obtain a special permit prior to obtaining an alcoholic beverage license. The special permit shall be subject to the following restrictions:

- (1) **Alcohol sales.** Alcohol sales, service, and consumption shall not exceed thirty percent (30%) of receipts. An annual accounting of the restaurant receipts prepared by a Certified Public Accountant (CPA) shall be provided to the Zoning Division.
 - (2) **Kitchen.** The restaurant shall have a full kitchen which shall remain open and serving full course meals while alcohol is being served.
 - (3) **Floor area.** A maximum of thirty percent (30%) of the net floor area of the restaurant or number of seats, whichever is less, shall be devoted to solely alcohol sales.
 - (4) **Special permit renewal.** The special permit shall be renewed annually.
[Ord. No. 01-100]
- b. **Use limitation.**
- (1) **CN and CLO districts.** In the CN and CLO districts, a quality restaurant shall not occupy more than two thousand five hundred (2,500) square feet of gross floor area per establishment.
 - (2) **CHO district.** In the CHO district, a quality restaurant shall be contained within an office, hotel or motel structure and shall be limited to a total floor area no greater than thirty (30) percent of the gross floor area of the structure, or five thousand (5,000) square feet, whichever is greater, exclusive of vehicular parking and service areas.
 - (3) **Catering service.** Catering may be permitted as an accessory use to a restaurant. Except in the IL district, the use of three (3) or more delivery or service vehicles shall require DRC approval.
- c. **Additional Development Standards.**
- (1) **Approval.** A quality restaurant in CN, CLO, and CHO exceeding square footage regulations shall require a Class A Conditional Use approval.
 - (2) **Outdoor dining areas.** Outdoor dining areas under a solid roof shall be considered as part of the gross floor area, comply with district setback requirements for structures, and shall require DRC approval. [Ord. No. 97-64]
81. **Restaurant, specialty** means an establishment where a limited variety of food and beverages such as baked goods, coffee or ice cream may be prepared and consumed on the site. Traffic generation rates are normally below one hundred (100) trips per day, per one thousand (1,000) square feet of gross floor area or as otherwise identified by the Institute of Traffic and Engineering. [Ord. No. 01-01]
- a. **CN and CHO districts.** In the CN and CHO districts, a specialty restaurant use shall be limited to a maximum of one thousand five hundred (1,500) square feet of gross floor area.
 - b. **CLO district.** In the CLO district, a specialty restaurant use shall be limited to a maximum of eight hundred (800) square feet of gross floor area.
 - c. **CC district.** In the CC district, a specialty restaurant shall not exceed fifteen thousand (15,000) square feet unless approved as a Class B Conditional Use.
 - d. **MUPD district.** In the MUPD district with a IND land use designation, a maximum one thousand five hundred (1500) square foot specialty restaurant shall be permitted as a project serving amenity.
 - e. **Outdoor dining areas.** Outdoor dining areas under a solid roof shall be considered as part of the gross floor area, comply with district setback requirements for structures, and shall require DRC approval.

- f. **AP district.** Within the LOST-O, a specialty restaurant shall be allowed as a special use after compliance with the special use standards. A specialty restaurant shall be limited to a maximum of two thousand five hundred (2,500) square feet of total floor area. [Ord. No. 01-29]
[Ord. No. 97-64]
- 81.1 **Retail sales, automotive accessories and parts** means an establishment providing retail sales of automotive accessories and parts.
- a. **Architecture.** Stand alone or freestanding automotive accessories and parts stores contiguous to a public street or residential zoning district shall comply with Sec. 6.6.E. Architectural Guidelines.
[Ord. No. 01- 28]
82. **Retail sales, general** means an establishment providing general retail sales or rental of goods, but excluding those uses specifically classified in another use type. Uses include typical retail stores such as but not limited to clothing stores, auto parts stores, bookstores, business machine sales, food stores (excluding convenience stores), window tinting, and marine supply sales (excluding boat sales). Uses shall also include the sale of bulky goods such as household goods, lawn mowers, mopeds, motorcycles and golf carts. Retail establishments may rent and perform incidental repair to their products. For impact fee purposes, general retail will also include services such as entertainment, eating and drinking establishments, and personal services. A general retail sales use shall comply with the following supplementary use standards.
- a. **CN district.** In the CN district, a general retail sales use shall be limited to a maximum of one thousand five hundred (1,500) square feet of gross floor area per use.
[Ord. No. 99-37]
- b. **Auto parts stores.** Auto parts stores shall provide an oil recycling drum or other device for the disposal of motor oil, as prescribed by the U.S. Environmental Protection Agency (EPA).
[Ord. No. 00-015]
- c. **AP district.** Within the LOST-O, a retail use shall be permitted as a special use after compliance with the special use standards. Retail uses shall be limited to specialty shops selling merchandise such as hand-crafted items, nature books, prepackaged meals, snacks, and non-alcoholic beverages for consumption off the premises, hiking supplies such as backpacks and walking sticks, and outfitters renting equipment for recreational use including bicycles, skates, canoes, and kayaks. Retail uses shall be limited to a maximum of two thousand five hundred (2,500) square feet of total floor area.
[Ord. No. 01- 29]
83. **Retail sales, mobile, or temporary** means retail sales operations without a fixed or permanent location.
- a. **General requirements.** Temporary or mobile retail sales shall comply with the following.
- (1) **Location.** Only be located on an arterial street.
 - (2) **Permission.** Have written notarized permission from the property owner.
 - (3) **Setbacks.** Comply with the setbacks of the district. At a minimum, the use shall be setback a from all R-O-Ws a minimum of thirty (30) feet.
 - (4) **Insurance.** Submit proof of liability insurance listing Palm Beach County Board of County Commissioners as additionally insured or certificate holder, paid in full covering the period for which the permit is issued, in the minimum amount of five hundred thousand dollars (\$500,000) per occurrence.

- (5) **Location plan.** Submit a plan delineating tent, parking and signage.
 - (6) **Warranty deed.** Submit a copy of the recorded warranty deed for the property.
 - (7) **Safe sight triangle.** Not be located in any safe sight triangle.
 - (8) **Landscape.** Not be located in any landscape buffer.
- b. **Temporary sales.** A temporary sales operation shall be conducted without a fixed or permanent location. Typical uses include Christmas tree or sparklers as defined in Fla. Stat. Chapter 791.01, or special event sales, such as the sale of furniture, plants, or toy sales, that may or may not require a tent or temporary structure. Temporary sales shall:
- (1) **District.** be limited to the CG, CN, CC, AGR or SA district;
 - (2) **Duration.** not exceed thirty (30) days in duration, provided that an additional fifteen (15) days duration may be approved once a year. Issuance of permits shall be limited to four (4) times a year per site;
 - (3) **Tent.** not have more than one (1) temporary tent or structure for each lot;
 - (4) **Signage.** meet the following requirements for signage:
 - (a) **Size.** For a temporary sale, one (1) on-site, non-illuminated freestanding sign shall be permitted. This sign shall not exceed thirty-two (32) square feet in sign area, shall not exceed six (6) feet in height from finished grade and shall be located at least five (5) feet from all base building lines.
 - (b) **Duration.** The sign may remain on the site only for the approved duration of the temporary sale.
 - (5) **Debris.** remove all debris within forty-eight (48) hours of expiration of permit and return the property to an orderly and sanitary condition.
 - (6) **AGR and SA districts.** shall be limited to plants, pumpkins and Christmas trees, and shall exclude sparkler sales in the AGR and SA districts.
 - (7) **Special provisions for the sale of sparklers.** In addition to the requirements set forth above, sales of sparklers shall comply with the following requirements.
 - (a) **Seasonal limitations.** Seasonal sales shall be limited to June 20 through July 5 and December 10 through January 2 of any given year.
 - (b) **Location.** The sale of sparklers shall be limited to CG and IL districts.
 - (c) **Hours of operation.** Hours of operation shall be limited from 7 a.m. to 11 p.m.
 - (d) **Electrical service.** Temporary electrical service to a site shall be provided by an approved temporary connection. If a generator is used on site, it shall meet the supplemental requirements established by the Palm Beach County Chief Electrical Inspector and Palm Beach County Fire-Rescue Department.
 - (e) **Storage trailers.** Temporary storage trailers may be permitted in conjunction with the temporary sales. Trailers shall be parked a minimum of seventy-five (75) feet from primary circulation routes and shall be parked the maximum extent possible from all buildings on or surrounding the site.
 - (f) **Supplemental application requirements.** An application for each location shall be submitted. Each permit application shall be supplemented with the following documentation:
 - i) **Hold harmless affidavit** which holds the County harmless for any liability connected with the operation.
 - ii) **Certification.** A certification of registration from the State Fire Marshal authorizing sale of sparklers.
 - iii) **Affidavit of compliance.** A signed and notarized affidavit of compliance with the Approved List of Sparklers. The affidavit shall be signed under oath affirming that only products on the State Fire Marshall's approved List of Sparklers and Novelty Items will be sold and that violation of the affidavit can result in an injunction.
 - iv) **Location plan.** A plan approved by the Department of Fire-Rescue delineating tent, parking, and signage.

- v) **Documentation.** The applicant shall submit copies of state registration documents for any corporate or other business entity, evidence of registering any fictitious name to be used and drivers licenses for the applicant's authorized agents.
- d. **Mobile sales.** Mobile retail sales of food shall be conducted from a portable stand that maintains its mobility and is removed each night. Mobile sales operations shall be limited to flowers and food products and shall:
 - (1) **District.** Mobile retail sales shall be limited to the CC, CG, IL, PO or MUPD Districts;
 - (2) **Location.** Mobile retail sales shall not be located in any required parking spaces, nor be located in such a manner as to distract motor vehicle operators or promote, require or cause any vehicles to stop, stand or to park in violation of official traffic-control devices, including, but not limited to signs, signals, and markings erected by authority of the County or State for the purpose of regulating, moving or guiding traffic; not be located in any driveway aisles or loading areas or interfere with on-site circulation;
 - (3) **Adjacent residential district.** Mobile retail sales shall not be located within three hundred (300) feet of a residential zoning district, excluding properties zoned AR;
 - (4) **Number.** Only one (1) mobile retail sales vendor shall be permitted per project; and
 - (5) **Signage.** Signs shall comply with Sec. 7.14.H.7, Signs subject to special standards and requiring no permit.
 - (6) **Renewal.** Special permits for mobile sales shall be renewed annually.
[Ord. No. 98-12] [Ord. No. 99-37] [Ord. No. 01-01] [Ord. No. 01-100]

- 83.1 **Salvage or junk yard** means a lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discard material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition; or for the sale of parts thereof.
[Ord. No. 99-37]
84. **Sanitary landfill or incinerator** means a permitted disposal facility employing an engineered method of disposing of solid waste on land in a manner which minimizes environmental hazards by spreading the solid wastes in thin layers, providing a sand fill or approved substitute cover. A sanitary landfill or incinerator use shall comply with the following supplementary use standards.
- a. **Location.** A sanitary landfill or incinerator shall only be located in the SWPD, Solid Waste Disposal Planned Development District, except when an incinerator is an accessory use to a hospital.
[Ord. No. 99-37]
85. **School, elementary or secondary** means a premises or site upon which there is an institution of learning, whether public, private or charter, which conduct regular classes and courses of study required for accreditation as an elementary or secondary school approved by the State Department of Education of Florida. A public school shall be considered a school built and operated by the PBC School District. An elementary or secondary school use shall comply with the following supplementary use standards:
- a. **General: All schools.**
 - (1) **Bike paths/pedestrian access.** Pedestrian access/bike path and cross-walk plan showing access to the school site from surrounding neighborhoods shall be shown on the site plan. [Ord. No. 01-29]
 - (2) **Vehicular circulation.** Designated bus and parental drop off/pick up areas with separate pedestrian pathways shall be provided. Pathways which cross vehicular use areas shall be defined by special pavings, brick, striping, or other methods acceptable to the DRC. [Ord. No. 00-015] [Ord. No. 01-29]

- (3) **Dumpsters.** Dumpster and trash receptacles shall be located a minimum of seventy- five (75) feet from residential property and screened in accordance with Sec. 6.6.5.A.5. [Ord. No. 01-29]
- (4) **Signalization.** Signalization shall be installed, at the school site entrance road, if warranted, as determined by the County Engineer. Signalization shall be a mast arm structure installation. Should signalization not be warranted after twelve (12) months of the final certificate of occupancy for private or charter schools, or school openings for public schools the property owner/ School Board shall be relieved of this obligation. [Ord. No. 01-29]
- (5) **Setbacks.** Minimum building setbacks shall be as follows:
 - a. **Residential districts.** Setbacks for schools in all residential zoning districts shall be consistent with Table 6.5.-1. or the following, whichever is more restrictive.

Minimum Building Setbacks			
Front	Side	Corner	Rear
25	25	25	25

- b. **Nonresidential districts.** Setbacks for schools in all nonresidential zoning districts shall be consistent with Table 6.5-1.

[Ord. No. 01-29]

- (6) **Maximum building height.** Structures higher than thirty-five (35) feet shall be subject to a Class A conditional use approval, unless otherwise stated in this Section. [Ord. No. 01-29]
- (7) **Outside activity areas.** Outside activity areas shall comply with Sec. 6.6.A.8, Accessory outdoor recreation. [Ord. No. 01-29]
- (8) **Lighting.** Security and recreational lighting (i.e outdoor activity area lighting, ball fields, tennis courts, etc.) shall meet the requirements of Section 7.8.B, Outdoor Lighting Standards. [Ord. No. 01-29]
- (9) **South Florida Water Management District (SFWMD)**
 - (a) **Wetlands Permits.** Prior to commencement of construction, lot clearing or any other site development/preparation, all applicable permits shall be obtained in conformance with Article 9 of the ULDC. [Ord. No. 01-29]
 - (b) **Preservation.** On site wetlands shall be preserved. Boardwalks and education learning stations may be constructed within the wetland areas, but shall be subject to approval by the SFWMD. Anticipated impacts to smaller, degraded wetlands shall be coordinated with the SFWMD in a pre-application conference as part of the site plan review process. [Ord. No. 01-29]
 - (c) **Construction documents.** Prior to site plan review, construction documents shall be submitted to ERM relating to wetland restoration, landscaping, and vegetation restoration for their review and approval. [Ord. No. 01-29]
- (10) **Airport Zoning Overlay.** New schools shall not be located at either end of a runway pursuant to Article 18, Sec. VII.E.2 and Florida Statutes. [Ord. No. 01-29]
- (11) **Agricultural Reserve Tier.** A school shall be located east of State Road 7/US 441 only.

[Ord. No. 01-29] [Ord. No. 01-100]

- b. **Charter schools.** Charter schools with two hundred (200) or fewer students in a commercial, industrial, or nonresidential planned development zoning district, shall be subject to DRC approval, the standards of Sec. 6.4.D.85.a, and Sec. 5.6.D. [Ord. No. 01-29]
- c. **Public Schools built/operated by the PBC School District.**
- (1) **Applicability.**
- (a) **General.** This section shall apply only to public school sites built and operated by the PBC School Board. Other types of School Board development, such as administrative offices, warehouse buildings, etc., shall comply with the regulations of the applicable zoning district. [Ord. No. 01-29]
- (b) **Previous approvals and future amendments.** Public school sites approved prior to June 16, 1992 shall be considered conforming uses. These sites shall be subject to the requirements of this Section and Article 5, Development Review Procedures and Standards, and, Sec. 5.6, Site Plan or Final Subdivision Plan for future amendments. [Ord. No. 01-29]
- (2) **Approval Process.**
- (a) **Concurrency.** Prior to site plan certification by the DRC, the School Board shall provide signed documentation from the applicable Concurrency service providers shall be provided prior to site plan certification by the DRC, verifying the Reservation of Adequate Public Facilities in accordance with Article 11. The documentation shall specify the uses and amounts of development, capacity reserved and length of the Reservation. [Ord. No. 01-29]
- (b) **Conditional use approvals.** School site applications which do not comply or are unable to comply with the requirements of this Section, or Section 5.6, Site Plan or Final Subdivision Plan, are subject to Article 5, Development Review Procedures, and Sec. 5.4, Conditional Uses of the ULDC. [Ord. No. 01-29]
- (c) **Development Review Committee.** Applications for site plan approval shall include the following:
- (i) **DRC application.** A completed DRC application which meets the standards of this Section and Sec. 5.6., Site Plan or Final Subdivision Plan;
- (ii) **School site acquisition.** Proof of compliance with the School Site Acquisition Review procedures required by Intergovernmental Agreement R-93-1600D adopted on 12-7-93.
- (iii) **Application materials.** Other application materials as required by this Section or other Sections of this Code
- (iv) **DRC.** All items shall be submitted in accordance with the Zoning Division calendar. Comment by DRC agencies shall be provided to School District at the next scheduled DRC meeting.
- (v) **Standards.** Applications submitted pursuant to this Section shall be reviewed by the DRC and approved after a finding by the DRC that the procedures and standards of this Section and Article 5, Development Review Procedures and Standards, Sec. 5.6, Site Plan or Final Subdivision Plan, are met.
- [Ord. No. 01-29]
- (3) **Accessory uses.** The following uses, subject to special regulations, shall be allowed as customarily incidental and subordinate to public schools:
- (a) **Uses and special regulations.**
- (i) **Receiving towers.**
- a) **Height.** Towers shall have a maximum height of seventy (70) feet or less measured at grade level. Towers requiring a height greater than seventy (70) feet shall comply with Article 6, Zoning Districts.
- b) **Setbacks.** Towers shall meet the following minimum setbacks:
- i) **Front, side and rear.** Twenty- five (25) feet;
- ii) **Street setback.** Fifty (50) feet;

- iii) **Residential setback.** Fifty (50) feet from residentially zoned property; and,
 - iv) **Agricultural setback.** Fifty (50) feet from agriculturally zoned property;
 - c) **Supports/anchors.** All tower supports and peripheral anchors shall be located entirely within the boundaries of the property and in no case less than twenty (20) feet from a property line;
 - d) **Fencing.** Security fencing or a security wall shall be installed around the base of each tower, each anchor base and each tower accessory building to limit access; and
 - e) **Sign-off.** The School Board shall provide a written sign-off from the County Department of Airports stating the tower will not encroach into any public or private airport approach space as established by the Federal Aviation Administration.
 - f) **Removal.** Obsolete or abandoned towers shall be removed within twelve (12) months of cessation of use.
- (ii) **Water or waste water treatment.** A water or wastewater treatment facility may be installed in accordance with all relevant federal, state and local utility standards.
- a) **Location/buffering.** The facility shall be located and buffered to ensure compatibility with adjacent land uses;
 - b) **Duration.** The use of the facility shall only be permitted until such time as central water or waste water service is available from the appropriate utility; and
- [Ord. No. 01-29]
- (4) **Property development regulations.**
If a conflict exists between this section and regulations found elsewhere in the ULDC, the regulations of this section shall apply.
- (a) **Maximum building height.** Structures higher than thirty-five (35) feet shall provide one (1) additional foot setback for each one (1) foot in height exceeding thirty-five (35) feet.
 - (b) **Minimum lot size.** Minimum lot size shall be governed by the most recent standards adopted by the School Board and shall apply only to new public schools.
- (5) **Supplemental design standards.** The following design standards shall apply to new school sites and any improvements to previously approved school sites.
- (a) **Parking.** The site plan shall indicate the student capacity, employee count, guest spaces, and the amount of required and provided parking spaces and shall demonstrate conformance with the minimum parking required by applicable State Statutes.
 - (b) **Landscape buffers.** The DRC shall require ROW buffers and interior parking area landscaping consistent with Section 7.3., Landscape and Buffering. Adjacent properties with residential use or future land use shall be protected from the school's loading, utility, and outdoor active recreation areas by incompatibility buffers.
 - i) Accessory Outdoor recreation areas shall be subject to Section 6.6.A.8 Accessory outdoor recreation, or provide a Type 3 Incompatibility Buffer, as defined in Sec. 7.3.F.4, Perimeter Incompatibility Buffer, with a minimum width of twenty-five (25) feet.
 - ii) All other landscaping shall comply with the applicable State Statutes.
 - (c) **R-O-W dedication.** Within six (6) months of site plan approval by the DRC, the School Board shall convey to the BCC by road R-O-W warranty deed, portions of the site necessary to achieve an ultimate road R-O-W, as indicated on the County Thoroughfare Map, plus turn lane right-of-ways (minimum of 280 feet in length, 12 feet in width, with taper lengths of 50 feet) all free of encumbrances and encroachments. Locations of all turn lane right-of-ways shall be where warranted as determined by the County Engineer. The Board shall provide the County with sufficient documentation acceptable to the Right of Way Acquisition Section of the Engineering and Public Works Department to ensure that the property is free of all encumbrances and encroachments. R-O-W conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.

- (d) **Road improvements.** The Palm Beach County School Board shall fund and construct required road improvements as determined by the County Engineer. These improvements shall include, but not be limited to, paving and drainage, turn lanes, traffic circulation, sidewalks and driveway connections. The road improvements shall be completed prior to school occupancy.

[Ord. No. 01-29]

86. **Security or caretaker quarters** means a residence, located on a site for occupancy by a caretaker or security guard actively engaged in providing security, custodial or managerial services upon the premises. A security or caretaker quarter use shall comply with the following supplementary use standards.
- a. **Maximum number of quarters.**
- (1) Not more than one (1) security or caretaker quarters use shall be permitted upon the same lot as a bona fide agricultural, commercial, industrial or institutional use.
 - (2) Not more than one (1) security or caretaker quarters use shall be permitted within the area governed by the entire site plan of an approved conditional use or planned development.
- b. **Limitation on occupancy.** The security or caretaker quarters use shall be for the exclusive use of and shall be occupied only by the custodian, caretaker, owner, or employee of the owner of the principal use and their family.
- c. **Temporary uses.** Unless otherwise provided in this Code, a security or caretaker quarters use shall not be permitted in association with a temporary use.
- d. **Property development regulations.** A security or caretaker quarters use shall not be established upon a substandard lot, nor shall the development of such quarters cause a violation of this Code.
- e. **Use of mobile home.** A mobile home may be used for a security or caretaker quarters use only in the AGR, AP, SA, RSER, AR, IL, IG, PO, MHPD, RVPD, and SWPD zoning districts.
- f. **Discontinuation of use.** A security or caretaker quarters use shall continue only so long as the principal use that it serves remains active. Upon termination of the principal use, the right to have the caretaker or security quarters shall end, and the quarters shall be immediately discontinued. Once discontinued, such quarters shall not be reestablished except in conformity with this section.
- g. **Accessory use.** A security or caretaker quarters use shall be allowed as an accessory to a public or civic use in all districts.
- h. **Renewal of Special Permit.** If a mobile home is used, the special permit shall be renewed annually in accordance with Sec. 5.5.E.9.
[Ord. No. 97-64] [Ord. No. 99-37] [Ord. No. 01- 01]
87. **Self-service storage** means a facility consisting of individual, small, self contained units that are leased for the storage of business or personal goods. The following types of self-service storage facilities are permitted. 1. Limited-access self-storage which is a multi-storied self-service storage facility, with limited access points from the exterior of the building to interior halls that serve individual bays. 2. Multi-access self-service storage which is a one story self-service storage facility with multi-access points from the exterior of the building to individual bays.

- a. **General.** All self-service storage uses shall comply with the following:
- (1) **Office.** The rental facility office shall be located facing a collector street. A maximum of one thousand (1000) square feet of the rental office may be devoted to the rental and sale of retail items used for moving and storage including but not limited to: hand trucks, cartons, tape, and packing materials.
 - (2) **Storage units.** Use of storage units shall be limited to storage of goods, however, storage of hazardous goods shall be prohibited. A business may not be conducted from an individual storage unit.
 - (3) **Vehicle rental.** An accessory vehicle rental facility may be permitted on site subject to review and approval as a Class A Conditional Use. The accessory use shall be limited to the rental of trucks and trailers used for moving; the installation of hitch and towing packages, and wash facility for rental inventory.
 - (4) **Security quarters.** A security or caretaker quarters use may be established on the site of a self-storage facility pursuant to Sec. 6.4.D.
 - (5) **Outside storage.** Except as provided in this section, all property stored in the area devoted to a self-service storage facility use shall be entirely within enclosed buildings. Open storage of recreational vehicles and dry storage of pleasure boats of the type customarily maintained by persons for their personal use shall be permitted within a self service storage facility use in the CC, CG, TND, IL, IG, PIPD and the MUPD district having a CL, CHO, CR and the IND future land use category, provided that the following standards are met.
 - (a) **Location.** The storage shall occur only within a designated area.
 - (b) **Lot area.** The storage area shall not exceed twenty-five (25) percent of the lot area unless approved by the Board of County Commissioners. In no case shall the storage area exceed fifty (50) percent of the lot area.
 - (c) **Screening.** The storage area shall be entirely screened from view from adjacent residential areas and public roads by a building or by installation of a six (6) foot high wall meeting the requirements of Sec. 7.3.E.3.b.
 - (d) **Boats.** Pleasure boats stored on the site shall be placed and maintained upon wheeled trailers.
 - (e) **Vehicular maintenance.** Vehicle maintenance, washing or repair shall be prohibited.
 - (6) **Landscaping and buffering.**
 - (a) **Wall option.** The perimeter wall within the landscape buffer may not be required for that portion of the perimeter if all of the following standards are met.
 - (i) **Facades.** The exterior facades of storage structures present an unbroken, wall-like appearance when seen from adjacent lots and rights-of-way.
 - (ii) **Wall.** Separate storage structures are connected by solid walls to give the appearance of structural continuity.
 - (iii) **Buffering.** The resulting area between the outer face of the structures and the property line or R-O-W is maintained and planted as a landscape buffer.
 - (iv) **Access.** There are no aisle ways or other vehicle access ways located in the area between the building and the R-O-W or adjacent lot boundary.
 - (v) **Berm.** Either a landscape berm is installed in the perimeter landscape buffer or the area is maintained for vegetation preservation.
 - (7) **Loudspeakers.** Exterior loudspeakers or paging equipment shall be prohibited.
 - (8) **Door orientation.** Storage bay doors shall not face any abutting property located in a residential district, nor shall they be visible from any public road.
 - (9) **Barbed wire.** Barbed or similar wire may be used for security purposes, but it shall not be visible from any adjacent public road or residential district.
 - (10) **Architecture.** The exterior facades of all structures shall receive uniform architectural treatment, including stucco and painting of surfaces. The colors selected shall be compatible with the character of the neighborhood.

- (11) **Location.** A self-service storage facility located on a parcel with a CL future land use designation shall not be located within one thousand (1,000) feet of another self-service storage facility.

[Ord. No. 00-015]

b. Supplemental standards for multi-access self-storage facilities. In addition to the general standards above, multi-access self-service storage facilities shall comply with the following regulations:

- (1) **Minimum lot size.** The minimum lot size for a multi-access facility shall be two (2) acres.
- (2) **Separation between buildings.** Separation between buildings within the facility shall comply with the circulation standards in this subsection or be a minimum of ten (10) feet.
- (3) **Maximum bay size.** The maximum size of a storage bay shall be four hundred fifty (450) square feet.
- (4) **Height.** The maximum height of the facility shall not exceed thirty (30) feet. In addition, a parapet wall shall be constructed to screen roof-mounted air conditioning and any other equipment. The combined height of the building and the parapet wall shall not exceed thirty-five (35) feet.
- (5) **Circulation.** The following on-site circulation standards shall apply:
 - (a) **Interior.** Interior parking shall be provided in the form of aisle ways adjacent to the storage bays. These aisle ways shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of these aisle ways shall be twenty-one (21) feet if only one-way traffic is permitted, and thirty (30) feet if two-way traffic is permitted.
 - (b) **Flow.** The one- or two-way traffic flow patterns in aisle ways shall be clearly marked. Marking shall consist at a minimum of use of standard directional signage and painted lane markings with arrows.
 - (c) **Access.** Appropriate access and circulation by vehicles and emergency equipment shall be ensured through the design of internal turning radii of aisle ways.
- (6) **Door orientation and access.** Storage bay doors and access points located on the second story shall be oriented toward the interior of the site.

c. Supplemental standards for limited access self-storage facilities. In addition to the general standards above, limited-access self-storage facilities shall comply with the following regulations:

- (1) **Minimum lot size.** The minimum lot size for a limited access facility shall be one (1) acre.
- (2) **Height.** The structure shall meet the height requirements of the district. A parapet wall shall be constructed to screen roof-mounted air conditioning and any other equipment. The parapet wall shall be included in the height of the structure.
- (3) **Architectural compatibility.** The Board of County Commissioners may require one or more of the facades to incorporate architectural features to reduce the scale and mass of the structure. Elevations demonstrating the architectural treatment shall be submitted and approved prior to certification of the final site plan by the Development Review Committee. The Zoning Director may require the architectural elevations to be reviewed by the Board of County Commissioners if it is determined that the proposed architectural features do not correspond to the context and character of the surrounding land uses. Architectural treatment may be required to ensure that the building is compatible with surrounding land uses and does not appear as an industrial warehousing structure. Architectural treatment may include, but is not limited to:
 - (a) **Roof.** Use of varying roof heights, pitches and overhangs;
 - (b) **Windows.** Use of appearance of window openings in proportion to the overall facade and the horizontal or vertical emphasis of major building elements; and;
 - (c) **Materials.** Use of building materials to create visual details to provide relief in building mass. Elevations demonstrating the architectural treatment shall be submitted and approved prior to certification of the final site plan by the Development Review Committee. The Zoning Director may require the architectural elevations to be reviewed by the Board of County

Commissioners if it is determined that the proposed architectural features do not correspond to the context and character of the surrounding land uses.

- (4) **Loading.** Each entry point used to access hallways leading to the storage bays shall accommodate a minimum of two loading berths and related maneuvering area. The loading areas shall not interfere with the primary circulation system on site. If a minimum 25 foot access way is provided adjacent to the building and serves no other use except the self-service storage facility, then the loading area may be established parallel and adjacent to the building.

e. **Additional supplemental standards for limited access self-service storage facilities.** In addition to the general standards and supplemental standards above, limited-access self-storage facilities in the CLO and CHO zoning districts and MUPD zoning districts with a corresponding Commercial Low - Office or Commercial High - Office future land use designation shall comply with the following regulations.

- (1) **Minimum lot size.** The minimum lot size shall be 3.01 acres.
- (2) **Maximum lot size.** The maximum lot size shall be 10.01 acres.
- (3) **Height.** The facility shall not exceed fifteen (15) feet in height. If a security or caretaker quarters is established, that portion of the facility shall be limited to two (2) stories and shall not exceed thirty (30) feet. A parapet wall shall be constructed to screen roof-mounted air conditioning and any other equipment. The parapet wall shall be included in the height of the structure.
- (4) **Signage.** A self-service storage facility in the CLO or CHO zoning district shall be limited to either one freestanding or one wall sign.
- (5) **Vehicular access.** Vehicular access shall be provided only from arterial and collector roadways.
- (6) **Circulation.** Customer/clientele circulation around the building shall not be permitted.
- (7) **Use limitations.** Retail sales shall be prohibited on site.
- (8) **Hours of operation.** The hours of operation shall be limited to 7:00 a.m. to 7:00 p.m., seven days a week.

e. **Multi-access and limited-access combinations.** A combination of multi-access and limited-access storage uses may be permitted within the same building or on the same site pursuant to the supplemental standards for both uses as indicated in Secs. 6.4.87.b. and 6.4.87.c. Multi-access storage shall not be permitted on parcels in the CLO, CHO and MUPD zoning districts with a corresponding Commercial Low-Office or Commercial High-Office future land use category when adjacent to a residential zoning district.

[Ord. No. 97-64] [Ord. No. 99-37] [Ord. 01- 01]

87.1 **Shade House** means an accessory agricultural structure consisting of a screened enclosure with a screened or rolled plastic roof used to protect plants from insects, heat and exposure to the sun. A shade house use shall comply with the following supplementary use standards.

a. **Permits.** A shade house used for bona-fide agricultural purposes less than twelve (12) feet in height shall not be required to obtain a building permit.

b. **Setbacks.**

- (1) **Less than 12 feet in height.** A shade house less than twelve (12) feet in height shall be setback a minimum of fifteen (15) feet from the front and side corner and seven and a half (7.5) feet from the side interior and rear.

- (2) **12 feet or greater in height.** A shade house twelve (12) feet or greater in height shall be setback a minimum of twenty-five (25) feet from the front and side corner and fifteen (15) feet from the side interior and rear.
[Ord. No. 97-64]

88. **Single-family** means the use of a lot or a structure for one (1) detached dwelling unit, excluding a mobile home but including a manufactured building. A single-family dwelling use shall comply with the following supplementary use standards.
- a. **SA district.** In the SA district, a single-family dwelling on a minimum lot area of ten (10) acres in the RR10 land use designation, and a minimum of twenty (20) acres in the RR20 land use designation, shall be permitted. A single-family dwelling on a lot less than ten (10) acres in the RR10 land use designation, and on a lot less than twenty (20) acres in the RR20 land use designation, shall be permitted only if the property meets the standards for a density exemption in the Comprehensive Plan.
 - b. **Excavation for ponds.** Standards for Type IA and Type IB Excavation for ponds are located in Sec. 7.6 (Excavation).
89. **Solid waste transfer station** means a facility where solid waste from several relatively small vehicles is placed into one relatively large vehicle before being transferred to a solid waste processing or disposal facility. Solid waste may be sorted but not processed at the transfer station. A solid waste transfer station use shall comply with the following supplementary use standards.
- a. **Buffers.** The buffer requirements shall be waived if the required buffer is not visible from adjacent lots or R-O-Ws.
 - b. **Setbacks.** No part of a transfer station or its accessory ramps and access roads shall be located within twenty-five (25) feet of any public road, drainage canal, lake, stream, navigable waterway or property line.
 - c. **Screening and fencing.** All storage areas shall be effectively screened from view by walls, fences or buildings. Such screening shall be designed and installed to ensure that no part of a storage area can be seen from rights-of-way or adjacent lots. In no case shall the height of recyclable or recovered materials, or non-recyclable residue stored in outdoor areas exceed twenty (20) feet or the height of the principal building on the lot, whichever is greater.
 - d. **Incompatibility buffers.** When the property line is contiguous to property in a residential district, the incompatibility buffer shall be a minimum fifty (50) feet in width.
 - e. **Access.** An access road that can be negotiated by loaded collection vehicles shall be provided to the entrance of the solid waste transfer station. Access shall not be provided on a residential street. Access shall be restricted to specific entrances with gates which can be locked at all times and which carry official notice that only authorized persons are allowed on the site.
 - f. **Drainage.** Untreated surface water runoff shall not be permitted to discharge directly into lakes, streams, drainage canals or navigable waterways other than into or through approved on-site containment areas.
 - g. **Storage areas.** All outdoor storage of recyclable materials shall be in leak-proof containers or located on a paved area that is designed to capture all potential run-off associated with the stored material. Run-off shall be handled in a manner that is in conformance with local, state and Federal regulations.

h. Supplemental application requirements. In addition to the standard requirements of this Code, applications for solid waste transfer stations shall include the following:

- (1) **Access.** Graphic illustration and narrative analysis of year round access routes to the site.
- (2) **Type.** An explanation of the type of facility requested. It shall specify the type of materials to be handled and include a description of the proposed method of operation, including special waste handling procedures and limitations.
- (3) **Waste.** An estimate of the quantity of waste to be received, expressed in cubic yards per day or tons per day.
- (4) **Hours of operation.** A statement specifying the hours of operation.
- (5) **SWA permit.** Verification that the applicant has obtained a permit from and posted a bond with the Solid Waste Authority (SWA) before site plan approval. This SWA permit shall be consistent with the procedures for approval of an amendment to the Official Zoning Map.

[Ord. No. 99-37]

90. Stable, equestrian type two means an establishment for boarding, breeding, training or raising of horses not necessarily owned by the owners or operators of the establishment, rental of horses for riding, or other equestrian activities, excluding uses classified as an equestrian arena. A type two stable use may be operated in conjunction with a residence and shall comply with the Animal Care and Control Regulations pursuant to Ord. 98-2, as amended, as well as the following supplementary use standards:

- a. Limitations of use.** Type two stables shall be limited to the raising, breeding, training, boarding, and grooming of horses, or rental (livery) of horses for riding.
- b. Minimum lot size.** The minimum lot size shall be three (3) acres in the CRE district and five (5) acres in all other permitted districts.
- c. Frontage.** The minimum required frontage on a public street to be used from the primary point of access shall be one hundred (100) feet or the minimum standard of the district in which the stable is located, whichever is greater.
- d. Setbacks.** No structure or stable shall be located within twenty-five (25) feet of any property line, or the minimum setback of the district in which the stable is located, whichever is greater.
- e. AP district.** Within the LOST- O, a commercial stable for twenty (20) or fewer stalls shall be allowed as a special use after compliance with the special use standards. [Ord. No. 97-64] [Ord. No. 01-29] [Ord. No. 01-62]

91. Stable, equestrian type one means the care of horses owned by the occupants or owners of the premises. A type one stable use shall comply with the Animal Care and Control Regulations pursuant to Ord. 98-2, as amended as well as the following supplementary use standards.

- a. Limitations of use.** A type one stable shall be limited to the boarding, breeding, training or raising of horses owned by the occupants or owners of the premises.
- b. Boarding.** On sites of at least two (2) acres, boarding for up to four (4) horses not owned by the owner or occupant of the premises shall be permitted.

c. Setbacks.

- (1) **Accessory structure.** A type one stable with twelve stalls or fewer, located on a parcel with a single family residence, shall be considered an accessory structure and shall meet the setback requirements for an accessory structure, or twenty-five (25) feet, whichever is greater.
- (2) **Principal structure.** A type one stable with more than twelve stalls located on a parcel with a single family residence, or a type one stable on a vacant parcel, shall be considered a principal structure and shall meet the applicable setback requirements for a principal structure.
[Ord. No. 00-015] [Ord. No. 01-62]

92. **Storage, agricultural** means the storage of equipment or products accessory or incidental to a primary agricultural use. An agricultural storage use shall comply with the following supplementary use standards.
- a. **General.** Any storage of hazardous waste or regulated substances shall comply with local, state and federal regulations.
 - b. **Outdoor storage.** Outdoor agricultural storage shall comply with the following supplementary use regulations.
 - (1) **AR district in Urban Service Area.** Outdoor storage shall meet the setbacks of the AR district.
 - (2) **Residential, Commercial and Industrial districts in the Urban Service Area.** Outdoor agricultural storage shall comply with the following:
 - (a) **Setbacks.** Outdoor agricultural storage shall meet the setbacks of the specific district.
 - (b) **Screening.** Outdoor agricultural storage shall be screened from view by a solid fence, wall or building.
 - c. **Indoor storage.** Indoor agricultural storage shall be permitted in conjunction with a bona fide agricultural use with or without a principal structure. Indoor storage shall be contained within a permanent structure. Agricultural storage within a mobile home shall not be permitted. Agricultural storage within a shipping container shall only be permitted in conjunction with a bona fide agricultural use pursuant to Sec. 6.4.D.6.g. [Ord. No. 01-01]
 - (1) **AR district in Urban Service Area.** An enclosed structure shall be setback one hundred (100) feet in the front and side corner and fifty (50) feet in the side interior and rear.
 - (2) **Residential, Commercial and Industrial districts in the Urban Service Area.** An enclosed structure shall meet the principal use setback of the specific district. [Ord. No. 97-64] [Ord. No. 01-01]
93. **Sugar mill or refinery** means an establishment for the extraction and refining of sugar from agricultural products. A sugar mill or refinery use shall comply with the following supplementary use standards.
- a. **SA district.** In the SA district a sugar mill or refinery shall have a three hundred (300) foot setback from residentially occupied or zoned property. In the SA district, a sugar mill or refinery use shall be permitted on land within the RR10 land use designation in the Future Land Use Element of the Comprehensive Plan.
94. **Theater drive-in** means an establishment for the outdoor viewing of motion pictures by patrons while in their automobiles. A drive-in theater use shall comply with the following supplementary use standards.

- a. **CRE district.** In the CRE district, a drive-in theater use shall not be located in an RR10 land use designation of the Comprehensive Plan.
- 94.1 **Theater, indoor** means an establishment for showing motion pictures or live performances in an enclosed building.
- a. **CRE district.** In the CRE district, an indoor theater use shall not be located in an RR10 land use designation of the Comprehensive Plan. If the facility exceeds three (3) acres in the IL zone then the use must rezone to the CRE district.
- b. **CG, CC and MUPD districts.** In the CG, CC and MUPD districts indoor theaters not exceeding two thousand-five hundred (2500) square feet, are a permitted use.
- c. **CCSO district.** Indoor theater uses shall not exceed five thousand (5,000) gross square feet floor area.
- f. **IL district.** If the facility exceeds three (3) acres in the IL zone then the use must rezone to the CRE district. [Ord. No. 99-37]
95. **Townhouse** means a dwelling unit located on an individual lot and attached by at least one but no more than two (2) party wall(s) along a minimum fifty (50) percent of the maximum depth of the unit, to one (1) or more other dwelling units; has a continuous foundation; each on its own lot, with said party wall(s) being centered on the common property line(s) between adjacent lots. A townhouse development shall comply with the following supplementary use standards. In the case of conflict with the property development regulations of the district, these standards shall apply.
- a. **General development regulations.** See Sec. 6.5, Property development regulations for additional general development regulations not included in this section.
- (1) **General.** Townhouse developments in the RTU zoning district or in the RS zoning district that lie within the MR5 future land use category shall require a Conditional Use A approval.
- b. **Ownership.**
- (1) **Common area.** Where any portion of the original lot is not divided among and incorporated into the resulting townhouse lots, then that portion of the original lot shall be held by either of the following or a combination of the following, in a form and manner acceptable to the County Attorney.
- (a) **Undivided interest.** Each lot owner shall have an undivided interest in the common area, which shall be appurtenant to that lot. The individual interest in the common areas shall not be conveyed separately from the ownership of said lot; or
- (b) **Property owners association.** A property owners association.
- (2) **Individual lot.** The minimum area to be conveyed to the lot owner shall be no less than one hundred (100) percent of the total ground floor building area of the dwelling unit. A homeowners maintenance association shall be formed among the unit owners to assure compliance with exterior area maintenance regulations as may be adopted by the association.
- c. **Height.** No building or structure shall exceed thirty-five (35) feet in height.
- e. **Accessory buildings and structures.** No detached accessory buildings or structures other than permitted fences or walls shall be permitted on any lot less than thirty (30) feet in width.

- f. **Access and parking.** Townhouse lots may be arranged in groups fronting on residential access streets (if located within a Planned Development) or fronting on parking tracts as allowed in Sec. 8.22, Access and Circulation Systems. Minimum parking requirements shall in accordance with Article 7.2, Off-street parking and loading of this Code.
 - g. **Replacement of similar structure.** In the event a townhouse unit developed pursuant to this section is destroyed or removed by or for any cause, the unit, if replaced, shall be replaced with a unit of at least similar size and type, that does not exceed the dimensions of the prior unit.
 - h. **Issuance of certificate of occupancy.** An attached townhouse building shall be developed as a whole, and no certificate of occupancy for a townhouse unit shall be issued until completion of one or more adjacent units and the entire attached building exterior, parking and landscaping.
 - i. **Minimum townhouse attachment.** A townhouse unit shall be attached to another townhouse unit along a minimum of fifty (50) percent of the maximum depth of the unit. This minimum attached length between townhouses is limited to the portion of a building supporting an air conditioned living area, a garage or a storage area and shall share a continuous foundation with the townhouse building.
- [Ord. No. 99-37] [Ord. No. 01-01]

95.1 Truck stop means a facility that provides fueling activities and parking opportunities for semi-trucks and other commercial vehicles.

- a. **Location criteria.** Truck stops with gasoline sales and related uses and facilities create impacts which may permanently and substantially alter the character of an area. Prior to approving a conditional use for a truck stop or other facility with gasoline pumps, the BCC shall make a finding that the use is appropriately located. In making the determination that the use is appropriately located, the BCC shall consider the following.
 - (1) **Movement.** Proper functioning of the site as related to vehicle stacking, circulation and turning movements.
 - (2) **Buffering.** Adequate buffering from residential areas.
 - (3) **Access.** Provision of adequate access, ingress and egress.
 - (4) **Vicinity.** Number of other fueling stations in the vicinity to safeguard against potential harm from explosion.
- b. **Lot size.**
 - (1) **Lots ten (10) acres or less.** Truck stops on sites ten (10) acres or less shall be permitted as a Class A Conditional Use in the IL and IG districts.
 - (2) **Lots greater than ten (10) acres.** Truck stops on sites greater than ten (10) acres shall require approval as a MUPD or PIPD. The proposed site shall have an industrial land use designation.
- c. **Setbacks.** The vehicular access area shall be setback a minimum of one hundred (100) feet and the vehicular use and storage area shall be setback a minimum of two hundred (200) feet from any residential district.
- d. **Buffer.** In addition to the requirements of Sec. 7.3. (Landscape and Buffering), a six (6) foot berm, topped by a six (6) foot fence, or a twelve (12) foot CBS-type wall shall be provided on any property line that is adjacent to a residential district.
- e. **Accessory uses.** The following accessory uses may be permitted based upon the zoning designation of the site: general maintenance and repair of commercial vehicles; truck wash facilities; convenience stores; general or speciality restaurants; hotel/motel accommodations; and general office services.

Accessory uses shall be subject to all ULDC requirements for the specific use in addition to those indicated below.

- (1) **IL and IG districts.** Accessory uses shall be limited to general maintenance and repair; truck wash facilities; convenience stores; and general office services.
 - (2) **General maintenance and repair.** All maintenance and repair activities shall be conducted within an enclosed structure. Outside storage of disassembled vehicles, or parts thereof, shall be prohibited.
 - (a) **Vehicle testing.** Vehicle testing on residential streets shall be prohibited.
 - (b) **Water recycling.** Automatic truck wash facility shall utilize a water recycling system. [Ord. No. 97-64]
96. **Utility, minor** means elements of utility distribution, collection, or transmission networks, other than electrical generation and transmission voltage facilities, required by their nature to be relatively dispersed throughout the service area. Typical uses include gas and water regulations, electrical distribution substations, sewage lift stations, and telephone exchange buildings and substations. A minor utility use shall comply with the following supplementary use standards.
- a. **Location.** The proposed minor utility shall be located within reasonable proximity of the area to be served by the facility.
 - b. **Maximum size of structure.** The minor utility structure, buildings, and appurtenances shall not exceed twenty-five hundred (2,500) square feet of gross enclosed floor area.
 - c. **Lift stations.**
 - (1) **New subdivisions.** Facilities located in new subdivisions shall be subject to DRC approval concurrent with the subdivision approval.
 - (2) **R-O-Ws.** Facilities located within R-O-Ws or utility easements shall not be subject to DRC approval.
 - d. **Buffers.** A minor utility shall be located and buffered to ensure compatibility with surrounding land uses. The DRC may require adequate setbacks, screening, and buffering around the utility to ensure compatibility. [Ord. No. 99-37] [Ord. No. 00-015] [Ord. No. 01- 01]
- 96.1 **Vehicle inspection center** means an establishment engaged in vehicle inspection or the testing of motor vehicle emissions, but not engaged in any vehicle repair. [Ord. No. 99-37]
97. **Vehicle sales and rental** means an establishment, as defined by the Department of Motor Vehicles, engaged in the retail or wholesale sale or rental, from the premises, of motorized vehicles or equipment or mobile homes, along with incidental service or maintenance. Typical uses include new and used automobile sales, indoor vehicle showroom, automobile rental, boat sales, boat rental, mobile home, manufactured housing and recreational vehicle sales, construction equipment rental yards, moving trailer rental, and farm equipment and machinery sales and rental. [Ord. No. 97-14]
- a. **District limitations and use criteria.**
 - (1) **CC, CG and IL districts.**
 - (a) **Truck and trailer rental.** Truck and trailer rental limited to a maximum of five (5) vehicles per lot shall be permitted as an accessory use to an auto service station subject to DRC approval. Truck and trailer rental exceeding five (5) vehicles per lot shall be permitted subject to Class B Conditional Use approval. Designated storage spaces for each truck or trailer shall be depicted on the approved site plan. All storage spaces shall be setback a minimum of

- (100) feet from the front and side street (corner) property lines. No truck or trailer shall be stored or temporarily parked in a required parking space, handicapped parking space, driveway, queuing area, fire lane, or other vehicular circulation area. [Ord. No. 01-29]
- (2) **MUPD and CG districts.** An indoor vehicle showroom shall be allowed in the MUPD and CG Districts subject to DRC approval and shall comply with the criteria below. [Ord. No. 01-29]
- (a) **Floor area.** The indoor vehicle showroom shall not exceed thirty thousand (30,000) square feet and be limited to a maximum of fifteen (15) display vehicles.
- (b) **Retail sales/lease transactions.** Retail sales and lease transactions for new vehicles may occur in the indoor vehicle showroom.
- (c) **New vehicles.** Display of vehicles for sales and lease transactions shall be limited to new vehicles only.
- (d) **Test drives.** Test drives shall not be permitted from the indoor vehicle showroom or on-site. Test drives shall occur off-site from an associated dealership.
- (e) **Parking.** Vehicles for sale or lease shall not be parked or displayed outside of the showroom. Trucks used to transport vehicles to and from the showroom shall not be parked in required parking areas and shall not be stored on-site.
- (f) **Vehicle operations.** Display vehicles shall not operate engines during store hours. Engines shall only be permitted to operate during the transport of vehicle into or out of the showroom.
- (g) **Maintenance and repair.** Maintenance, repair, paint or detailing operations shall not occur on-site.
- (3) **IL and IG districts.** In the IL and IG districts, vehicle sales and rental uses shall be limited to the following:
- (a) **Vehicle sale and rental, accessory.** In the IL and IG districts, limited vehicle sales and rental may be permitted as an accessory use to general repair and maintenance facilities subject to DRC approval. The vehicle sales and rental use shall be limited to a maximum of five (5) vehicles per lot. Designated storage spaces for each sale or rental vehicle shall be depicted on the approved site plan. All storage spaces shall be setback a minimum of (100) feet from the front and side street (corner) property lines. No vehicle shall be stored or temporarily parked in a required parking space, handicapped parking space, driveway, queuing area, fire lane, or other vehicular circulation area. [Ord. No. 01-29]
- (i) **Use approval.** Accessory vehicles sales and rental shall be subject to approval by the DRC.
- (ii) **Display.** Vehicles on display must be located within fifty (50) feet of a repair bay.
- (iii) **Site plan.** Site plan approval shall be based on the standards in Sec. 6.4.D. (Vehicle sales and rental).
- (b) **Automobile rental.** Automobile rental shall be permitted subject to Class A Conditional use approval. [Ord. No. 01-29]
- (c) **Mobile home, RV, and heavy equipment sales or rental.** The sale or rental of mobile or manufactured homes, recreational vehicles or heavy equipment shall be permitted subject to Class B Conditional use approval.
- (d) **Rental equipment.** Construction equipment, moving trailer, farm equipment, and machinery sales and rental uses shall require DRC approval.
- b. **Additional development standards.**
- (1) **Minimum lot size.** The minimum lot area for vehicle sales and rental is three (3) acres, except as provided below:
- (a) **IL district.** The minimum lot size shall be one (1) acre.
- (2) **Accessory repairs and parts sales.** Repair facilities and sales of parts may be provided as an accessory use. Repair facilities and paint and body shops shall be located at least one hundred (100) feet from any residential district lot. Service bay doors shall not be oriented toward any adjacent property in a residential district, or oriented toward any adjacent public street. There

shall be no outdoor repair of vehicles. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site.

- (3) **Sales office.** No mobile home, recreational vehicle, or other vehicle shall be used as sales offices, storage space or for sleeping purposes. Sales offices and storage shall be contained in buildings in conformance with the Palm Beach County Building Code and Fire Code.
- (4) **Car wash.** If an accessory car wash facility is installed on site, it shall use a water recycling system.
- (5) **Loudspeakers.** No outdoor speakers or public address systems that are audible from the exterior of the site shall be permitted.
- (6) **Fencing and screening.** A safety fence of up to a height of six (6) feet shall be required if it is determined necessary to protect the general public health and safety. Screening of at least seventy-five (75) percent opacity shall be required if it is determined necessary to protect neighboring property from potential loss of use or diminishment of land value. On property lines not adjacent to a public street, there shall be provided a chain-link fence or wall eight (8) feet in height from the finished grade.
- (7) **Unloading space.** The development shall include an area on site to unload vehicles from car carriers. This area shall be a minimum of fifteen (15) feet wide and sixty (60) feet long, shall have sufficient maneuvering area adjacent to it, shall be located out of the vehicular traffic circulation and shall not be adjacent to residential district lots. The unloading area shall be located a minimum of one hundred (100) feet from any property in a residential district.
- (8) **Parking.** Unless otherwise provided for in this section, all vehicular use areas and specialized vehicular use areas for display, sale, rent, or storage purposes shall comply with the standards set forth in Sec. 7.2, Off-street Parking and Loading, and Sec. 7.7, Driveways and Access.

[Ord. No. 01-29]

(a) **Display.** Motor vehicle display, sales, rental and storage shall be permitted subject to the following requirements:

- (1) **Storage.** Motor vehicle dealerships may store vehicles outdoors on an improved parking surface without reference to parking stalls, backup distances, parking stall striping or wheel stops. For outdoor motor vehicle sales and display parking, signs and stall striping are not required, but in all other respects, outdoor sales and display parking shall conform to the provisions of Sec. 7.2, Off-street Parking Regulations. Parking for vehicle storage, sales or display may not be counted toward meeting the number of required off-street parking spaces to be provided for customers and employees. Vehicles shall not be stored or temporarily parked in a required parking space, handicapped parking space, driveway, queuing area, fire lane, or other vehicular circulation area. [Ord. No. 01-29]
 - (2) **Display.** If a specialized vehicular use area is utilized for display of vehicles, there shall be a barrier separating it from customer parking. This barrier may be in the form of a landscape strip, curbing, removable bollards or other suitable barrier approved by the Zoning Director.
 - (3) **Vehicles.** No vehicle shall be parked with its hood or trunk open. Motor vehicles on display shall not be elevated.
- (b) **Customer parking.** Customer parking shall be marked with an above grade sign and shall be physically separated from the motor vehicle sales, storage and display space.
- (c) **Security.** When the facility is not open, the parking area shall be locked and gated.
- (9) **Operating conditions.** No vehicles, other than for customer and employee parking, shall be stored or displayed on the site except those which are intended for sale and are in running condition. Motorcycles, auto, truck, boat, mobile home, and recreation vehicles shall be maintained in a safe operating condition at all times. If in a used condition, they shall have a current valid license plate.
 - (10) **Temporary sale of vehicles.** Temporary sale of vehicles shall be allowed as a special permit in accordance with 6.4.D.10. (Amusements, Temporary or Special Event). In addition to the

regulations in 6.4.D.10, and above, temporary sale of vehicles shall comply with the following supplementary use standards.

- (a) **Zoning district.** Temporary sale of vehicles shall only be permitted in the following zoning districts: CG, IL, and MUPD.
 - (b) **Minimum lot size.** The minimum lot size shall be ten (10) acres.
 - (c) **Separation.** A minimum separation of two hundred (200) feet shall be maintained from all buildings.
 - (d) **Duration.** Temporary sale of vehicles shall be limited to three (3) consecutive calendar days and shall be prohibited during the months of November and December.
 - (e) **Parking.** A maximum of fifty (50) off-street parking spaces may be utilized for the special event. No activities associated with the event shall extend beyond the event area.
 - (f) **Signage.** Signage shall be permitted only in the designated event area.
 - (g) **Prohibitions.** Open hoods or repairs shall not be permitted.
 - (h) **Hours of operation.** Hours of operation shall be from 8:00 a.m. to 9:00 p.m.
 - (i) **Location.** There shall be suitable ingress and egress to the event area, subject to Zoning Division approval.
- [Ord. No. 97-64] [Ord. No. 00-015]

98. **Veterinary clinic** means an establishment engaged in providing medical care and treatment for animals. A veterinary clinic use shall comply with the following supplementary use standards:
- a. **RSER districts.** In the RSER district, a veterinary clinic shall not have outdoor runs or facilities.
 - b. **AR and SA district.** In the AR and SA districts, a veterinary clinic use shall be for livestock only and shall be located on a minimum of five (5) acres.
 - c. **AR and CRS in the Urban Service Area.** In the AR and CRS districts in the Urban Service Area, a veterinary clinic shall be only for large animals.
 - d. **CN district.** In the CN district, a veterinary clinic shall not have outdoor facilities nor occupy more than one thousand five hundred (1,500) square feet of gross floor area.
 - e. **Outdoor runs.** Veterinary clinics with outdoor runs or boarding facilities shall comply with the following standards.
 - (1) **Minimum lot area.** The minimum lot size shall be one (1) acre.
 - (2) **Setbacks.** Outdoor runs shall not be located within fifty (50) feet of any property line adjacent to a residential zoning district or twenty-five (25) feet of any property line adjacent to a non-residential zoning district. Boarding structures shall not be located within twenty-five (25) feet of any property line.
 - (3) **Setbacks in the Westgate CRA Overlay.** Outdoor runs and boarding structures shall not be located within twenty-five (25) feet of any property line.
 - (4) **Design.** Outdoor runs shall be hard surfaced or grassed with drains provided every ten (10) feet, and shall be connected to an approved sanitary facility. Outdoor runs shall have chain-link fencing on the sides and the top. Safety fences of up to a height of six (6) feet shall be required around outdoor runs. If the safety fence is not opaque, a continuous opaque hedge, a minimum of four (4) feet at installation, shall be provided around the outdoor run.
- [Ord. No. 99-37] [Ord. 01- 01]

99. **Vocational school** means an establishment, for profit or not, offering regularly scheduled instruction in technical, commercial, or trade skills such as, but not limited to business, real estate, building and construction trades, electronics, computer programming and technology, automotive and aircraft mechanics and technology, or other types of vocational instruction. A vocational school use shall comply with the following supplementary use standards.
- a. **RSER, CC and CG districts.** In the RSER, CC and CG districts, a vocational school use shall not involve heavy equipment or machinery, motor vehicle engines, or aircraft, unless approved as a Class A Conditional Use.
100. **Warehousing** means an establishment engaged in the storage of materials, equipment, or products within a building for manufacturing use or for distribution to wholesalers or retailers, as well as activities involving significant movement, breaking of bulk and storage of products or equipment. Typical uses include motor freight transportation, moving and storage facilities, cold storage, warehousing and dead storage facilities, but exclude self-service storage facilities and office-warehouse combinations. A warehouse use shall comply with the following supplementary standards:
- a. **Accessory office.** A general warehouse use with an accessory office shall be equipped with sanitary facilities.
 - b. **Public access.** Storage of stock-in-trade, equipment or material best kept in a warehouse-like environment shall not be open to the general public.
 - c. **Sales.** Retail sales shall be prohibited.
 - d. **Storage.** All materials shall be stored entirely within an enclosed building.
 - e. **Manufacturing.** No manufacturing, assembly or processing shall take place on site.
 - f. **Office/Warehouse in the WCRA-O.** An office warehouse combination is a construction office for special trade contractors, or a commercial wholesale trade establishment consisting of a mix of small scale, independent business offices each having a contiguous, accessory enclosed storage area which is internally accessible to the office. Only WCRA-O shall be permitted to receive approval for an office-warehouse use pursuant to a Class A Conditional Use.
 - (1) **Office space.** The minimum percentage of office space supporting the warehouse use shall be twenty-five (25) percent of the gross floor area.
 - (2) **Regulations.** The approved office-warehouse combination shall comply with all the regulations of Sec. 6.4.D.100.
 - g. **Conforming use status of prior approvals.** Office-warehouse combinations that were approved by special exception or other previous approvals, prior to adoption of this section [June 2, 1992] shall be considered to be a conforming land use. The approved office/warehouse combination shall follow conditions a through f above. [Ord. No. 99-37]
101. **Water or wastewater treatment facility and dewatered domestic wastewater residuals land application** means a facility designed for treatment and disposal of more than five thousand (5,000) gallons per day of wastewater, including large regional plants and above ground package treatment facilities. A water or wastewater treatment facility use shall comply with the following supplementary use standards in all zoning districts. Dewatered domestic wastewater residuals may be applied to land when found to comply with subsection i below.

- a. **Location.** The location of the proposed water or wastewater treatment facility shall be within reasonable proximity of the area to be served by the facility.
- b. **Stock piling of sludge.** Stock piling of sewage sludge on site is prohibited without odor control.
- c. **Facility odor.** Facilities shall be designed and operated to restrict objectionable odor from entering adjacent properties.
- d. **Compatibility, buffering, screening.** The proposed water or wastewater treatment facility shall be properly located and buffered to ensure compatibility with surrounding land uses. Adequate setbacks, screening and buffering around the perimeter of the proposed water and/or wastewater facility site shall be required at the time the facility is developed . For purposes of this section, the AR-Agricultural Residential Zoning District is not considered a residential district. Required setbacks, screening and buffering shall include, but shall not be limited to, the following.

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**Table 6.4-7
WASTEWATER TREATMENT FACILITY SETBACKS**

Type/Capacity	Type of Facility	Setbacks from Residential and Commercial Zoned Property	Setbacks From Non-Residential or Non-Commercial Zoned Property
Wastewater treatment facilities over one million gallons per day capacity:	Head works, clarifiers, sludge treatment & handling facilities without odor control	750 feet	500 feet
	Head works, clarifiers, sludge treatment & handling facilities with odor control	300 feet ²	200 feet ¹
	Chemical storage facilities	300 feet	200 feet
	Accessory facilities	200 feet	100 feet
Wastewater treatment facilities up to one million gallons per day capacity including package treatment facilities	Treatment units without odor control	150 feet	150 feet
	Treatment units with odor control	100 feet ¹	100 feet ¹
	Chemical storage facilities	100 feet	100 feet
	Accessory facilities	100 feet	100 feet

NOTES for TABLE 6.4-7:

- 1 Minimum lot dimensions shall be governed by the regulations above or the most recent standards adopted by the District and shall apply only to new schools. The District shall forward any changes in the standards to the Department within twenty (2) days of School Board adoption. Minimum lot dimensions shall include, if applicable, sufficient room for any onsite retention.
- 2 Tertiary filters do not require odor control.

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**Table 6.4-8
WATER TREATMENT FACILITY SETBACKS**

Type/Capacity	Type of Facility	Setback
Water treatment facilities over two millions gallons per day capacity.	Treatment units and chemical storage	200 feet
	Units which will cause airborne sulfides	500 feet ₅
	Accessory facilities	100 feet
Water treatment facilities up to two million gallons per day capacity including package treatment facilities	Treatment units and chemical storage	100 feet
	Units which will cause airborne sulfides	250 feet ₂
	Accessory units	100 feet

NOTES for TABLE 6.4-8:

- 1 **Odor control.** Unless treatment for removal of sulfides for odor control is included.
- 2 **Maximum building height.** Structures higher than thirty-five (35) feet are allowed provided the following setbacks are met:
 - a. The minimum yard setbacks of this section; and
 - b. An additional one (1) foot setback for each one (1) foot in height exceeding thirty-five (35) feet.

- (1) **Buffer.** Perimeter landscape buffers with a minimum width of twenty-five (25) feet;
 - (2) **Trees.** Double rows of trees planted within landscape buffers at a ratio of one (1) twelve (12) foot tall tree for each thirty (30) linear feet of abutting property line or fraction thereof; and
 - (3) **Screening.** Screening around the perimeter of the site, consisting of a hedge, earthen berm, fence or wall which will present a solid visual screen at least six (6) feet in height upon installation.
- e. **Package water or wastewater treatment facility.** If a package water or wastewater treatment facility is developed, the following additional standards shall be met.
- (1) **Confirmation.** If a package treatment facility is proposed to be developed in the designated Urban Service Area (USA) in the Comprehensive Plan, confirmation shall be provided from the appropriate public utility that central water or wastewater service is not available at the time the application for development permit is submitted, and that service is projected to be available within four (4) years of that date;
 - (2) **Duration.** The use of package treatment facilities in the USA shall be permitted only until such time as central water or wastewater service is available from the appropriate public utility;
 - (3) **LSA.** If the package wastewater treatment facility is proposed to be developed in the designated Limited Service Area (LSA) of the Comprehensive Plan:
 - (a) **Confirmation.** Confirmation is provided from the PBCHD that use of a package wastewater treatment plant is necessary to protect water quality; and
 - (b) **Certification.** A certificate is provided by the PBCHD that the uses proposed can be adequately served with a package wastewater treatment plant.

- (4) **RSA.** If the package treatment facilities are proposed to be developed in the designated Rural Service Area (RSA) of the Comprehensive Plan, there shall be demonstrated evidence that it is to be used to provide potable water or wastewater service to bona fide agricultural uses, public recreational uses, public educational uses, or other uses when found to be consistent with the Comprehensive Plan and upon approval of the Director of the Palm Beach County Health Department based on standards in Sec. 6.4.D.101.g.(3).(a) and (b) above. The Palm Beach County Health Department may impose conditions or restrictions necessary to protect public health and prevent the creation of a sanitary nuisance. All package plants in the RSA shall be operated and maintained by a public utility. Based on the standards of operator coverage in 17-602, Florida Administrative Code, the BCC, upon sufficient justification, may require a higher level of operator coverage.
- f. **Effect on previously approved facilities.** Water and wastewater treatment facilities approved prior to the effective date of this section shall not be considered nonconforming uses. Expansion of existing facilities may be allowed with setbacks lower than those listed in the table in this section provided the expansion is reviewed and approved by the DRC and if odor control is provided for significant sources of odor.
- g. **Dewatered Domestic Wastewater Residual Land Application:** Class A or B Dewatered Domestic Wastewater Residuals (DDWR), as defined by Chapter 17-640, F.A.C. and Article 3 (Definitions) of this Code, may be applied to the land at bonafide agricultural operations in the AP, AGR and AR zoning districts as specified below. Class AA DDWR, as defined by Chapter 17-640, F.A.C. and Article 3 (Definitions) of this Code, has unlimited distribution pursuant to Chapter 17-640, F.A.C. Nothing herein shall preclude disposal of DDWR at a landfill or at a wastewater treatment facility in compliance with applicable federal, state and local regulations nor effect any DDWR operation approved prior to the effective date of this section.
- (1) **AP and AGR districts.** Land application of class A or B DDWR shall be permitted on the site of bonafide agricultural operations as a matter of right in the AP and AGR zoning districts in compliance with FDEP standards in Chapter 17-640, as verified by the Palm Beach County Health Department prior to land application. Following verification, the Palm Beach County Health Department shall be notified of the proposed first date of the land application no fewer than thirty days prior to land application.
- (2) **AR district.** Land application of class A or B DDWR shall be permitted in the AR zoning district on the site of bonafide agricultural operations following approval by the DRC. An applicant shall demonstrate compliance with FDEP standards except that the required separation from buildings and other property lines shall be as specified below. In the case of several adjacent properties which all apply DDWR to the land, the properties may be combined for the purpose of measuring the required separation and the separation may be measured from the boundary of the most exterior application area.
- (a) **External separation.** There shall be a minimum separation of five hundred (500) feet from any off-site structure occupied on a daily or frequent basis by people. This distance shall be measured from the perimeter of the DDWR application area outward toward the structure.
- (b) **Internal separation.** Internal to each site, there shall be a minimum two hundred (200) hundred foot separation from the perimeter of the DDWR land application area to the property line of the adjacent parcel.

These setbacks may be reduced or increased by the DRC when approved by the Director of the PBCHD and found by the DRC to be consistent with the adopted Comprehensive Plan, the intent of this section, and the compatibility standards of this Code.

[Ord. No. 99-37]

102. **Wholesaling, general** means an establishment engaged in the display, maintaining inventories of goods, storage, distribution and sale of goods to other firms for resale, or the supplying of goods to various trades such as landscapers, construction contractors, institutions, industries, or professional businesses. In addition to selling, wholesale establishments sort and grade goods in large lots, break bulk and redistribute in smaller lots, delivery and refrigeration storage, but excluding vehicle sales, wholesale greenhouses or nurseries, wholesale of gas and fuel, and wholesale building supplies. A general wholesaling use shall comply with the following supplementary use standards.
- a. **IG and IL Districts.** In the IL and IG districts a general wholesaling or warehouse use which has an accessory office shall be equipped with sanitary facilities.
103. **Zero lot line home** means the use of a lot for one (1) detached dwelling unit excluding a mobile home but including a manufactured building with at least one (1) wall, but not more than two (2) walls or a portion thereof, located directly adjacent to a side lot line. A ZLL home use shall comply with the following supplementary use standards. In the case of conflict with the property development regulations of the district, these standards shall apply.
- a. **General.** ZLL developments in the RTU zoning district or in the RS zoning district that lie within the MR5 future land use category shall require a Class A Conditional Use approval.
 - b. **Access.** Zero lot line homes and side street homes within a planned development may front on a residential access street subject to Chart 8.22-2, Chart of Minor Streets. Residential subdivisions located outside of a planned development shall provide access to lots as required by Sec. 8.22, Access and circulation systems.
 - c. **Parking.** Each zero lot line and side street home shall have a minimum of two (2) parking spaces and shall comply with the requirements of Sec. 7.2, Parking and loading.
 - d. **Replacement.** In the event any home built under this section is destroyed or removed by or for any cause, the unit if replaced, shall be replaced with a unit of similar size and type, meeting the minimum requirements of this section. The developer shall include the appropriate deed restrictions and/or covenants so as to require replacement as outlined above. [Ord. No. 99-37]
104. **Zoo** means a place where animals are kept in captivity for the public to view. A zoo use shall comply with the following supplementary use standards:
- a. **Location.** An outdoor wildlife preserve or attraction shall have a five hundred (500) foot buffer from an existing residential development or an area designated as a residential use in the Future Land Use Element of the Comprehensive Plan.
 - b. **Setback from residential.** No animal containment area shall be located within five hundred (500) feet of any residential district.
 - c. **SA district.** In the SA district, a zoo use shall have a five hundred (500) foot buffer from residentially occupied or zoned property in addition to the required minimum setbacks of these districts.
 - d. **AR district.** In the AR district, a zoo use shall be located on a minimum of ten (10) acres, and shall have a five hundred (500) foot buffer from residentially occupied or zoned property in addition to the required minimum setbacks of these districts.

Amendment History:

[Ord. No. 93-4; February 16, 1993] [Ord. No. 93-17; July 20, 1993] [Ord. No. 94-23; October 4, 1994]
[Ord. No. 95-8; April 13, 1995] [Ord. No. 95-24; July 11, 1995] [Ord. No. 96-28; September 25, 1996]
[Ord. No. 97-14; May 23, 1997] [Ord. No. 97-64; December 24, 1997] [Ord. No. 98-01; January 16, 1998]
[Ord. No. 98-11; April 30, 1998] [Ord. No. 98-12; April 30, 1998] [Ord. No. 99-37; October 7, 1999]
[Ord. No. 00-015; April 12, 2000] [Ord. No. 01-01; January 18, 2001] [Ord. No. 01-28; October 3, 2001]
[Ord. No. 01-29; August 3, 2001] [Ord. No. 01-62; September 6, 2001] [Ord. No. 01-100; December 28, 2001]

SEC. 6.5 PROPERTY DEVELOPMENT REGULATIONS.

A. Property development regulations schedule. The minimum lot dimensions, minimum and maximum density, maximum floor area ratio (FAR), maximum building coverage, and minimum building setbacks for uses in each district shall be determined from Table 6.5-1, as may be modified by succeeding provisions of this section. Maximum building height shall be as specified in Sec. 6.5.H., Building height. Property development regulations for Overlay districts shall be as specified in Sec. 6.7, Overlay District Regulations. Property development regulations for Planned Development Districts shall be as specified in Sec. 6.8, Planned Development District Regulations. There are no property development regulations for the PO district. A project may be eligible to develop at the maximum density specified in this schedule provided all other property development regulations of this code are met. [Ord. No. 96-28]

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TABLE 6.5-1
PROPERTY DEVELOPMENT REGULATIONS SCHEDULE ²

Zoning District	Min. Lot Dimensions			Density		Max FAR	Max. Bldg. Cover	Min. Bldg Setbacks (ft.) ⁴			
	Size	Width	Depth	Min. ⁵	Max. ⁶			Front ³	Side	Street	Rear
PC	1 ac.	-	-	-	-	-	-	50	50	50	50
AGR	5 ac.	300	300	-	.2	.15	15%	100	50	80	100
AGR-CCSO	1 ac.	330	100	-	-	.35	25%	30	30	30	30
AP	10 ac.	300	300	-	.1 ⁸	.10	10%	100	50	80	100
SA	10 ac.	300	300	-	-	.15	10%	100	50	80	100
RSER	10 ac.	300	300 ⁷	-	-	.15	15%	25	50	25	50
CRS	10 ac.	300	300	-	-	.15	10%	100	50	80	100
RE	2.5 ac.	180	200	-	0.4		20%	50	40	50	50
RT	20,000	100	125	-	1.5		25%	25	15	25	25
RTS	14,000	100	125	-	2.0		25%	25	15	25	25
RTU	8,000	85	90	3.0	4.0		35%	25	10.5	10.5	20
RS	6,000	65	75	3.0	5.0		40%	25	7.5	15	15
RM	¹	65	75	5.0	6.0		35%	25	15	25	12
RH	¹	65	75	5.0	8.0		35%	25	15	25	12
CN	1 ac.	100	100	-	-	.35	25%	30	30	30	30
CLO	1 ac.	100	200	-	-	.35	25%	40	15	25	20
CC	1 ac.	100	200	-	-	.35	25%	30	30	30	30
CHO	1 ac.	100	200	-	-	.35	25%	40	15	25	20
CG	1 ac.	100	200	-	-	.35	25%	50	15	25	20
CRE	3 ac.	200	300	-	-	.50	25%	80	50	80	50
IL	1 ac.	100	200	-	-	.45	45%	40	15	25	20
IG	2 ac.	200	200	-	-	.45	45%	45	20	45	20
IPF	1 ac.	100	200	-	-	.35	25%	50	15	25	20

[Ord. No. 98-11] [Ord. No. 98-49] [Ord. No. 00-015] [Ord. No. 01- 01][Ord. No. 01-29] [Ord. No. 01-100]

NOTES for TABLE 6.5-1:

- 1 Lot sizes for the RM and RH districts are governed by the density indicated by the Plan, and compliance with property development regulations and design standards including, but not limited to: building setbacks, parking requirements, landscaping requirements, and building coverages. Consistency with the Plan dictates that proposed site plans and subdivisions are governed by the permitted density of the applicable land use category; a lot size which achieves this consistency, and complies with all relevant property development regulations and design standards, is therefore, an acceptable minimum lot size.
 - 2 All principal buildings and uses require address signs pursuant to 7.14.D of this Code and the Palm Beach County Building Security Code.
 - 3 Certain nonconforming lots may use the setback provisions in Sec. 1.9., Nonconforming Lots.
 - 4 Residential side interior and rear setbacks abutting open space may be reduced by twenty five (25) percent pursuant to Sec. 6.5.G.6.
 - 5 The minimum allowable density may be less if a project is granted a minimum density exemption pursuant to the applicable provisions in the Plan.
 - 6 The maximum allowable density may be greater if the project is granted the ability to develop above the standard densities pursuant to the applicable provisions in the Plan.
 - 7 Maximum lot depth in the RSER District is 800'.
 - 8 The maximum density for AP is allowed in the LR-1 future land use category only.
- [Ord. No. 93-4] [Ord. No. 95-8] [Ord. No. 95-24] [Ord. No. 96-28] [Ord. No. 99-37] [Ord. No. 00-015]
 [Ord. No. 98-49] [Ord. No. 99-37] [Ord. No. 00-015] [Ord. No. 01- 01] [Ord. No. 01-100]

**TABLE 6.5-1B
 AR PROPERTY DEVELOPMENT REGULATIONS SCHEDULE¹**

Zoning District	FLUA	Min. Lot Dimensions			Density		Max FAR	Max Bldg. Cover	Min. Bldg. Setbacks (ft.) ²			
		Size	Width	Depth	Min	Max			Front ³	Side	Street	Rear ³
AR	RR-20	20 ac	300	300	-	.05	.15	10%	100	50	80	100
AR	RR-10	10 ac	300	300	-	.1	.15	10%	100	50	80	100
AR	RR-5	5 ac	300	300	-	.2	.15	10%	100	50	80	100
AR	RR-2.5	2.5 ac	180	200	-	.4	.15	10%	50	40	50	50
AR	4	10 ac	300	200	-	-	.15	10%	100	50	80	100

[Ord. No. 01-01]

Notes for TABLE 6.5-1B:

- 1 All principal buildings and uses require address signs pursuant to Sec. 7.14.D of this Code and the Palm Beach County Building Security Code.
 - 2 Certain nonconforming lots may use the setback provisions in Sec. 1.9, Nonconforming Lots.
 - 3 Residential side interior and rear setbacks abutting open space may be reduced by twenty five (25) percent, in accordance with Sec. 6.5.G.6.
 - 4 All future land use designations in the Urban/Suburban Tier.
- [Ord. No. 01-01]

Amendment History:

[Ord. No. 93-4; February 16, 1993] [Ord. No. 95-8; April 3, 1995] [Ord. No. 95-24; July 24, 1995]
 [Ord. No. 96-28; September 25, 1996] [Ord. No. 98-49; October 28, 1998] [Ord. No. 99-37; October 7, 1999]
 [Ord. No. 00-015; April 12, 2000] [Ord. No. 01- 01; January 18, 2001] [Ord. No. 01-100; December 28, 2001]

B. General exceptions.

1. **CRS district in LR1.** Notwithstanding the standards of Table 6.5-1 (Property Development Regulations Schedule), when a CRS district is located in an area with an LR1 land use designation in the Future Land Use Element of the Comprehensive Plan, the property development regulations of the RE district shall apply.
2. **Single-family development in multi-family districts.** Notwithstanding the requirements of Table 6.5-1, the property development regulations for single-family development in the RM and RH districts shall be as specified in Table 6.5-1 for the RS district.
3. **Townhouse development.** Notwithstanding the requirements of Table 6.5-1, the property development regulations, except for density, for townhouses in all districts where they are authorized shall be as follows.

**TABLE 6.5-2A
 Property Development Regulations for Townhouse Developments.**

Minimum lot size	Non planned development: 1,600 square feet Planned development: 1,000 square feet
Minimum lot width	16 feet

[Ord. No. 01-01]

**TABLE 6.5-2B
 Minimum townhouse setbacks**

YARD	SETBACKS (25' Maximum Building Height)	SETBACKS (35' Maximum Building Height)
Front	25 feet - garage 15 feet - unit	30 feet - garage 20 feet - unit
Side (interior)*	15 feet	25 feet
Side (street)*	25 feet	25 feet
Rear	25 feet	25 feet

[Ord. No 01-01]

Notes for TABLE 6.5-2B:

- 1 Setbacks shall be measured from fee simple lot lines, perimeter property lines, required landscape buffers, canal R-O-Ws, streets, and pod boundaries.
- 2 Townhouse units shall be setback a minimum distance of ten (10) feet from parking tracts.
- 3 Townhouse units may reduce the minimum rear or side building setback distance pursuant to Sec. 6.5.G.6, Setback reductions.
- 4 Recreation buildings and other structures allowed within townhouse developments which are not accessory structures shall comply with the setback and separation requirements of this section.
- 5 Townhouse buildings located within a planned development may request flexible regulations for side and rear building setbacks pursuant to Sec. 6.8.A.4., Regulating Plan.
- 6 Setback applies to end unit only.

[Ord. No. 01- 01]

**TABLE 6.5-2C
Minimum townhouse separations**

YARD	SEPARATIONS (25' Maximum Building Height)	SEPARATIONS (35' Maximum Building Height)
Front	25 feet	30 feet
Side (interior)	15 feet	25 feet
Side (street)	25 feet	25 feet
Rear	25 feet	25 feet

Notes for TABLE 6.5-2C:

- 1 Separations between two townhouse groups shall be measured by drawing a center line between the two adjacent groups and measuring a minimum distance equal to one-half (1/2) of the required separation from the centerline between structures to ensure an equidistant separation.
- 2 Separations shall apply to the proximity of one townhouse group (including accessory structures) to another.
- 3 Townhouse buildings located within a planned development may request flexible regulations for side and rear building separations pursuant to Sec. 6.8.A.4., Regulating Plan.

[Ord. No. 01-01]

- 4 **Zero Lot Line Development.** Notwithstanding the requirements of Table 6.5-1, the property development regulations, except for density, for Zero Lot Line homes in all districts where they are authorized shall be as follows. [Ord. No. 01-101]

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TABLE 6.5-3
Property Development Regulations for ZLL Developments

	INTERIOR LOT	CORNER LOT	SIDE STREET HOME
Minimum Lot Size	4,500 s.f.	4,500 s.f.	4,500 s.f.
Minimum Lot Width And Frontage	45 feet	55 feet	60 feet
Minimum Lot Depth	75 feet		
Minimum Front Setback	Front loading garage 25 feet Side loading garage 10 feet Living quarters 10 feet		
Minimum Side Interior Setback	Non ZLL 10 feet ZLL 0 feet	Non ZLL 10 feet ZLL 0 feet	10 feet on all sides
Minimum Corner Setback	N/A	15 feet	15 feet
Minimum Rear Setback	10 feet		
Maximum Building Height	35 feet		
Maximum Lot Coverage	50% - building		

[Ord. No. 01-101]

(This space left blank intentionally)

Notes for TABLE 6.5-3.

- 1 **Density.** The gross density of the development shall be consistent with the allowable density of the Plan.
- 2 **Minimum frontage and width.** Minimum frontage and width may be measured from the front building setback.
- 3 **Driveway.** The driveway of a front loading or side loading garage shall intersect the street at or near a ninety (90) degree angle to the road center line.
- 4 **Setback reduction.** The rear or side interior setback may be reduced pursuant to Sec. 6.5.G.6., Setback reductions. This reduction shall not be used in conjunction with other setback reduction regulations.
- 5 **Accessory building setbacks.** Accessory buildings shall meet the setback requirements for the principal structure.
- 6 **Flexible regulations.** ZLL and side street homes located within a planned development may request flexible regulations for minimum lot dimensions and side and rear building setbacks by applying to the DRC as described in Sec. 6.8.A.4, Regulating Plan. In no event shall separations between units be less than (10) feet.
- 7 **Screening.** Mechanical equipment shall be appropriately screened and oriented away from the front door and private outdoor spaces of the adjacent lot. [Ord. No. 01-01]

a. **ZLL Design standards.** A ZLL development shall contain homes (dwelling units) which are constructed abutting a lot line and may contain side street homes pursuant to Sec. 6.5.B.4.a.(2), Side street home. ZLL and side street homes have lot sizes and building setbacks which are substantially smaller than a typical single family house. Special attention is required to ensure that the design of the lot and home provides privacy and an outdoor recreation area for residents. ZLL and side street homes shall comply with the following design standards.

- (1) **ZLL home.** A ZLL home shall be designed abutting one (1), but not more than two (2) property lines and shall comply with the following standards.
 - (a) **Length of home abutting zero setback.** A minimum twenty (20) foot length of the home, shall be located abutting a lot line and shall have a zero foot setback from the lot line. Credit towards meeting this minimum length requirement shall be granted for an air-conditioned living area, a garage or a storage space which is attached or otherwise a part of the home. Attached shall mean that the buildings share a continuous foundation and a portion of the building abuts a lot line with a zero foot setback. If the home abuts two (2) lot lines, the minimum length measurement shall be cumulative for the two (2) lot lines.
 - (b) **Prohibited openings and attachments.**
 - 1) Openings and attachments shall not be allowed to penetrate and/or be attached to any portion of the home abutting the ZLL:
 - a) A/C condensate drain.
 - b) A/C emergency overflow drain.
 - c) Exhaust ducts, such as, but not limited to, kitchens, bathrooms, clothes dryers.
 - d) Garage vents.
 - e) Temperature or pressure relief line.
 - f) Doors.
 - g) Windows (other than glass blocks or similar translucent materials).
 - h) Electric meters.
 - i) Hose bid.
 - 2) **Exceptions.** Exceptions may be considered only for those existing projects where an opening or attachment was permitted on the zero lot line wall for the models or more than thirty (30) percent of the total dwelling units of that project.
 - (c) **Permitted openings.** The following openings and attachments shall be allowed to penetrate and/ or be attached to the portion of the home abutting the ZLL:
 - 1) Clean out fittings;
 - 2) Soffit vents;
 - 3) Glass blocks or similar translucent materials pursuant to the ULDC;
 - 4) Atrium emergency exit pursuant to the ULDC.

- (d) **Maintenance and roof eave encroachment easement.** The plat of a ZLL development shall indicate the establishment of a maintenance and roof eave encroachment easement along the ZLL.
- 1) **Easement width.** This easement shall be a minimum two (2) feet in width, to allow for the maintenance of the ZLL wall and to accommodate the overhang of the roof eave and gutter.
 - 2) **Roof eave encroachment.** Roof eaves may project over the ZLL up to a maximum of twenty-four (24) inches provided that gutters are installed to prevent water runoff onto the abutting property.
 - 3) **Drainage easement.** Eaves shall not project over drainage easements. No construction shall be permitted within an established easement, except as allowed in the easement encroachment regulations of Sec. 6.5., Property Development Regulations.
 - 4) **Drainage swales.** Drainage swales which do not have underground pipes may overlap roof overhang/maintenance easements.
- (e) **Atrium.** An atrium may be constructed along the ZLL side of the home to provide light, air, and a means of emergency escape. A gate may be installed for emergency exit purposes provided the gate is: a minimum of thirty-six (36) inches in width; a minimum of six (6) feet eight (8) inches in height; opaque; and, operable only from the inside with the door opening inward.
- (f) **Recess minimum.** The remaining portion of the home may be recessed from the ZLL by complying with the following standards.
- 1) **Distance.** The home shall be recessed a minimum distance of four (4) feet from the zero property line.
 - 2) **Openings.** Doors or windows in the recessed portion of the home shall not be adjacent to the outdoor patio or pool of another home unless the outdoor area is completely screened from view from the adjacent home.
- (g) **Privacy wall or fence.**
- 1) A minimum five (5) foot high opaque privacy wall or fence shall be constructed along the ZLL beginning at the rear of the home and extending a minimum distance of ten (10) feet toward the rear property line. The privacy wall or fence shall ensure a minimum private outdoor living space for each unit. Back-to-back or side-to-back units which have rear setbacks less than fifteen (15) feet on each lot shall provide a minimum five (5) foot high opaque privacy wall or fence along the rear property line.
 - 2) The required wall (including any extension) of this section shall be constructed with the materials described below and shall comply with all building code requirements.
 - a) Material identical to that which is used to construct the adjoining ZLL wall of the house (e.g. brick home with a brick privacy wall).
 - b) Any structure sound, opaque, and permanent materials with an exterior finish that matches the style, color, and surface texture of the exterior wall finishes of the adjoining ZLL wall of the house (e.g. CBS home with stucco finished wood frame wall painted to match the home).
 - 3) **Exceptions.** Exceptions may be considered only for those existing projects where the materials of the required privacy wall does not match the adjoining ZLL wall for the models or more than (30) percent of the total dwelling units of the project.
 - 4) **Screened and solid roof enclosures.** When a screened or solid roof enclosure extends along the lot width to the ZLL, the length and height of the wall required by Sec. 6.5.B.4.a.(1).(g) shall be extended along the ZLL pursuant to Sec. 6.6.A.10., Supplementary Regulations- Screen Enclosures.
- (h) **Final subdivision plan.** The design and function of ZLL homes abutting lot lines on two (2) sides shall be graphically indicated on a final subdivision plan prior to review and certification by the DRC. The plan shall indicate typical home configurations including door and patio locations.

- (i) **Use of glass block along ZLL.** The use of glass block or similar translucent materials along the ZLL shall be subject to the following provisions.
- 1) **Building code.** The glass block shall comply with all building code requirements, including product type, fire rating, energy codes, and other construction standards including the manufacturer's specifications regarding maximum area.
 - 2) **Materials.** Only translucent glass block which allows no shapes to be visible, and a maximum (60) percent exterior light transmission shall be used.
 - 3) **Limitation.** Use of glass block shall be limited to new construction only, unless permission of the home owners association and neighboring owner is obtained.
 - 4) **Surface area.** The use of glass block shall be limited to less than fifty (50) percent of the surface area of the wall abutting the ZLL or manufacturer's specifications regarding maximum area, whichever is less.
 - 5) **Affidavit.** The applicant (property owner or contractor) shall submit a notarized affidavit that verifies the degree of light transmission and the translucency of the glass block to be used.
 - 6) In no event shall separations between units be less than ten (10) feet.
 - 7) **Exception.** When a zero lot line wall abuts a dedicated open space at least fifty (50) feet in width, transparent windows may be permitted on the zero lot line wall.
- (2) **Side street home.** A side street home may only be located on a lot having a street or at least fifty (50) feet of open space abutting two (2) sides. This home shall not abut a property line and shall comply with the minimum setback requirements of Table 6.5-3. A side street home shall not be required to follow the design standards of Sec. 6.5.B.4.a.(1).
- (a) **Privacy wall or fence.** On every side street lot created pursuant to this section, a minimum five (5) foot high opaque privacy wall or fence shall be constructed along the side interior lot line. The required wall shall be consistent with Sec. 6.5.B.4.a.(1).(g).(i). And (ii). This requirement shall be waived if the adjacent home is required to install a privacy fence along the same lot line. At a minimum, this required wall or fence shall be constructed along the interior lot line beginning at a point parallel to the rear of the home and continuing a minimum distance of ten (10) feet toward the rear property line.
- (b) **Property development regulations.** The property development regulations for ZLL developments shall be as follows. [Ord. 01- 01]
5. **Special density programs.** Special density programs for affordable housing are available through the use of VDBP, TND, and Westgate CRA-O. Site development standards for affordable housing shall be in accordance with 6.5.L of this code.
[Ord. 01- 01]
6. **Minimum lot dimension exceptions.** Projects which are granted the ability to develop above the standard density pursuant to the applicable provisions in the Comprehensive Plan may develop single-family units according to the single-family residential (RS) zoning district property development regulations in the ULDC.

7. RM, Multi-Family Residential (Medium Density) District.

- a. Multifamily units shall be permitted on property in the RM zoning district with a MR5 land use designation and considered consistent with the Comprehensive Plan subject to the following.
 - (1) a written determination that the property meets the criteria for a Non-Planned Development District (PDD) Density Exemption in the Comprehensive Plan; and
 - (2) the property was zoned RM prior to the adoption of the 1989 Comprehensive Plan (rezoning property with MR5 land use to the RM district shall be prohibited).
- b. The approval process shall be as follows.

UNITS	PROCESS
0-4	Building Permit Only
5-8	DRC Site Plan Approval
9-16	Class B Conditional Use
Over 16	Class A Conditional Use

- c. Legally permitted multifamily units in RM zoning with MR5 land use may be redeveloped in compliance with Section 6.5. (Property Development Regulations).

8. Infill subdivisions. Single-family dwelling units in projects which meet the criteria in Policy 1.2.2.a. of the Comprehensive Plan or utilize the TDR Program may develop according to the Residential Single Family (RS) property development regulations in the ULDC. [Ord. No. 00-015]

C. Lot dimensions.

1. Lot size. Lot size refers to the total horizontal area included within the lot lines, expressed in acres or square feet. The minimum lot size for each district is provided in Table 6.5-1, except as otherwise provided in this subsection, Sec. 6.4.D, (Supplementary Use Standards), or elsewhere in this Code.

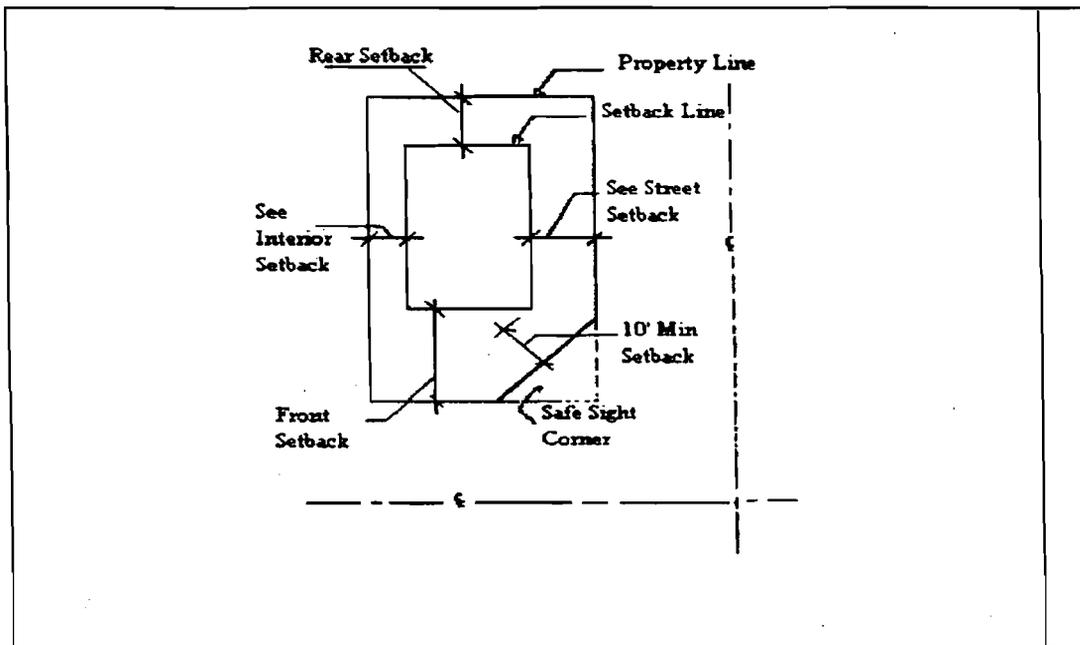
a. Special Lot Size Requirements in the AR and CRS districts.

- (1) **Minimum lot size in RR20 of the Future Land Use Element of the Comprehensive Plan.** Notwithstanding the requirements of Table 6.5-1, the minimum lot size in the AR and CRS districts when located in an area with an RR20 land use designation in the Future Land Use Element of the Comprehensive Plan shall be twenty (20) acres.
- (2) **Antiquated subdivisions.** The following standards shall pertain to the further division and recombination of lots in areas designated Rural Residential in the Future Land Use Element of the Comprehensive Plan.
 - (a) Parcels within antiquated subdivisions shall not be further divided to form additional parcels unless each parcel created is ten (10) or more acres.
 - (b) Parcels cannot be reduced in size unless the purpose is to enlarge other parcels in the subdivision. The overall number of units of the reconfigured lots shall not exceed the original number of units.
 - (c) Parcels can be enlarged in size by combining with land area not included within the boundaries of the subdivision. The number of dwelling units allowed for the reconfigured area shall not exceed the original number of units.
 - (d) Adjacent lots of record under common ownership shall be required to combine to satisfy density requirements if such combination acts to reduce the nonconformity.

- b. Maximum lot size in CN and CLO districts.** No lot shall be larger than three (3) acres in the CN district, and ten (10) acres in the CLO district.
- 2. Lot width.** Lot width refers to the horizontal distance, in feet, between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines. The minimum lot width for each district shall be as provided in Table 6.5-1, except as otherwise provided in this section, Sec. 6.4.D, (Supplementary Use Standards) or elsewhere in this Code.
- 3. Lot frontage.** Lot frontage refers to the length of the front lot line. The minimum lot frontage requirement shall be identical to the minimum lot width requirement as specified in Sec. 6.5.C.2., except that on curving streets or cul-de-sacs, the required lot frontage for lots contiguous to and between the points of curvature (P.C.) of said streets may be reduced by forty (40) percent, provided that the centerline radius of the contiguous street is one hundred twenty-five (125) feet or less. [Ord. No. 99-37]
- 4. Lot depth.** Lot depth refers to the horizontal length, in feet, of a straight line drawn from the midpoint of the front lot line to the midpoint of the rear lot line. The minimum lot depth for each district shall be as provided in Table 6.5-1., except as otherwise provided in this section, Sec. 6.4.D. (Supplementary Use Standards) or elsewhere in this Code. [Ord. No. 95-24]
- D. Density.** Density refers to the number of dwelling units for each acre of land. The minimum and maximum densities permitted in the RE through RH districts shall be as provided in Table 6.5-1, except as otherwise provided in this Section, Sec. 6.4.D. (Supplementary Use Standards) or elsewhere in this Code.
- 1. Calculation of density.** Density shall be calculated by dividing the number of dwelling units on a lot by the lot area (in acres). When the result is other than a whole number, it shall be rounded down to the nearest hundredths.
- 2. RT district in LR1.** Notwithstanding the requirements above, RT districts located in an area with a LR1 land use designation in the Future Land Use Element of the Comprehensive Plan, shall not have a minimum density requirement and the maximum density allowed shall be one (1) unit for each acre.
- 3. Maximum density.** Densities in excess of the maximum permitted by Table 6.5-1 shall be permitted in the RM or RH districts only if one (1) of the following conditions are met.
- The development is consistent with the County's Voluntary Density Bonus Program designed to provide affordable housing.
 - The additional dwelling units are equal to the equivalent transfer of development rights (TDR) units pursuant to Sec. 6.10, (Transfer of Development Rights).
 - The additional dwelling units are permitted by the provisions of an Overlay District pursuant to Sec. 6.7 (Overlay District Regulations).
 - The additional dwelling units are located in a Planned Development in accordance with the Planned Development provisions of this code. [Ord. No. 93-4]
- 4. Maximum density when utilizing TDR units.** Densities in excess of the maximum in Table 6.5-1 shall be permitted in all residential zoning districts in the Urban Service Area provided that the additional dwelling units are Transfer of Development Rights (TDR) units pursuant to Sec. 6.10 (Transfer of Development Rights). [Ord. No. 00-015]

- E. Floor area ratio (FAR).** Floor area ratio refers to the gross floor area of all structures on a site divided by the gross site area, expressed as a decimal. For the purposes of the FAR calculation, both gross floor area and site area are expressed in square feet. The maximum FAR permitted in each district shall be as provided in Table 6.5-1, except as otherwise provided in this Section, Sec. 6.4.D (Supplementary Use Standards) or elsewhere in this Code.
- F. Building coverage.** Building coverage refers to that portion of the area of a lot, expressed as a percentage, occupied by all structures that are roofed or otherwise covered and that extend more than three (3) feet above the ground surface level. The maximum building coverage for each district shall be as provided in Table 6.5-1, except as otherwise provided in this Section, Sec. 6.4.D (Supplementary Use Standards), or elsewhere in this Code. (All principal residential, commercial or industrial uses shall have a structure on the lot that is in compliance with the Building Code and other applicable codes.)
- G. Setbacks.** Setback refers to that part of a lot extending open and unobstructed from the ground to the sky, except for permitted obstructions, along the length of a lot line, and from the lot line, or applicable base building line, to a depth set forth in the property development regulations of the district in which the lot is located.
- 1. Front setback.** The front setback refers to the setback extending along the full length of the front lot line. The minimum front setback required in each district shall be as provided in Table 6.5-1, except as otherwise provided in this Section, Sec. 6.4.D (Supplementary Use Standards) or elsewhere in this Code. Said setback shall be measured from the base building line as established pursuant to Sec. 6.5.G.7. [Ord. No. 97-14]
 - 2. Interior side setback.** The interior side setback refers to the setback extending along an interior side lot line between the front and rear setbacks. The minimum interior side setback required in each district shall be as provided in Table 6.5-1, except as otherwise provided in this Section, Sec. 6.4.D. (Supplementary Use Standards) or elsewhere in this Code.
 - a. Accessory structures.** An accessory or subordinate structure (except guest cottages, accessory apartments, or structures over ten (10) feet in height) may be constructed in any residential district (except AR and CRS), a distance of five (5) feet from the side interior property lines provided it is not within any established easement, and that there is adherence to the side corner yard setback standards. The structure shall not be permitted to occupy more than twenty five (25) percent of the distance between property lines. All structures used as dwellings shall meet the required setbacks of the principal use.
 - b. RM and RH interior side setbacks or separations.** Building separations shall correspond to the side setback regulations. Buildings over thirty-five (35) foot in height shall be in accordance with Sec. 6.5.I. (Building Height Regulations).
 - 3. Street side setback.** The street side setback refers to the setback extending along a street side lot line between the front and rear setbacks. The minimum street side setback required in each district shall be as provided in Table 6.5-1, except as otherwise provided in this Section, Sec. 6.4.D. (Supplementary Use Standards), or elsewhere in this Code. Said setback shall be measured from the base building line as established pursuant to Sec. 6.5.G.7. [Ord. No. 97-14]
 - 4. Rear setback.** The rear setback refers to the setback extending along the full length of the rear lot line. The minimum rear setback required in each district shall be as provided in Table 6.5-1, except as otherwise provided in this Section, Sec. 6.4.D. (Supplementary Use Standards), or elsewhere in this Code.

- a. **Alleys.** Whenever a lot in either the commercial or industrial districts is contiguous to an alley, one-half (½) of the alley width may be considered as a portion of the required rear yard, but in no case shall the rear yard be reduced to less than five (5) feet.
 - b. **Railroad tracks.** Industrial uses that abut railroad trackage may reduce the rear yard setback to zero (0) feet along such trackage.
 - b. **Accessory residential structures.** An accessory or subordinate structure (except guest cottages, accessory apartments, or structures over ten (10) feet in height), may be constructed in any residential district (except AR and CRS), a distance of five (5) feet from the rear property lines provided it is not within any established easement, and that there is adherence to the side corner yard setback standards. The structure shall not be permitted to occupy more than twenty five (25) percent of the distance between property lines. Permitted accessory structures include satellite dishes, utility sheds, or detached garages. All structures used as dwellings shall meet the required setbacks of the principal use.
[Ord. No. 96-28]
5. **Setbacks from a safe sight corner.** Setbacks from a safe sight corner for a residential lot shall be a minimum of ten (10) feet. The setback shall be measured perpendicular from the interior lot line of the safe sight triangle.



- 6. **Setback reductions.** The rear or side setback may be reduced along the length of a lot line abutting open space with a minimum of fifty (50) feet of width provided all construction, earthwork, and maintenance shall be conducted on that lot. This reduction shall not be used in conjunction with other setback reduction regulations. Setback reductions shall be a maximum of twenty-five (25) percent unless otherwise stated in this code. [Ord. No. 99-37] [Ord. No. 01-01]
- 7. **Base building line.** The base building line for any lot shall be established to provide visual buffer along streets as follows.

- a. **Collector and Arterial Streets.** The base building line for any lot abutting a collector or arterial street shall be forty (40) feet beyond the existing R-O-W. Provided, however, that the County Engineer may waive this requirement in whole or in part and establish the base building line at a lesser distance from the existing R-O-W where said distance is deemed adequate to provide the visual buffer.
- b. **Local streets.** The base building line for any lot abutting a local street shall be as follows:
- (1) Along deeded or dedicated rights-of-way, the base building line shall be thirty (30) feet from the centerline of the R-O-W unless administratively waived by the County Engineer, or shall be the existing R-O-W line, which ever is greater.
 - (2) Along streets established as recorded easements, the base building line shall be thirty (30) feet from the center of the established easement unless administratively waived by the County Engineer. If the base building line requirement is waived on an easement road, setbacks shall be measured from the inside easement line.
 - (3) The base building line for lots within subdivisions platted after February 5, 1973 shall be the R-O-W line of the street as shown on the plat.
- c. **Permitted encroachments.** Pursuant to the approval of the County Engineer, removable non-habitable structures may be placed between the existing R-O-W line and the base building line. Approval of such structures shall be subject to a removal agreement and may include signs, fences, and auto displays. The area must be landscaped in accordance with Sec. 7.3 (Landscaping and buffering).
[Ord. No. 93-4] [Ord. No. 95-24] [Ord. No. 96-28]

H. Building height. Building height refers to the vertical distance, in feet, from finished grade to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs.

1. **General limitation.** Except as otherwise provided in this section or this Code, buildings in all districts shall be limited to a maximum height of thirty-five (35) feet.
2. **Accessory agricultural structures.** Structures accessory to a bona fide agricultural use in the AGR, AP, SA and AR districts may exceed thirty-five (35) feet up to a maximum of sixty (60) feet, provided that an additional three (3) foot setback is provided in addition to all required setbacks for each ten (10) feet in height or fraction thereof above thirty-five (35) feet.
3. **Airport zones.** Uses that fall within the Airport zones established in Article 18 (Airport Zoning Regulations) are subject to height restrictions and a special review process. Article 18, Section VI (Airspace Height Regulations) contains specific provisions. [Ord. No. 96-28]
4. **Multi-family and nonresidential districts.** In the RM, RH, CHO, CG, IL and IG districts, structures may exceed thirty-five (35) feet in height, provided that the following requirements are met.
 - a. **Increased setbacks.** An additional one (1) foot setback shall be provided in addition to all required setbacks for each one (1) foot in height or fraction thereof above thirty-five (35) feet.
 - b. **Increased setbacks adjacent to single-family.** Along all interior side and rear lot lines adjacent to an existing single-family dwelling or to undeveloped land in a single-family residential district, an additional two (2) foot setback shall be provided in addition to the required setback for each one (1) foot in height above thirty five (35) feet.

- c. Limitation in multi-family districts.** In the RM and RH districts, buildings or structures in excess of one hundred (100) feet in height shall be permitted only with approval of a Class B conditional use permit.
- 5. Exceptions to height regulations.** Except for structures located within a regulated Airport zone, the height regulations of this section shall not apply to the following:
- a. Church spires and religious domes; [Ord. No. 00-015]
 - b. Belfries;
 - c. Monuments;
 - d. Tanks;
 - e. Water towers;
 - f. Fire towers;
 - g. Stage towers or scenery lofts;
 - h. Cooling towers;
 - i. Ornamental towers and spires;
 - j. Chimneys;
 - k. Elevator bulkheads;
 - l. Smoke stacks;
 - m. Oil derricks;
 - n. Conveyors;
 - o. Flag poles; (subject to Sec. 7.14., Signage);
 - p. Aircraft control towers;
 - q. Aircraft navigation aids;
 - r. Accessory radio towers (subject to Sec. 6.6., Supplementary Regulations)
 - s. Amateur radio/TV antennas (subject to Sec. 6.6., Supplementary Regulations);
 - t. Commercial communication towers (subject to Sec. 6.4.D., Supplementary Use Standards); and
 - u. Parapet screening mechanical equipment.
- [Ord. No. 93-4] [Ord. No. 94-23] [Ord. No. 96-28]
- I. Exceptions to property development regulations.** The following structures or objects of natural growth shall be permitted within required yard setbacks, provided that the safe sight distance triangle standards of Sec. 7.3 (Landscape and Buffering) are met.
- a. Arbors and trellises, provided there is a minimum three (3) foot setback from property line.
 - b. Permanent or retractable awnings or canopies projecting from a building wall over a required yard setback not more than two and one-half (2½) feet, and having no supports other than provided by the wall or its integral parts.
 - c. Bay windows.
 - d. Chimneys projecting not more than three (3) feet into the required yard setback.
 - e. Clothes poles or clothes lines in rear yard setbacks of residential districts.
 - f. Driveways subject to other specific provisions of this ordinance related directly thereto.
 - g. Fire escapes or staircases, the riser of which shall be at least fifty (50) percent open, provided that the vertical projection downward onto a required yard setback shall not project more than three (3) feet into, and shall not exceed ten (10) percent of, the area of the required yard setback.
 - h. Flagpoles having only one structural ground member (subject to Sec. 7.14., Signage).
 - i. Fountains.
 - j. Heating, ventilation and air conditioning units (including compressors and condensers) for single-family or duplex dwellings, provided the exhaust air from such units is directed vertically or away from the adjacent property line.

- k. Mailboxes.
- l. Open terraces, including walkways, ground level wooden decks and natural plant landscaping.
- m. Open, uncovered stoops
- n. Recreational equipment in the rear yard setback in residential districts.
- o. Roof overhangs projecting into the required setback area a maximum of two and one-half (2½) feet.
- p. Sculpture or other similar objects of art.
- q. Signs, subject to the provisions of Sec. 7.14 (Signage).
- r. Vehicular parking areas, unless otherwise specifically prohibited by applicable sections of this Code.
- s. Walls and fences, subject to Sec. 6.6. (Supplementary Regulations).
- t. Trees, shrubbery or other objects of natural growth.
- u. Wells.
- v. Utility transmission lines and associated structures, such as poles.
- w. Basketball goals, provided there is a minimum three (3) feet setback from the rear and side interior property lines and a minimum fifteen (15) feet setback from front and side street property lines.
- x. Light poles having only one (1) structural ground member.
- y. An accessory residential dock, shared by abutting residential parcels only, subject to the submittal of an executed construction and maintenance agreement, prepared in a manner and form acceptable to the County Attorney and the Zoning Director.
- z. Bus shelters and bus benches.
[Ord. No. 93-4] [Ord. No. 94-23] [Ord. No. 95-8] [Ord. No. 97-64] [Ord. No. 00-015]

J. District specific regulations. Additional property development regulations shall apply to the following districts.

1. **AGR Use Limitations.** Pursuant to the 1989 Future Land Use Element of the Comprehensive Plan, only agricultural uses or residential development as defined in the Plan shall be allowed until the Agricultural Reserve Study is adopted.
2. **AR and CRS district regulations for Accessory structures.**
 - a) **Conforming lots.** Accessory structures may be located within the required minimum side or rear setbacks, provided that such structures are not located within twenty-five (25) feet of any side or rear property line. [Ord. No. 97-14] [Ord. No. 97-64] [Ord. No. 99-37]
 - b) **Nonconforming lots.** Accessory structures may be constructed a distance of fifteen (15) feet from the rear property line or at least five (5) feet from any established easement in the rear, whichever is the greater distance, and fifteen (15) feet from the interior side property line, provided that the accessory structure is not located within the required front yard and street side yard setbacks. Except as provided elsewhere in this Code, activities accessory to the principal use such as pens for the keeping of livestock and containerized plants shall be located a minimum of ten (10) feet from any side or rear property line. [Ord. No. 97-64] [Ord. No. 99-37]
 - c) **Storage containers in the AR district.** Storage containers or structures, accessory to a bona fide agricultural use are permitted in the AR district provided the container meets Building Code requirements.
3. **Additional residential district regulations.** Residential developments that are required to be approved by the DRC shall be subject to linked open space regulations as set forth in Sec. 6.8, (Planned Development Districts).
4. **Additional SA district regulations.** The following additional property development regulations shall apply to the SA districts.

- a. All uses in SA shall be located on a roadway classified as at least an arterial or collector as determined by the County Engineer, unless other provisions are specified for a particular use in the Use Regulations of Sec. 6.4. (Supplementary Use Standards).
 - b. The required buffer or setback area for the SA use may be used for bona fide agricultural uses provided all landscaping and other applicable regulations are met.
 - c. A buffer shall be landscaped pursuant to Sec. 7.3. (Landscape and Buffering), or to the applicable regulations of the district or use, whichever is the most restrictive.
5. **Additional CN district regulations.** The following additional property development regulations shall apply to the CN district.
- a. **Architectural character.** Building design of uses allowed in the CN district shall conform to and be compatible with the general architectural character of the neighborhood in which they will be established, pursuant to the requirements of Sec. 6.6 (Supplementary Regulations).
 - b. **Enclosed uses.** All uses, other than incidental storage of merchandise, (incidental storage shall not be long term inventory or stockpiles of merchandise) shall be operated entirely within enclosed buildings, with the following exceptions:
 - (1) Air curtain incinerator, temporary;
 - (2) Communication tower, commercial;
 - (3) Electrical power facility;
 - (4) Park, passive;
 - (5) Recreation facility, accessory;
 - (6) Recycling center;
 - (7) Recycling drop-off station;
 - (8) Solid waste transfer station;
 - (9) Utility, minor; and
 - (10) Water or wastewater plant.
 - c. **Operating hours.** No commercial use shall commence business activities (including delivery and stocking operations) prior to 6:00 AM nor continue activities later than 11:00 PM, except as otherwise provided in this Code.
6. **Additional regulations in all commercial districts.** The following additional property development regulation shall apply to all commercially zoned districts. All commercial uses adjacent to residential zoned property shall not commence before 6:00 a.m. daily.
7. **Additional CLO district regulations.** The following additional property development regulations shall apply to the CLO district.
- a. **Architectural character.** Building design of uses allowed in the CLO district shall conform to and be compatible with the general architectural character of the neighborhood in which they will be established, pursuant to the compatibility standards of Sec. 6.6 (Supplementary Regulations).
 - b. **Enclosed uses.** All uses shall be operated entirely within enclosed buildings, with the following exceptions:
 - (1) Air curtain incinerator, temporary;
 - (2) Communication tower, commercial;

- (3) Electrical power facility;
- (4) Park, passive;
- (5) Recreation facility, accessory;
- (6) Recycling drop-off station;
- (7) Solid waste transfer station;
- (8) Utility, minor; and
- (9) Water or wastewater plant.

8. Additional CC district regulations. The following additional property development regulations shall apply to the CC district.

a. Floor area. The maximum floor area permitted on any lot in the CC district shall be thirty thousand (30,000) square feet of gross floor area, unless approved as a Class A conditional use.

b. Enclosed uses. All uses, other than incidental storage of merchandise, shall be operated entirely within enclosed buildings, with the following exceptions:

- (1) Agricultural stand;
- (2) Air curtain incinerator, temporary;
- (3) Amusements, temporary;
- (4) Assembly, nonprofit;
- (5) Automotive service station;
- (6) Communication tower, commercial;
- (7) Electrical power facility;
- (8) Entertainment, outdoor;
- (9) Golf course;
- (10) Greenhouse or nursery, retail;
- (11) Park, passive;
- (12) Park, public;
- (13) Parking lot, commercial;
- (14) Recreation facility, accessory;
- (15) Recycling center;
- (16) Recycling collection bin;
- (17) Recycling drop-off station;
- (18) Retail sales, mobile or temporary;
- (19) Solid waste transfer station;
- (20) Utility, minor;
- (21) Vehicle sales or rental; and
- (22) Water or wastewater plant.

c. Operating hours. No outdoor commercial use shall commence business activities (including delivery and stocking operations) prior to 6:00 AM nor continue outdoor activities later than 11:00 PM, except as otherwise provided in this Code.

9. Additional IL and IG district regulations. The following additional property development regulations shall apply to the IL and IG districts.

a. Outdoor activities. Outdoor storage or outdoor industrial operations shall be completely screened from view with a combination of fencing and vegetation to a height of six (6) feet.

[Ord. No. 00-015] [Ord. No. 93-4] [Ord. No. 97-64] [Ord. No. 99-37]

10. Additional requirements for non-residential land uses on property abutting S.R. 80 in the Rural Tier. To maintain the character of the Rural Tier, and implement the goals and objectives in the Comprehensive Plan, the Zoning Commissioner and BCC may impose conditions of approval on non-residential property in the Rural Tier as follows.

- a. Conditions.** Conditions imposed by the reviewing body may exceed ULDC requirements by up to five hundred (500) percent based on the size, lot depth and width of the site, compatibility with surrounding land uses, and impact of the proposed use on the surrounding area. Conditions may include, but are not limited to: additional setbacks, landscaping, buffering, screening and equestrian trails; and more restrictive signage, lighting, access, and hours of operation. The dedication of equestrian trails may only be required when there is rough proportionality between the required equestrian trail and the needs of the community caused by the development.
- b. Buffers.**
 - (1) Retention/detention areas.** If imposed conditions require a minimum buffer which is one hundred (100) percent larger than the ULDC required buffer, dry retention/detention areas may overlap up to fifty (50) percent of the buffer width. Wet retention/detention areas, water management tracts, and easements may overlap up to twenty-five (25) percent of the buffer width.

K. Easement encroachment.

1. **Purpose.** This section is intended to establish a means by which construction and/or landscaping which physically encroach, but are not incompatible with the use for which a utility or drainage easement was established, may be permitted.
2. **Prohibition.** No construction or landscape installation shall occur within any public or quasi-public drainage or utility easement where such construction or landscaping is inconsistent with the use for which the easement was established, except in strict accordance with the provisions of this section.

No portion of any building or structure designed for human occupancy, screen enclosure, pool, or spa shall be permitted to encroach an easement. [Ord. No. 99-37] [Ord. No. 01-29]

3. **Incompatible uses.** If the terms of the easement, or the statute, law, ordinance, rule, regulation, or approval pursuant to which the easement was established prohibits or excludes the use, either expressly or by implication, such use shall be considered incompatible for purposes of this section.

The determination of whether a use is incompatible with the use for which an easement was established shall be made by the appropriate regulating agency in accordance with the standards of this section.

4. **Application process for encroachment into utility easements.** Structures which are not prohibited pursuant to Sec. 6.5.K.2, Prohibition, shall be subject to the following: [Ord. No. 01-29]

- a. If a building permit application includes construction in any utility easement, the applicant shall obtain and provide to PZB the consent of all easement holders and beneficiaries. The consent shall be specific to the proposed construction. PZB shall require that the consent be in or on a form established by PZB.

The consent shall be required prior to the issuance of a building permit. It shall be the responsibility of the applicant to obtain all necessary approvals. The PBC Water Utilities Department shall have the authority to effect a consent for utility easements held by PBC or for which PBC is the beneficiary based upon the criteria set forth in this section titled "Evaluation criteria for drainage easements."

- b. PZB shall also require that an executed removal and indemnification declaration (with the necessary consents) be recorded at the applicant's expense, or be submitted to PZB for recording at applicant's expense, prior to the issuance of the building permit. Said removal and indemnification declaration shall inure to the benefit of the easement holders and beneficiaries.

Said declaration shall provide that all direct and indirect costs related to removal shall be borne by the property owner, its heirs, successors, assignees, and grantees; that the aforesaid person(s) shall indemnify and hold the County, its officers, employees, contractors, and agents harmless against any and all claims and liabilities of whatever nature, (including personal injury and wrongful death) arising from any approval granted hereunder or the construction or installation approved hereunder. The removal declaration shall inure to the benefit of the easement holders and beneficiaries. It shall contain such other terms and covenants as PZB or the County Attorney reasonably deem appropriate.

- c. Whenever construction is proposed within the overlap of a utility easement and a drainage easement, compliance with this section shall not be construed to relieve the applicant from obtaining any required consents and approvals, if applicable, for encroaching into drainage easements.

- d. Persons desiring to landscape in utility easements need not obtain a permit pursuant to this section. If required by the easement holders or beneficiaries, the consent for landscaping in utility easements shall be obtained prior to planting. The consent of the PBC Water Utilities Department shall be required for any utility easements held by or to which the PBC Water Utilities Department is the beneficiary.
5. **Application process for encroaching into drainage easements.** Structures which are not prohibited pursuant to Sec. 6.5.K.2, Prohibition, shall be subject to the following: [Ord. No. 01-29]
- a. When a permit is required for construction or landscaping within a drainage easement, the applicant shall apply to the DEPW for approval of construction or landscaping.
- b. The approval of the DEPW for any such construction or landscaping shall be prior to, and a condition precedent to, the issuance of any building permit.
- c. The application shall be in or on a form established by the DEPW. The application shall include a copy of the recorded deed to the parcel on which the easement is located; the document(s) creating the easements; a certified sketch of survey of the easement; a sketch or plans showing the proposed construction or landscaping in relation to the location of existing drainage improvements in the easement; and such other documentation as the DEPW reasonably deems appropriate.
[Ord. No. 01-29]
6. **Issuance of approval on drainage easements.**
- a. The DEPW may deny, approve, or approve with conditions the construction or landscaping in drainage easements.
- b. No approval shall be given before the DEPW has received specific written consent from all easement holders, easement beneficiaries, and governmental entities or agencies having jurisdiction of the drainage easement. The DEPW is hereby authorized to effect consent on behalf of the County when the County is the easement holder or beneficiary of drainage easements based upon Section 6.5.K.7. The DEPW may require that consent be in or on a form established by the DEPW. It shall be the responsibility of the applicant to obtain all necessary approvals.
- c. The DEPW shall also have executed in proper form, and shall cause to be recorded against the applicant's land involved, a removal and indemnification declaration (with the necessary consents) on a form approved by the County Attorney's Office. Said declaration shall provide that all direct and indirect costs related to removal shall be borne by the property owner, its heirs, successors, assignees, and grantees; that the aforesaid person(s) shall indemnify and hold the County, its officers, employees, contractors, and agents harmless against any and all claims and liabilities of whatever nature (including personal injury and wrongful death) arising from any approval granted hereunder or the construction or installation approved hereunder. The removal declaration shall inure to the benefit of the easement holders and beneficiaries. It shall contain such other terms and covenants as the DEPW or the County Attorney deems appropriate. Proof of the recording of the document shall be furnished. In the case of any construction requiring a building permit, proof of recording shall be furnished to the Building Division or be submitted to PZB for recording at applicant's expense prior to the issuance of the building permit.

- 7. Evaluation criteria for construction or landscaping within utility or drainage easements.**
- a. The following items shall be considered in determining whether construction in an easement should be approved:
- (1) The types of uses to which the easement may be put;
 - (2) The nature of the construction or landscaping;
 - (3) The permanency of the construction or landscaping;
 - (4) The anticipated cost or difficulty of removing the construction or landscaping;
 - (5) The current use of the easement and the location of all existing structures and plants;
 - (6) The impact the construction or plants may have on the current or future use or uses of the easement; and
 - (7) The mitigating effects of any conditions which may be imposed.
- b. The burden shall be on the applicant to affirmatively demonstrate that the proposed construction or landscaping is not or will not become incompatible with the use for which the easement was established, or impair the rights of the easement holders and beneficiaries.
- 8. Fee.** To offset the cost of administering this section, a fee shall be charged as established by the BCC by resolution, or otherwise.
- 9. All other approvals required.**
- a. All other government permits, approvals, or consents necessary for the construction or landscaping shall be obtained prior to commencement of any construction or landscaping.
- b. Nothing herein shall be construed as effecting any right to construct or landscape except to the limited and strict extent of any approval granted hereunder. An approval hereunder is for the limited purpose of complying with this section.
- 10. Duties of departments.** The applicant is responsible to provide correct information, except as specifically set forth herein, no County official, employee, or agent shall have the duty of (1) reviewing permit applications submitted pursuant to this section, any other ordinance, rule, or regulation, (2) searching the Official Records of the Clerk of the Circuit Court in and for PBC, or (3) any other investigation to determine: (a) whether a permit application or request for County approval is inconsistent with the use for which an easement was established, (b) whether an easement exists in the area within which a permit for construction/development is sought or (c) whether any other government or private approvals are required for construction or development for which the permit is sought. However, PZB, DEPW or any other department, official employee, or agent may undertake an investigation, search, or inquiry to determine the aforesaid.
- 11. Deviation.** If construction or landscaping is materially different than that which is approved by PBC Water Utilities Department, DEPW or PZB, then the approval given shall be of no force and effect, unless such deviation is approved by the department having jurisdiction pursuant to this section.
[Ord. No. 93-4]

L. Flexible Property Development Regulations for Density Bonus Program Development.

1. **Purpose and Intent.** The purpose and intent of this section is to provide flexibility from traditional property development regulations in order to provide greater opportunity for cost effective development for housing approved in conjunction with density bonus programs. The regulations represent the minimum regulations acceptable without compromising minimum health and safety standards.
2. **Applicability.** The provisions of this section may apply to all proposed residential development within unincorporated Palm Beach County that propose to construct affordable housing, as defined explicitly in, Westgate/Belvedere Article 3, pursuant to Sec. 6.9, Voluntary Density Bonus Program, or Sec. 6.7.B Homes Overlay District.
3. **Exceptions.** Flexible Regulations permitted in Planned Development Districts, by DRC or administrative deviation in this Code, shall not be used in conjunction with this Sec. (6.5.L., Flexible Property Development Regulations for Density Bonus Program Development).
4. **Regulating Plan.** All developments planned in accordance with this section shall submit a regulating plan consisting of a comprehensive graphic and written description of the function and development of the project. The regulating plan shall include the requirements listed below and the requirements of the individual district:
 - a. **Flexible regulations.** The applicant may request to deviate from property development regulations as described below. These regulations may be modified as part of the zoning amendment process or DRC review, as set forth in this Code, subject to the following requirements:
 - (1) **Justification report.** A proposed modification of property development regulations shall be justified by the applicant in a written report submitted with the development application which shall include, but not be limited to:
 - (a) The regulations which are proposed to be modified;
 - (b) The amount of the requested modification;
 - (c) The areas within the development which these modifications shall occur; and,
 - (c) Graphic representations (site plans, sections, elevations, perspectives, etc.) showing how the modifications will meet the intent of the district and the density bonus program in respect to open space, privacy, maintenance, and public health, safety and welfare.
 - (2) **Review.** Flexible regulations are reviewed by the applicable County agencies who provide a recommendation of approval, approval with amendments, or denial.
 - (3) **Limited use of flexible regulations.** Flexible property development regulations are not intended to take the place of variance requests normally reviewed by the Board of Adjustment. Flexible regulations shall only be granted at the time of approval of the entire project or entire land use zone and shall not be granted on a lot-by-lot basis. [Ord. No. 95-8]

M. Property Development Regulations. Housing, constructed in accordance with a density bonus program described in the applicability section above, may develop in accordance with the traditional property development regulations found in Table 6.5-1, Sec. 6.4.D; supplementary use standards for ZLL homes and townhouses or the provisions described herein.

1. **Minimum lot area and dimensions.** The applicant may deviate from minimum lot area and dimensions of the zoning district for all housing, except ZLL and townhomes, found in Table 6.5-1 by the percentage reductions described in Table 6.5-2 below.

2. **Exceptions to ZLL minimum lot dimensions.** The minimum lot width or lot depth requirement for ZLL development may be reduced by five (5) feet if the following criteria are satisfied.
 - a. The minimum lot size remains 4,500 square feet.
 - b. A minimum of twenty (20) percent of the dwelling units are covenant as affordable housing in accordance with Sec. 6.9, Voluntary Density Bonus.
 - c. A varied streetscape is provided through, but not limited to:
 - (1) Staggering of front yard setbacks to create visual open space along the street.
 - (2) Variation of architectural treatment.
 - d. The block length does not exceed eight hundred (800) feet in length and the number and location of driveway access points to the street is approved by the County Engineer.
3. **Maximum building intensity and building location standards.** The applicant may deviate from the Maximum lot coverage, maximum floor area ratio and minimum building setbacks and separations of the zoning district for all housing, except ZLL and townhomes, found in table 6.5-1, by a maximum percentage reduction of 20% except for the front yard setback in the RS, RM and RH district which may be reduce by a maximum of 40%.
4. **Building height.** Building height limitations shall be in accordance with Sec. 6.5.H. (Building Height Regulations).

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**Table 6.5-4
Permitted Lot Area and Dimensions Deviations**

Zoning District	Maximum Percentage Reduction
AR	40%
CRS	40%
RE	50%
RT	50%
RTS	50%
RTU	40%
RS	30%
RM	*
RH	*

Note to Table 6.5-2: Lot sizes for the RM and RH districts are governed by the density, including bonus density, indicated by the Comprehensive Plan, and compliance with property development regulations and design standards including, but not limited to: building setbacks, parking requirements, landscaping requirements, and building coverage in the RM and RH Districts. Consistency with the Comprehensive Plan dictates that proposed site plans and subdivisions are governed by the permitted density of the applicable land use category. A lot size which achieves this consistency, and complies with all relevant property development regulations and design standards, is therefore, an acceptable minimum lot size. [Ord. No. 95-8]

N. Minimum recreation requirements.

- 1. Minimum recreation area.** A minimum of 110 square feet of open recreation area shall be provided per capita. Adequate provisions shall be made for recreation areas to accommodate the neighborhood and community park level recreational needs of the residents of the development. The recreation areas shall consist of a developed recreation parcel and include recreational facilities of a type consistent with the needs of the residents. The recreation parcel shall be located so as to provide convenient pedestrian access for the residents of the development. The residents of the development, the owner of the land or a property owner's association, and their successors in interest, shall be responsible for the perpetual maintenance of the recreation area. The location of the recreational tract(s) shall be determined at the time of final site plan/subdivision plan submission.

In the event of a phased development each subsequent site plan shall show how minimum recreation requirements are being satisfied. The minimum dollar amount to be spent on recreation facilities shall be determined based on the Community Park Impact Fee Schedule in use at the time of the site plan submission. The requirements contained in this section may be waived if adequate guarantee is provided prior to platting that the intent of this subsection's recreation requirement and this section's affordable housing provisions are met; and,

This land area recreation requirement, described above, may be waived if the applicant provides an equivalent cash value for the on-site recreational requirement in accordance with Sec. 17.1 of this code, and;

- a. The proposed development is single family and located within 1500 feet of an existing County owned neighborhood, community, district or regional park or community school and has continuous pedestrian access thereto that does not require crossing a street that has greater than a 60 foot R-O-W.
- b. The proposed development is single family and located within 1500 feet of a municipal park, with pedestrian access that does not require crossing a street greater than a sixty foot R-O-W, and the applicant enters into an agreement, subject to County review and approval, with the municipality for use of such park by the residents of the proposed development.

If the single family housing units defined as very low/low comprise no more than twenty (20) percent of the development, are dispersed throughout the development, and the proposed recreation is available for the use of all residents of the development, the on site square footage recreational requirements allocated to the number of affordable housing units may be reduced by fifty (50) percent.

[Ord. No. 95-8]

- O. **Parking requirements.** Minimum parking standards shall be in accordance with Sec. 7.2 of this code. [Ord. No. 95-8]
- P. **Accessory uses and residential structures.** Accessory uses and structures shall be permitted in accordance with Sec. 6.6. An accessory or subordinate structure (except guest cottages, accessory apartments or structures of ten (10) feet in height) may be constructed a distance of five (5) feet from the rear or side interior property line provided there is adherence to the side corner yard setback standards and there is not encroachment into an easement or buffer. [Ord. No. 95-8]
- Q. **Minimum dwelling unit size.** The minimum size of each dwelling unit shall be in accordance with federal, state and local building codes. [Ord. No. 95-8]
- R. **Minimum landscape and buffer requirements.** The development shall be subject to the minimum landscaping and buffering requirements of Sec. 7.3 of this code. Except for those provisions specifically described below. In case of conflict with regulations of this code, the more restrictive shall apply, unless otherwise specifically provided or clearly intended.
 1. **Minimum tree planting requirement.** A minimum of one tree shall be planted for each 2000 square feet of gross lot area. The planting of trees is encouraged to be dispersed throughout the lot and planted on the south and west sides of habitable structures, to promote energy efficiency. To promote energy and water resource efficiency the following landscape techniques are encouraged.
 - a. Planting of shrubs around the foundation of the structure.
 - b. Planting of shrubs, and ground covers in accordance with good xeriscape principles.

2. Minimum buffer requirement.

- a. **Compatibility buffer.** A ten (10) foot perimeter compatibility buffer shall be provided along all property lines adjacent to existing commercial or industrial uses where there is no existing buffer. A six (6) foot high opaque wall or fence and eight (8) foot trees planted forty (40) feet on center shall be installed within the ten (10) foot perimeter compatibility buffer. The wall or fence shall have an opening to allow easy access for pedestrians. [Ord. No. 95-8][Ord. No. 93-4] [Ord. No. 94-23] [Ord. No. 95-8] [Ord. No. 95-24] [Ord. No. 96-28] [Ord. No. 97-64] [Ord. No. 99-37]

S. Housing Classification. Housing classification shall correspond to the housing type as follows:

**Table 6.5- 5
Housing Type and Classification**

Housing Type	Housing Classification
SF- Single Family	Detached Housing
ZLL- Zero Lot Line	Detached Housing
TH- Townhouse	Attached Housing
MF- Multi Family	Attached Housing

[Ord. No. 01 –01]

Amendment History:

[Ord. No. 93-4; February 2, 1993] [Ord. No. 94-23; October 4, 1994] [Ord. No. 95-8; March 21, 1995]
 [Ord. No. 95-24; July 11, 1995] [Ord. No. 96-28; September 25, 1996] [Ord. No. 97-64; December 24, 1997]
 [Ord. No. 99-37; October 7, 1999]

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SEC. 6.6 SUPPLEMENTARY REGULATIONS.**A. Accessory uses and structures.**

1. **General.** All accessory uses and structures shall be subject to the following regulations.

- a. **Accessory uses.** Principal uses listed in the Use Regulations Schedule (Table 6.4-1) are deemed to include accessory uses identified by this Code where such other accessory uses that are necessarily and customarily associated with and are incidental and subordinate to such principal uses. An accessory use shall be subject to the same regulations that apply to the principal use in each district, except as otherwise provided.
- b. **Location.** All accessory uses, buildings and structures, except for approved off-site parking, shall be located on the same lot as the principal or main use.
- c. **Floor area.** Accessory uses to a non-residential use shall not exceed thirty (30) percent of the floor area and business receipts of the principal use or uses. Accessory uses in residential districts in the Urban/Suburban Tier shall not exceed the square footage of the principal use. [Ord. No. 99-37] [Ord. No. 01-100]

2. **Fences, walls and hedges.**

- a. **Permit required.** Fences and walls enclosing any permitted use, except primary agricultural uses, shall comply with the permit procedures of the PBC PZB Department, as amended.
- b. **Sight distance maintained.** Fences, walls, hedges or utility poles in proximity to the intersection of access ways or R-O-Ws shall conform to the applicable safe sight distance triangle provisions of Sec. 7.3 (Landscape and Buffering).
- c. **Residential restrictions.** In residential districts, the following restrictions shall apply:
 - (1) **Fences and walls.** Fences and walls may be erected along or adjacent to a lot line to a height not exceeding six (6) feet in the required side (to the required front setback) and rear yards and not exceeding a height of four (4) feet in the required front yards. The height shall be measured in accordance with the height measurement requirements for landscape barriers within Incompatibility buffers of Sec. 7.3 (Landscape and Buffering). Both sides of any wall or fence shall be properly finished with paint, stucco, or other commonly accepted materials.
 - (2) **Hedges.** Hedges may be planted and maintained along or adjacent to a lot line to a height not exceeding eight (8) feet in the required side (to the required front setback) and rear yards and not exceeding a height of four (4) feet in the required front yards. The height shall be measured adjacent to the hedge from the lowest grade on either side of the hedge.
 - (3) **Gateposts, attached light fixtures, gates and decorative posts.** Gateposts, attached light fixtures and decorative posts not exceeding three (3) feet in any horizontal dimension may be erected or constructed in connection with the erection of a wall or fence. If gateposts, attached light fixtures, gates, or decorative posts are used, they shall not exceed a height of two (2) feet above the maximum height permitted for the wall or fence immediately contiguous to them, and decorative posts shall be spaced a minimum of eight (8) feet on center. [Ord. No. 99-37]

d. Athletic facilities.

(1) **Tennis courts.** Tennis courts enclosed by fences exceeding six (6) feet in height shall be permitted, provided they shall be constructed of material allowing for fifty (50) percent light and fifty (50) percent air circulation, shall not be roofed, and shall be subject to the following minimum setbacks.

Yard	Minimum Setback
Front yard	25 feet
Side yard, interior	7.5 feet
Side yard, street	15 feet
Rear yard	7.5 feet

(2) **Golf courses.** Fences of up to eight (8) feet in height shall be permitted within required setbacks of residential districts for golf courses.

e. Commercial restrictions. Where fences, walls, or hedges are required, they shall have a minimum height of six (6) feet. The height shall be measured in accordance with the height measurement requirements for landscape barriers within incompatibility buffers of Sec. 7.3 (Landscape and Buffering). Both sides of any wall or fence shall be properly finished with paint, stucco or other commonly accepted materials. [Ord. No. 99-37]

f. Dangerous materials. Walls, fences or similar structures erected in or adjacent to any residential district shall not contain any substance such as broken glass, spikes, nails, or similar materials designed to inflict pain or injury to any person or animal. In the AR district only, barbed wire shall be permitted around any bona fide agricultural uses, other than nurseries, provided it is setback a minimum of twenty-five (25) feet from any property line. In nonresidential districts, barbed wire shall not be permitted within the required setback. [Ord. No. 99-37] [Ord. No. 01-100]

3. Outdoor storage. Outdoor storage of merchandise in all commercial, industrial and nonresidential districts shall be subject to the following standards, unless the use is specifically regulated in another district or section.

- a. Outdoor storage of merchandise shall be permitted only when incidental to the use located on the premises.
- b. Storage and sales of landscape plant material shall be exempt from these provisions.
- c. The storage area shall not be located in any of the required setbacks or yards.
- d. The stored merchandise shall be completely screened by walls or buildings, and shall not protrude above the height of the enclosing walls or buildings or be visible from collector and arterial streets or adjacent residential districts or use.

- e. Outdoor storage of material used for road construction shall be permitted when:
- (1) The lot is directly adjacent to the roadway under construction;
 - (2) The material is stored for no longer than ninety (90) days unless approved by the Zoning Director for a period not to exceed an additional ninety (90) days;
 - (3) The lot meets the requirements of Sec. 9.5, (Vegetation Preservation and Protection).
[Ord. No. 96-28] [Ord. No. 99-37]
4. **Fuel, gas, or chemical storage tanks.** Fuel, gas or chemical storage tanks accessory to a primary commercial or industrial use which stores fuel, gas or chemicals which is sold to the public (retail) shall be setback a minimum of fifty (50) feet from any residential zoning district, or residential, civic/institutional use, unless otherwise approved by DRC. A safety fence of up to a height of six (6) feet shall be required around the perimeter of the storage tanks. If the safety fence is not opaque, a continuous solid opaque hedge a minimum of four (4) feet at installation shall be provided around the perimeter of the storage tanks. All fencing and screening shall be required at the time the structure is approved. [Ord. No. 99-37]
5. **Dumpsters.** Outdoor collection stations shall be provided for garbage and trash removal when individual collection or indoor storage is not provided. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, such as dumpsters and trash compactors, shall meet the following standards. These provisions shall not apply to litter containers provided for the convenience of pedestrians.
- a. **Access.** Access to indoor or outdoor collection stations shall be such that the removal vehicle need not make unnecessary turning or backing movements.
 - b. **Setback.** The minimum setback for dumpsters from property in a residential district or from other residential property lines shall be twenty-five (25) feet.
 - c. **Screening.** All dumpsters or receptacles for the storage and disposal of trash or garbage shall be screened by a solid opaque enclosure constructed of brick, concrete, concrete block, or other decorative masonry, or comparable wood or steel, consistent with the architectural character of the development or principal building. The open end of the enclosure shall have an obscure, opaque gate. All exterior sides of such enclosures, except the open end, shall be landscaped with shrub material, a minimum of twenty-four (24) inches in height, spaced twenty-four (24) inches on center at planting, or an alternative acceptable to the Zoning Division.
6. **Multi-family recyclable material storage areas.** Recyclable material collection and storage areas shall be provided on the site of all multi-family developments that include ten (10) or more dwelling units, in accordance with the following standards.
- a. **Exemptions.** Multi-family developments that receive curbside recyclable materials collection service on at least a weekly basis shall be exempt from the standards of this section.
 - b. **Location.** Recyclable material collection and storage areas shall be located within the building containing the multi-family dwelling units or within or adjacent to the disposable material dumpster area used by residents of the multi-family development.
 - c. **Access.** Access to recyclable material collection and storage areas shall be designed so as not require unnecessary turning or backing movements by pick-up and removal vehicles.
 - d. **Setback.** The minimum setback for recyclable material collection and storage areas that are located on the exterior of buildings shall be twenty-five (25) feet from residential districts or residential properties.

- e. **Screening.** All recyclable material collection and storage areas that are located on the exterior of buildings shall be screened by a solid opaque enclosure constructed of brick, concrete, concrete block, or other decorative masonry, or comparable wood or steel, consistent with the architectural character of the development or principal building. The open end of the enclosure shall have an obscure, opaque gate. All exterior sides of such enclosures, except the open end, shall be landscaped with twenty-four (24) inch high shrub material spaced twenty-four (24) inches on center at planting, or an alternative acceptable to the Zoning Division.
- f. **Storage area.** The following minimum recyclable material storage area standards shall apply to multi-family developments.

Number of Dwelling Units	Minimum Storage (Floor) Area
10 - 30	40 square feet
31 - 99	100 square feet
100 -159	160 square feet
160 -240	240 square feet
over 240	240 square feet, plus one (1) square foot per dwelling unit for each dwelling unit over 240.

- g. **Alternative compliance.** Applicants shall be entitled to demonstrate that recyclable material storage space needs can be more effectively met through an Alternative Recyclable Materials Collection and Storage Plan. An Alternative Recyclable Materials Collection and Storage Plan shall be reviewed by the Solid Waste Authority, and, if approved, shall be substituted for a recyclable materials storage and collection plan meeting the express storage area standards of this section.
- h. **Review.** Recyclable material storage and collection area plans shall be reviewed by the DRC pursuant to Sec. 5.6., (Site Plan or Final Subdivision Plan). Information necessary to evaluate proposed plans for compliance with the standards of this section shall be shown on the site plan.
- i. **Retrofitting of existing multi-family developments.** The retrofitting of existing multi-family developments to comply with the standards of this section shall be encouraged. As a means of encouraging retrofitting, developers shall be entitled to convert existing off-street parking spaces to accommodate a recyclable material storage area in accordance with the following standards.
 - (1) **Number of spaces to be converted.** A maximum of one (1) existing off-street parking space may be converted to accommodate each one hundred eighty (180) square feet of recyclable material storage and collection area or fraction thereof that is provided on the exterior of a building. Conversion of off-street parking spaces to accommodate more recyclable materials collection and storage area than specified in Sec. 6.6.A.6. shall be prohibited.
 - (2) **Automatic waiver.** The conversion of existing off-street parking spaces to accommodate recyclable material storage and collection areas pursuant to the standards of this section shall be permitted by-right, without resort to the B of A.

7. **Commercial recyclable material storage area.** Recyclable material collection and storage areas shall be provided on the site of all occupied non-residential buildings or developments in accordance with the following standards.
- a. **Storage Area.** At a minimum, at least one recyclable material collection and storage area with a ten (10) foot by ten (10) foot pad, shall be designated on each site plan.
 - b. **Location.** All accessory uses, buildings and structures, except for approved off-site parking, shall be located on the same lot as the principal or main use.
 - c. **Access.** Access to recyclable material collection and storage areas shall be designed so as not to require unnecessary turning or backing movements by pick-up and removal vehicles. There shall be a fifty (50) foot access area for trucks.
 - d. **Setback.** The minimum setback for recyclable material collection and storage areas that are located on the exterior of buildings shall be twenty-five (25) feet from residential districts or residential properties.
 - e. **Screening.** All recyclable material collection and storage areas that are located on the exterior of buildings shall be screened by a solid opaque enclosure. The open end of the enclosure shall have an opaque gate. All exterior sides of the enclosure, shall be landscaped with twenty-four (24) inch high shrub material spaced twenty-four (24) inches on center at planting, or an alternative acceptable to the Zoning Division. Recycling enclosures may be connected to or be a section of garbage and trash enclosures.
 - f. **Alternative compliance.** Applicants shall be entitled to demonstrate that recyclable material storage space needs can be more effectively met through an Alternative Recyclable Materials Collection and Storage Plan. An Alternative Recyclable Materials Collection and Storage Plan shall be reviewed by the Solid Waste Authority, and, if approved, shall be substituted for standards of this section.
 - g. **Review.** Recyclable material storage and collection areas shall be shown on all final site plans and applicable building permits. Information necessary to evaluate proposed plans for compliance with the standards of this section shall be shown on the site plan/permit. [Ord. No. 99-37]
 - h. **Retrofitting of existing non-residential developments.** The retrofitting of existing non-residential developments to comply with the standards of this section is permitted at a ratio of one (1) parking space for each recycling material storage and collection area, not to exceed ten (10) percent of the total parking spaces.
8. **Accessory outdoor recreation.** Accessory outdoor recreational facilities are primarily designed and intended for use by occupants and their guests of a residential development or nonresidential development. Accessory outdoor recreational facilities shall be subject to the following supplementary regulations.
- a. **Setbacks.** Active outdoor accessory recreational facilities shall be located a minimum of fifty (50) feet from any property line abutting a residential district. Passive outdoor accessory recreational facilities shall be located a minimum of twenty-five (25) feet from any property line abutting a residential district.

- b. **Screening.** If deemed necessary to ensure compatibility with surrounding uses the DRC shall require a buffer consisting of a six (6) foot fence or masonry wall and a continuous solid opaque hedge a minimum of four (4) feet in height at installation around an active or passive outdoor accessory recreational facility. [Ord. No. 99-37]

9. Swimming pools and spas.

a. Principal and accessory use.

- (1) **Principal use.** Any swimming pool or spa or screen enclosure owned and operated as a commercial enterprise existing singularly or in combination with other commercial recreation uses on the same property shall be considered as a principal use subject to the property development regulations of the applicable district.
- (2) **Accessory use.** Any swimming pool or spa or screen enclosure operated by a non profit assembly, social, civic organization, residential homeowners association, or resident of a single-family dwelling shall be considered as an accessory use and shall exist in conjunction with the principal use pursuant to the regulations stated herein. The accessory use shall be located on the same lot of the principal use except if operated by a residential homeowners association. If operated by a residential homeowners association then the accessory use shall be located within the development boundary, as applicable.

b. Setbacks for pools or spas.

- (1) **Setbacks for swimming pools and spas.** Setbacks shall be measured to the water's edge.

Setbacks	Front	Side interior	Side corner	Rear
Single family	28 feet	10.5 feet	18 feet	10.5 feet
ZLL	23 feet	0 lot line - 3 feet Opposite lot line - 5 feet	18 feet	5 feet
Townhouse Rowhouse and Quad	13 feet	3 feet	From property line - 5 feet From R-O-W 18 feet	5 feet
Multi-family, Home Owners Assoc.-Rec. parcels less than 1 (one) acre	25 feet	30 feet	25 feet	30 feet
Multi-family, Home Owners Assoc., Non-profit assembly, Social, Civic and Rec. parcels greater than one (1) acre	50 feet	50 feet	50 feet	50 feet

[Ord. No. 00-015]

- (2) **Exceptions to setbacks.**
- (a) **Single family design clusters.** Single family design clusters are a type of single family dwellings that were permitted under previous zoning codes. Although this type of housing has been excluded from the ULDC, pools and spas shall comply with the setbacks indicated on the certified site plan. If setbacks are not indicated on the certified site plan, setbacks for ZLL homes shall be applied.
 - (b) **Single family and ZLL homes.** Swimming pools or spas may be constructed with a three (3) foot rear or side interior setback in accordance with the open space setback reductions of Sec. 6.5. (Property Development Regulations).
 - (c) **Recreation parcels less than one (1) acre.** Swimming pools or spas may be constructed with a minimum ten (10) foot rear or side interior setback for recreation parcels less than one (1) acre in size in accordance with the Open Space Setback Reductions of Sec. 6.5.(Property Development Regulations).
 - (d) **Planned developments.** Setbacks for swimming pools or spas may be reduced in accordance with the flexible regulations and administrative deviations of Sec. 6.8. (Planned Development Districts).
- c. **Building coverage.** Swimming pools or spas located at finished grade shall not be included in the building coverage calculation unless contained in a building or within a screen enclosure with a solid roof.
- d. **Fencing, screening, and access.** Every swimming pool or spa shall be enclosed by a barrier, retaining wall, fence or other structure in accordance with Palm Beach County Swimming Pool and Spa Code, as amended.
- e. **Easement encroachment.** Pools or spas shall not encroach any utility, drainage or lake maintenance easement.
- f. **Swimming pools and spas in common areas.** The construction of private swimming pools and spas for individual households within a common area is prohibited, unless the swimming pools and spas were legally constructed within a specified development pod prior to April 21, 1995. If any of the existing dwelling units have existing swimming pools or spas in the common area of a development pod, the remaining dwelling units within the same development pod may construct a swimming pool or spa as shown on the final subdivision plan or final site plan. If the final subdivision plan or final site plan does not graphically depict the placement of swimming pools or spas in common area, application shall be made to DRC to amend the final subdivision plan or final site plan to depict the placement of the swimming pool or spa if in compliance with the following criteria.
- (1) **Legally permitted.** The applicant demonstrates that existing swimming pools and spas were legally permitted and constructed in common areas;
 - (2) **Joint applicant.** The landowner or homeowner's association must be a joint applicant on the building permit application;
 - (3) **Setbacks.** The structure must comply with all setback requirements measured from the outer boundary of the common area or have a fifteen (15) foot separation between primary structures, whichever is greater.
 - (4) **Private structures.** No private structures are proposed to be erected in a required perimeter landscape area;
 - (5) **Open space.** The entire development must continue to meet open space requirements;
 - (6) **Documents.** The homeowners' documents shall be amended to include provisions that allow private use of the common area upon association approval; and
 - (7) **Prohibitions.** Structures will not be permitted in a common area that is designed as a water management tract. [Ord. No. 96-28] [Ord. No. 99-37]

10. Screen Enclosures.

a. General. Screen enclosures may be covered with a screened or solid roof. Property development regulations vary based on the type of roof covering.

b. Setbacks for screen enclosures with screened roofs.

(1) Setbacks. Setbacks for screen enclosures with screen roofs shall be measured as specified in the chart below.

(This space intentionally left blank)

Setbacks	Front	Side Interior	Side Street	Rear
Single family	25 feet	7.5 feet	15 feet	7.5 feet
ZLL				
Interior lot	20 feet	Non ZLL 2 feet ZLL 0 feet	N/A	2 feet
Corner lot	20 feet	0 feet	10 feet	2 feet
Side street home lot	20 feet	2 feet	10 feet	2 feet
Townhouse, Row house				
Measured from lot boundary	10 feet	0 feet	From lot line - 5 feet From street line - 15 feet	0 feet
Measured from inside edge of landscape buffer of PUD or tract boundary	15 feet	15 feet	15 feet	15 feet
Separation between groups	25 feet	15 feet	N/A	15 feet
Townhouse, Quad				
Measured from lot boundary	0'	0'	From lot line - 0 feet From street line - 15 feet	0 feet
Measured from inside edge of landscape buffer or tract boundary	15 feet	15 feet	15 feet	15 feet
Separation between groups	25 feet	15 feet	N/A	15 feet
Multi-family, Home Owners Assoc., Rec. parcels less than 1 acre	25 feet	20 feet	20 feet	20 feet
Multi-family, Home Owners Association, Non-profit assembly, Social, Civic, and Rec. parcels greater than 1 acre	30 feet	25 feet	25 feet	25 feet

[Ord. No. 00-015] [Ord. No. 01-01]

- (2) **Exceptions to setbacks.**
- (a) **Single family and ZLL homes.** Screen roof enclosures may be constructed with a three (3) foot rear or side interior setbacks in accordance with the setback reductions of Sec. 6.5., Property Development Regulations.
 - (b) **Recreation parcels less than one (1) acre.** Swimming pools or spas may be constructed with a minimum ten (10) foot rear or side interior setbacks for recreation parcels less than one (1) acre in size in accordance with the setback reductions of Sec. 6.5., Property Development Regulations.
 - (c) **Planned developments.** Setbacks for screen enclosures may be reduced in accordance with the flexible regulations in Sec. 6.8.A.4.a. and administrative deviations in Sec. 6.8.A.4.b.
[Ord. No. 01- 01]
- (3) **Townhouses.**
- (a) No setbacks are required from individual property lines of units, if applicable. Setbacks are required to be measured from perimeter property lines of the development pod in compliance with the townhouse standards of Sec. 6.5.B.3, Townhouse development
 - (b) In cases where the townhouse and accessory screen enclosure covers 100 percent of the lot, the screen enclosure shall maintain a minimum separation between other screen enclosures or the principal structure of townhouse groups, as specified in the table above.
 - (c) Separations between two townhouse groups shall be measured by drawing a center line between the two adjacent groups and measuring a minimum distance of equal to one-half (½) of the required separation from the centerline between structures to ensure an equidistant separation.
 - (d) Screen enclosures for townhouses may cover one hundred (100) percent of the total lot area provided minimum separations between townhouse groups are met.
[Ord. 01-01]
- (4) **Single family design clusters.** Single family design clusters are a type of single family dwellings that were permitted under previous zoning codes. This type of housing is no longer permitted by the ULDC.
- (a) Screen enclosures shall adhere to the setbacks indicated on the certified site plan.
 - (b) If no setbacks are indicated on the certified site plan, setbacks for ZLL homes shall be applied.
- (5) **ZLL developments.** A minimum five (5) foot high opaque privacy fence or wall shall be provided on the zero side of ZLL extending from the rear of the structure to the rear corner of the screen enclosure. The screen enclosure may be attached to the fence or wall. The wall shall be constructed of materials consistent with Sec. 6.5.B.4.a.(1).(g).(2) and (3).
[Ord. No. 01- 01]
- (6) **Building coverage.** Screen enclosures with solid roofs shall be included in the building coverage calculation. [Ord. No. 97-64]
- (7) **Maximum allowable size.** Screen enclosures shall be permitted to cover a maximum of thirty (30) percent of the total lot area except for townhouses.
- (8) **Height.** The height of the screen enclosure shall not exceed the highest point of the peak of the roof.
- (9) **Easement encroachment.** Roof eaves or structures shall not overhang the rear property line or encroach any utility, drainage or lake maintenance easement.
- (10) **Screen enclosures within common areas of residential developments.** The construction of private screen enclosures, for use by individual households, is prohibited in common areas, unless screen enclosures were legally constructed within the same development pod prior to April 21, 1995. If any of the existing dwelling units within the same development pod have existing screen enclosures in the common area, the remaining dwelling units within the development pod may construct screen enclosures as shown on the final subdivision plan or final site plan. If the final subdivision plan or final site plan does not graphically depict the placement

of screen enclosures in the common area, application shall be made to DRC to amend the final subdivision plan or final site plan to depict the placement of the screen enclosures, if compliance with criteria set forth in 6.6.A.9.f. (1)-(7) can be demonstrated. [Ord. No. 97-64]
[Ord. No. 99-37]

c. Screen enclosures with solid roofs.

- (1) **Setbacks.** Screen enclosures shall meet the minimum setbacks of the principal use of the lot. Setbacks may be reduced in accordance with the setback reductions of Sec. 6.5, Property Development Regulations, the flexible regulations and administrative deviations of Sec. 6.8., Planned Development Districts. [Ord. No. 01-01]
- (2) **Building coverage.** Screen enclosures with solid roofs shall be included in the building coverage calculation.
- (3) **Special provisions for ZLL Developments.** A minimum eight (8) foot high privacy wall shall be provided on the ZLL extending to the rear edge of the enclosure. The screen enclosure shall be attached to the wall. The wall shall be constructed of materials consistent with 6.5.B.4.a.(1).(g).(2) and (3). [Ord. No. 01-01]
- (4) **Special provisions for townhouse developments.** If the roof of the enclosure is solid, there shall be a minimum eight (8) foot high wall on the shared lot line, extending from the dwelling to the rear corner of the portion of the enclosure that is roofed. The wall shall be fire-rated in accordance with applicable building codes. The screen enclosure may be attached to the masonry wall. [Ord. No. 01-01]
- (5) **Height.** The height of the screen enclosure with a solid roof shall not exceed the highest point of the peak of the roof.
- (6) **Easement encroachment.** Roof eaves or structures shall not overhang the rear property line or encroach any utility, drainage or lake maintenance easement.
- (7) **Screen enclosures with solid roofs within common areas of residential developments.** The construction of private screen enclosures, for use by individual households, is prohibited in common areas, unless screen enclosures were legally constructed within the same development pod prior to April 21, 1995. If any of the existing dwelling units within the same development pod have existing screen enclosures in the common area, the remaining dwelling units within the development pod may construct screen enclosures as shown on the final subdivision plan or final site plan. If the final subdivision plan or final site plan does not graphically depict the placement of screen enclosures in the common area, application shall be made to DRC to amend the final subdivision plan or final site plan to depict the placement of the screen enclosures, if compliance with criteria set forth in 6.6.A.9.f. (1)-(7) can be demonstrated. [Ord. No. 96-28]

11. Accessory radio tower. A radio tower for noncommercial electronic communication purposes may be permitted as an accessory to uses such as school, bona fide agriculture, stadium, and hospital, subject to the following supplementary regulations.

- a. **Height.** The radio tower shall not exceed one hundred (100) feet in height from ground level.
- b. **Setbacks.** Setbacks measured from the base of the radio tower to the property line shall equal a distance of not less than fifty (50) percent of the height of the tower. In addition, the radio tower shall be located in such a manner that it will not fall on any power line. [Ord. No. 94-23] [Ord. No. 96-28]
[Ord. No. 01-01]

12. Amateur radio, and television antennas.

- a. Purpose and intent.** The purpose and intent of this section is to provide for the safe and effective installation and operation of amateur radio, citizens band radio, and television antenna support structures and the beam, satellite, or other antennas installed on those support structures. It is also the purpose and intent of this section to provide for a reasonable accommodation of amateur radio communications, in accordance with Parts 95 and 97 of Chapter 1 of Title 47 of the Code of Federal Regulations, while reflecting Palm Beach County's legitimate interest of protecting and promoting the health, safety, welfare, neighborhood aesthetics, and morals of its citizens. The standards in this section are intended to place reasonable safety and aesthetic precautions on the installation and erection of such antennas and antenna support structures, and to represent the minimum practicable regulation necessary to protect and promote the health, safety and welfare of the public. The regulations are not, however, intended to unduly restrict or preclude amateur radio communications.
- b. Applicability.** All amateur and citizens band radio and television transmission and receiving antennas, including satellite dish antennas attached thereto, shall be governed by the standards of this section.
- c. Antennas and antenna support structures.** All antenna support structures and the beam, satellite, or other antenna installed on those antenna support structures, shall be considered accessory uses, allowed only in conjunction with a single family dwelling and shall comply with the provisions of this section, and the Article 18 (Airport Zoning Regulations).
- d. Use approval.**
- (1) **Existing uses.** All antennas support structures and the beam, satellite, or other antennas installed on these support structures which have been constructed, installed, and are operational as of February 1, 1990 shall be considered legal, nonconforming uses which are vested and do not need building permits. [Ord. No. 99-37]
- (a) **Certification.** All legal nonconforming antenna support structures and the beam antennas installed on these support structures that extend greater than seventy (70) feet above grade level or fifteen (15) feet above building height, whichever is greater, shall acquire written certification from the Zoning Director. Such registration shall reflect the height and location of the antenna support structure, the beam, satellite, or other antennas installed on the support structure, the date of installation, and documentation of installation.
- (2) **New uses.** Antenna support structures and their antennas shall be permitted as accessory uses to residential uses and be reviewed and approved as provided below:
- (a) **All lots.** A maximum of two (2) antenna support structures and their antennas, forty (40) feet or less in height, shall be permitted on any lot. Two additional antenna support structures and their antennas shall be allowed, one to a maximum of seventy-five (75) feet in height, and the second to a maximum of one hundred five (105) feet in height. Additional support structures or structures that exceed these height limitations shall require a Class B Conditional use approval. [Ord. No. 97-14]
- (b) **Permits.** All applicable permits shall be obtained. [Ord. No. 99-37]
- e. Standards.**
- (1) **Base size.** The base dimension for each antennas support structure shall be limited to a maximum five (5) feet in overall width at grade. The foundation for each antenna support structure shall be no more than one (1) foot above grade.
- (2) **Setbacks.**
- (a) **Antenna support structure.**
- (i) **Location.** Antenna support structures shall not be located in the front yard.

- (ii) **Lots less than one acre.** Antenna support structures shall be located to comply with the district setback standards or a minimum of twenty-five (25) feet, as measured from the center of the support structure, whichever is greater.
 - (iii) **Lots on one acre or more.** Antennas support structures shall be located to comply with the greater of the following:
 - a) The minimum district setback standards as measured from the center of the support structure, or
 - b) Twenty-five (25) foot setback for support structures and their antennas under seventy-five (75) feet in height, or
 - c) a setback of fifty (50) percent of the height of the support structure and its antenna over seventy-five (75) feet in height.
 - (iv) **All lots.** Antenna support structures shall be located on the property so as to provide adequate setbacks from above-ground utility power lines other than applicant's service lines as follows:
 - a) setback a minimum distance equal to fifty (50) percent of the height as calculated from grade to the highest point of the antennas support structure and its antenna, or
 - b) the owner shall submit a break point calculation certified by a professional engineer, or
 - c) the owner shall submit the manufacturer's specifications that demonstrate a clear fall radius.
- (b) **Antennas.** In addition to complying with the setback standards, beam array, satellite, or other antennas shall be mounted so as to provide for removal at approach of hurricanes, if necessary, or provide for the lowering of such beam. The antenna or any element thereof shall be set back a minimum of ten (10) feet from all R-O-Ws, easements, or property under different ownership.
- (c) **Anchors.** All peripheral anchors shall be located entirely within the boundaries of the property. If said supports and anchors are closer than five (5) feet to property under different ownership and if such support or anchor extends greater than three (3) feet above the ground, it shall be effectively screened against direct view from abutting properties and shall extend no greater than six (6) feet above ground. [Ord. No. 96-28] [Ord. No. 97-14]

12.1 Satellite Dish Antennas.

- a. **Purpose and Intent.** It is the purpose and intent of this section to provide safe and effective installation and operation of satellite signal receiving and transmitting devices in order to protect the health, safety, and welfare, and neighborhood aesthetics, of Palm Beach County's citizens.
- b. **Applicability.** All satellite dish antennas shall be governed by the standards of this section unless exempted below or regulated as part of an amateur radio antenna.
 - (1) **Exemptions.**
 - (a) **Residential Uses.** Satellite Dish Antennas thirty-nine (39) inches or one (1) meter or less in diameter shall be exempt from these requirements.
 - (b) **Non-Residential Uses.** Satellite Dish Antennas under seventy-eight (78) inches or two (2) meters in diameter shall be exempt from these requirements. [Ord. No. 97-64]
- c. **Standards.**
 - (1) **Residential Uses.**
 - (a) **Number.** A maximum of one (1) satellite dish antenna over thirty-nine (39) inches or one (1) meter in diameter shall be allowed on any residential lot.

- (b) **Location and Setbacks.** Satellite dish antennas shall be mounted on the wall, ground, or a support structure in the side or rear yard and shall not be located on a wall facing the front property line.
 - (i) **Setbacks.** Satellite dish antennas shall meet setback requirements of the district as measured from the outermost point of the dish on the side closest to the applicable setback or property line.
- (c) **Screening.** Satellite dish antennas, if located in the side or rear yard, shall be screened by an opaque fence or hedge.
- (d) **Height.** Satellite dish antennas shall not exceed the height limitations of the district.

(2) **Non-residential Uses.**

- (a) **Number.** No limitation.
- (b) **Location and Setbacks.** Satellite dish antennas shall be wall, roof, or ground mounted, and shall not be located in the front or side corner yard.
 - (i) **Setbacks.** Satellite dish antennas shall meet setback requirements of the district as measured from the outermost point of the dish on the side closest to the applicable setback or property line.
- (c) **Screening.** Satellite dish antennas shall be completely screened from adjacent residential districts by an opaque wall (including parapet walls), fence, or hedge, or combination thereof, pursuant to Sec. 6.6.A.2. [Ord. No. 96-28] [Ord. No. 97-42]

13. **Seaplanes.**

- a. **Location.** If the seaplane facility use is limited to the immediate residential population, who jointly own and maintain the aircraft facility, it may be located in a residential district and not be of a commercial nature, provided that the facility is not within four hundred (400) feet of a residential structure. If the facility is a commercial venture, it shall not be located within one thousand (1,000) feet of a residential district.
- b. **Minimum land area.** The minimum required land area for any type of seaplane operation shall be two (2) acres.
- c. **Water area.** All seaplane operations shall comply with the following minimum standards for water landing area.

Length	3,500 feet
Width	300 feet
Depth	4 feet

- d. **Airport approach.** No seaplane operation shall be considered unless the airport approach to the water landing area is at a slope of 40:1 or flatter for a distance of at least two (2) miles from both ends of the water landing area and is clear of any building structure or portion thereof that extends through and above the airport approach plane.
- e. **Setbacks.** All buildings, structures and aircraft parked on shore shall be located a minimum distance from all property lines of at least fifty (50) feet.

- f. **Landing operations.** All aircraft landings shall be performed under visual flying rules (VFR) and shall not be conducted during the hours between sunset and sunrise.
- g. **Vehicle parking requirements.** Shore facilities shall provide one (1) automobile parking space for each two thousand (2,000) square feet of hangar or tie-down area, or one (1) space per craft, whichever is greater. All shore facilities shall provide a minimum of five (5) parking spaces.
- h. **Certification.** Applications for seaplane operation facilities shall be accompanied by a complete "Airspace Analysis" report for the Federal Aviation Administration as well as a copy of the "Preliminary License Report" from the Florida Department of Transportation.

14. Accessory Commercial Development.

- a. **General.** It is the purpose of this section to allow a limited amount of commercial development in certain residential developments which developed prior to the establishment of planned development regulations in Ordinance 3-57 (1969). Residential developments which meet the criteria in this section will allow a limited amount of commercial development within the project and internalize an amount of traffic without rezoning to a planned development district.
- b. **Procedure.** Residential developments which meet the criteria in this section may create a Preliminary Development Plan showing existing development and the proposed commercial use. The use shall be subject to BCC review and approval as a Conditional Use A.
- c. **Residential Criteria.**
 - (1) **Property owners association.** A property owners association for the residential development shall be formed and shall support the proposed commercial development.
 - (2) **Minimum number.** The residential development must contain a minimum of five thousand (5,000) residents.
 - (3) **Boundaries.** The residential development must be self-contained, having private streets, controlled and limited access, and have obviously identifiable boundaries by design.
- d. **Commercial development criteria.**
 - (1) **Number.** Only one commercial area shall be developed in each residential development.
 - (2) **Limitation.** Uses shall be limited to the regulations of the CN district.
 - (3) **Basis.** The amount of commercial development allowed shall be based on table 6.8-5, Table of PUD Commercial acreage. [Ord. No. 93-4] [Ord. No. 94-23] [Ord. No. 95-8]

15. Bike Racks.

- a. **Number of bikes.** Each bike rack shall accommodate at least five (5) bikes.
- b. **Residential Uses.** Residential development with more than one hundred (100) units shall provide one (1) bike rack per 50 units.
- c. **Non-residential Uses.** All non-residential uses subject to site plan approval by the DRC shall provide one bike rack per two hundred (200) required parking spaces.
[Ord. No. 01- 01]

B. Temporary structures. The following supplementary regulations apply to certain types of temporary structures.

1. **Temporary emergency structures.** This section is intended to allow placement or erection of temporary structures that address immediate public needs while permanent solutions are being pursued, including but not limited to temporary fire stations, hurricane shelters, utility facilities.
 - a. **Determination of public emergency.** The Executive Director of PZB may authorize, in any district, the issuance of a building permit for a temporary structure upon determination that a public emergency exists or an overwhelming public purpose is served by the temporary permit.
 - b. **Duration.** The use shall be approved as a special use for a period of six (6) months, with one three (3) month extension, or until the emergency is determined to have ceased. The BCC may extend this timeframe under extenuating circumstances at any regularly scheduled public hearing. Copies of all special use permits approved under this subsection shall be forwarded to the County Attorney's Office and the BCC.
2. **Tents accessory to non-retail use.** A tent may be used as a temporary structure for non-retail purposes accessory to the principal use subject to the Zoning Director's approval as a special use and the standards of this subsection. Tents used for retail purposes are subject to Sec. 6.4.D (Supplementary Use Standards).
 - a. **Frequency.** The use of the tent and the proposed non-retail use or event shall be a one-time occurrence at any given lot per year.
 - b. **Duration.** The tent may be used for a maximum period of ninety (90) days, provided that an additional thirty (30) day administrative extension may be approved subject to the Zoning Director's finding that the tent and use continue to meet all the applicable requirements of this Code and the Building Code and are in harmony with the surrounding area.
 - c. **Setbacks.** All setback requirements of the underlying district shall be met.
 - d. **On-site Location.** The tent shall be located on the lot so as not to adversely interfere with on-site circulation and shall not be located in any required parking space.
 - e. **Access.** The primary access for the use shall be from an arterial road and shall not cause traffic to flow through nearby residential areas. Back out parking directly onto a public street shall be prohibited.
 - f. **Lighting.** Lighting to illuminate the premises of any temporary tent structure for advertisement or direction shall be extinguished no later than 12:00 midnight.
[Ord. No. 99-37]
3. **Temporary facilities during development activity.** During development of planned developments, subdivisions and multiple family projects requiring DRC approval, temporary structures and facilities may be allowed in platted developments under the following conditions and uses:
 - a. **Temporary construction trailer.** Use of this facility shall be limited to storage and on-site office work with no overnight habitation and provided that:
 - (1) **Duration.** The construction trailer remain on site only for the duration of the permitting and building of the primary structures.
 - (2) **Location.** The construction trailer and attendant parking and storage areas be located on site so as not to interfere with safe ingress and egress to developed areas or areas under construction.
 - (3) **Removal.** The construction trailer be removed if construction ceases for more than five (5) months unless it can be demonstrated that construction will proceed within thirty (30) days.

- (4) **Certificate of occupancy.** The construction trailer be removed no later than thirty (30) days after the final Certificate of Occupancy is issued.
 - (5) **Abandonment.** Abandoned trailers shall not be permitted on the site.
 - (6) **Unsafe structure.** If the building permit for the primary structures have expired, and no further permits have been issued for six (6) months, the trailer shall be removed from the property immediately. Any trailers which have been abandoned under these provisions shall be considered an unsafe structure and shall be abated pursuant to the Building Code Enforcement Administrative Code of PBC.
- b. Watchman mobile home.**
- (1) **Conditions.** Use of this facility allows overnight habitation if, under the following conditions:
 - (a) **Mobility.** The mobility of the vehicle is maintained and it is used as a mobile home or house trailer;
 - (b) **Permits.** Permits and inspections for trailer tie-down and electric, water supply and sewage disposal facilities are approved by all governmental agencies having appropriate jurisdiction.
 - (2) **Additional conditions.** The watchman mobile home is also subject to the following:
 - (a) **Special permit.** A special permit valid for one year shall be obtained. Requests for extensions of time beyond the initial one (1) year approval be made on forms prescribed by PZB. In no case shall the total time exceed a maximum of two (2) years for the initial approval and subsequent extension.
 - (b) **Removal agreement.** A notarized mobile home removal agreement shall be executed.
 - (c) **No additions.** No additions or adjuncts shall be permitted to the mobile home except PZB approved awnings demountable screen panels, stairs, decks and trellises.
 - (d) **Parking.** A minimum of two (2) parking spaces shall be provided. [Ord. No. 93-4]
- c. Mobile home real estate sales and management office.** Use of this facility shall be limited to on-site office work with no overnight habitation and subject to the following standards.
- (1) **Mobility.** The mobility of the vehicle is maintained;
 - (2) **Site plan.** The Master plan, final site plan, or final subdivision plan that has been certified by DRC; and,
 - (3) **Permits.** Permits and inspections for trailer tie-down and, electric, water supply and sewage disposal facilities are approved by all governmental agencies having appropriate jurisdiction.
 - (4) **Location.** The facility shall be located so as not to interfere with on site construction operations, safe ingress and egress to the proposed development.
 - (5) **Setbacks.** The facility shall meet the minimum setbacks of the applicable zoning district.
 - (6) **Handicap spaces.** Handicap spaces and access shall be provided in accordance with Secs. 316.1955, 316.1956, and 553.48, Fla. Stat.
 - (7) **Parking.** A minimum of six (6) parking spaces, plus one for each employee on the shift of greatest employment shall be provided. The temporary parking associated with the temporary mobile home, with the exception of the handicap parking and access, may be provided on hard surface pavement, shell rock or mulch, provided that there is a compacted subgrade. A minimum 24" hedge shall be planted around the perimeter of the parking lot.
 - (8) **Special permit.** A special permit to be valid for a period of one (1) year shall be obtained. Requests for extensions of time beyond the initial one (1) year approval shall be made on forms prescribed by PZB. Permits may be renewed annually provided that:
 - (a) **Affidavit.** A notarized affidavit indicating that the approved development is in compliance with the platting requirements of this code, or any other time specific code provisions or conditions of approval of the development order and further specifying the number of unbuilt or unsold units;
 - (b) **Building permit.** There is evidence indicating that a building permit for a single family dwelling has been obtained within the last year; and

- (c) **Removal agreement.** A notarized mobile home removal agreement shall be executed.
- (d) **Agent's authorization.** Agent's authorization is obtained from the developer.
- (e) **Construction.** The Planned Development continues to be under construction.
[Ord. No. 93-4] [Ord. No. 94-23]

C. Compatibility standards. All commercial and industrial uses subject to review by the DRC and proposed to be located adjacent to or across the street from residential districts along fifty (50) percent or more of the lot perimeter, and all the uses specifically required by other provisions of this Code to comply with these standards, shall demonstrate compliance with the following architectural compatibility standards. The design of the buildings should provide variety and visual interest and create an overall unified image through the following and other appropriate means.

1. **Unified image.** An overall unified image shall be created by the use of common elements such as consistent forms, colors, architectural details and landscape materials.
2. **Uniform treatment.** Similar architectural character and treatment shall be provided on all sides of the building.
3. **Entrances.** Unit and building entries shall be easily identifiable. Entries shall be integrated into the building architecture. Entries in exterior stairs shall be designed to provide shelter from inclement weather.
4. **Roof top equipment.** All roof top mechanical and electrical equipment, including satellite dish antennas, shall be screened so as not to be visible from any point up to ten (10) feet above the ground from any point within a two hundred (200) foot radius of the building on which it is mounted. [Ord. No. 93-4]
5. **Storage areas.** No exterior storage areas shall be permitted within two hundred (200) feet of a residential district.
6. **Loading docks, bay doors, and accessory equipment.** Loading docks, bay doors, and accessory equipment such as dumpsters, shall be located and oriented away from residential property lines.

D. Rural Design Elements.

1. **Design Elements.** The following standards shall apply to non-residential projects in the Rural and Exurban Tiers subject to DRC, ZC or BCC approval, or uses specifically required by other provisions of this Code. Agricultural uses shall be exempted from these requirements. Redevelopment of existing projects will be required to comply with the applicable standards within the affected area only.
 - a. **General.** An overall unified architectural style and image shall be created by the use of common elements such as consistent forms, colors, materials, and details.
 - (1) **Similar architectural composition.** Similar architectural composition and treatment shall be provided on all sides of each building contiguous to public streets or residential zoning districts, unless otherwise stated herein.
 - (2) **Outparcels and accessory buildings.** Outparcels and accessory building within a project shall be constructed of the same or compatible materials and in the same color and character as the principal building.
 - b. **Roof.** The roof line along each elevation shall incorporate a minimum of one (1) design feature each from List 1 and List 2 below:
 - (1) **List 1 - Roof Design Element**

- (a) articulated parapet for each 200 linear feet with an attached hip roof (e.g. hip-on-deck), two (2) or more plane breaks or slopes, and, minimum 12" overhanging eave;
 - (b) full pitched roof (e.g. hip, gable, mansard, gambrel, etc.) with two (2) or more plane breaks or slopes; or,
 - (c) combination of items (a) and (b) above.
- (2) **List 2 - Decorative Roof Treatment**
- (a) decorative roof details such as dormers, cupolas, rafter tails, balconies, terraces, or exposed beams;
 - (b) cornices with decorative moldings; or,
 - (c) pediments, porticos, or architectural features at entryways, or decorative towers.
- (3) **Materials.** Materials shall be limited to standing seam metal, corrugated, or 5V crimp made of copper, terne-coated stainless steel, galvalume or galvanized steel, slate, dimensional or architectural wood shingles, or metal shingles.
- (4) **Roof top equipment screening.** All roof top mechanical and electrical equipment shall be screened from view so as not to be visible from any property line and shall be incorporated into the roof design (e.g. dormers, cupola, parapet, etc.).
- c. **Exterior building finishes.** Exterior building finishes shall be limited to:
- (1) finished wood (e.g. painted or stained) or materials which has a wood appearance (e.g. cement based fiberglass wood textured product or tinted textured concrete masonry);
 - (2) vinyl, lap cedar or hard textured concrete siding with rough or smooth horizontal planks, six (6) inch lap siding, shingles or vertical board and batten;
 - (3) brick or brick veneer;
 - (4) stone;
 - (5) textured stucco; or,
 - (6) split face, pre-formed, or textured masonry block.
- d. **Facades.**
- (1) **Single story building facades.** A minimum of three (3) of the following architectural details shall be integrated into all single story building facades to avoid the appearance of a blank wall:
 - (a) columns or pilasters;
 - (b) decorative cornices;
 - (c) horizontal banding;
 - (d) arches;
 - (e) decorative vents or louvers;
 - (f) moldings and trims;
 - (g) decorative shutters;
 - (h) bay windows; or,
 - (i) other similar treatments.
 - (2) **Multi story building facades.** In addition to the required architectural details above, multi story buildings shall also have breaks such as a canopy, balcony, overhang, or other horizontal projections.
- e. **Porches and entryways.** All buildings shall have prominent entryways with well defined porches and railings. Porches shall be provided along the entire front and side facades, and fifty (50) percent of the rear facades if contiguous to a public street or residential zoning district. The design of the porches may be interrupted by required exits, paved pedestrian entrances, and loading areas and shall include the following:
- (1) **Width.** Porches shall have a minimum clear, unobstructed depth of 8 feet.
 - (2) **Railings and posts.** Porches shall incorporate decorative railings and posts at a maximum of twelve (12) feet on center along the entire perimeter, excluding pedestrian access points.

- f. Windows and doors.** All windows and doors shall have architectural details such as panels, transoms, crossbucks, shutters, decorative trims, or moldings. All glass areas shall appear to be multi-paned.

[Ord. No. 01-01]

Amendment History:

[Ord. No. 01-01; January 28, 2001]

E. Architecture guidelines.

- 1. Purpose and Intent** The purpose of these guidelines is to encourage development to contribute to Palm Beach County as a unique place by enhancing the built environment. These guidelines are intended to ensure that new development and redevelopment will be compatible with the surrounding area and enhance the appearance of the local community.
- 2. Threshold** This Section shall apply to the following projects and buildings:
 - a. All nonresidential projects or buildings requiring approval by the BCC or ZC.
 - b. All nonresidential projects or buildings requiring approval by the DRC in accordance with Table 6.4-1, and Table 6.8-2, or those exceeding the thresholds in Table 6.4-2.
 - c. Multi-family buildings with more than 16 units.
 - d. Existing built projects or buildings meeting the threshold of this section which are substantially renovated.
 - e. The following uses, regardless of building size:
 - Automotive paint or body shop
 - Repair and maintenance, general
 - Retail sales, automotive parts and accessories
 - f. **Exemptions.** The following buildings are exempt from this Section:
 - (1) Agricultural or industrial buildings not visible from a public street or residential zoning district.
 - (2) Buildings which are exempt from local building permits or government review pursuant to State or Federal Statutes.
 - (3) Recreational buildings and accessory structures within a PUD.
 - g. **Effect on prior BCC and ZC approvals.** These guidelines shall apply to all previously approved projects as a BCC or ZC condition of approval as part of a Development Order Amendment or Status Report. Previously approved architectural condition of approval shall remain in full effect unless amended by the BCC or ZC.
 - h. **Effect on prior DRC approvals.** These guidelines shall not apply to projects or buildings which have a previously approved site plan by the DRC, unless within a Planned Development District or for any use specifically identified within Section 6.4.D.

- i. **Effect on other regulations.** These guidelines shall supplement architectural requirements of an Overlay District, Neighborhood Plan, or other applicable regulations. In case of a conflict, the more strict regulation shall apply.

3. **Definitions.** For the purpose of this Section only, the following definitions shall apply:

Architectural composition. The scale, height, mass, proportion, color, form, style, detail, treatment, texture, construction material, and roof design of a project or building.

Articulated parapet. A parapet with a height variation proportional to the building height.

Compatible/compatibility. Design which utilizes accepted site planning (e.g. building placement, orientation and siting) and the elements of architectural composition within the context of the surrounding area. Similar adjacent land uses or square footage shall not necessarily constitute architectural compatibility.

Complement/complementary. Having similar architectural composition.

Design professional. An architect, landscape architect, or engineer licensed in the State of Florida with good standing.

Substantial renovation. Any expansion, alteration, renovation, addition, redevelopment, or similar improvement to an existing building that exceeds seventy-five (75) percent of the assessed value of the building, as indicated in the latest official County Property Appraiser's records.

Visual impact analysis. A written and graphic assessment which determines the appropriate contextual relationship of a proposed building with respect to architectural composition and compatibility.

4. **Review Process.** PZB shall review all applicable buildings for compliance with this Section during the building permit or zoning review process and provide a written determination of compliance with the requirements of this Section.
 - a. An applicant or the County may request review for compliance with this Section in accordance with one (1) of the following methods:
 - (1) **Method I - Projects requiring BCC approval.** A request for a determination of compliance with the requirements of this Section may be submitted with the BCC application. A written determination of compliance with this Section shall be made in the staff report containing the recommendation for the development order. The request for a determination shall be submitted no less than 30 working days prior to the BCC public hearing.
 - (2) **Method II - Projects requiring ZC approval.** A request for a determination of compliance with the requirements of this Section may be submitted with the ZC application. A written determination of compliance with this Section shall be made in the staff report containing the recommendation for the development order. The request for a determination shall be submitted no less than 30 working days prior to the ZC public hearing.
 - (3) **Method III - Projects requiring DRC or site plan approval.** A request for a determination of compliance with the requirements of this Section may be submitted with the original DRC or site plan approval application. A written determination of compliance with this Section shall be made in the comment letter regarding the development order for the project. The request for a

determination shall be submitted no less than 30 working days prior to the DRC meeting regarding the application.

- (4) **Method IV - Projects requiring Building Permit approval.** Buildings requiring a building permit only shall be reviewed for compliance through the standard building permit review process. The request for a determination shall be submitted prior to or concurrent with the building permit application.
- b. **Unique Structures.** Deviation from any requirement in this Section may be approved by the ZC or BCC. Deviations for projects or buildings only requiring DRC approval or a building permit may be granted by the ZC. The ZC and BCC shall consider the following standards when considering the architectural composition of a unique project or building. Failure to comply with any standard shall be deemed adverse to the public interest:
- (1) **Consistency with Comprehensive Plan.** The proposed architectural composition is consistent with the purposes, goals, objectives and policies of the Comprehensive Plan, including standards for building and structural intensities and densities.
 - (2) **Complies with other standards of Code.** The proposed architectural composition complies with all standards imposed on it by all other applicable provisions of this Code for use, layout, function, and general development characteristics.
 - (3) **Compatibility.** The proposed architectural composition is compatible as defined in this Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
 - (4) **Design minimizes environmental impact.** The proposed architectural composition minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
 - (5) **Circumstances.** Whether and to what the extent it can be demonstrated that there are any circumstances that warrant a deviation.
- c. **Peer Review.** The applicant may select an architect licensed in the State of Florida to certify to PZB that the proposed project or building is in compliance with this Section. PZB shall provide a Peer Review Certification Form (PRCF) for this purpose. Certification shall substitute for a staff determination of consistency with this Section.
- d. **Administrative Changes.** Minor changes to BCC or ZC approved architectural elevations may be approved by the Zoning Director provided the changes do not reduce compatibility with surrounding properties. Changes shall be limited to the following:
- (1) A maximum increase of twenty-five (25) percent or ten (10) feet in overall building height, from finished grade to highest point, whichever is less;
 - (2) Modifications to the architectural composition which are equal to or enhance the approved elevation; and,
 - (3) Modifications to ensure consistency with this Section.

5. **Supplemental Application Contents.** Applicable PZB applications shall be supplemented with the following requirements:
- a. color elevations, including all architectural features and building height
 - b. rooftop screening for mechanical, air conditioning, electrical, and satellite dish equipment
 - c. architectural finishes (e.g. manufacturer or material specifications for roof, color chips or paint samples, etc.)
 - d. type of building materials
 - e. roof type, pitch, and material
 - f. detail of all public entries
 - g. screening of loading bays, garage doors, overhead doors, outdoor storage, dumpster, garbage disposal, and recycling areas
 - h. detail and orientation of all facade-mounted and site lighting fixtures
 - i. structural/architectural focal point details (e.g. fountains, gazebos, porte-cochere, etc.)
6. **Visual Impact Analysis.** A Visual Impact Analysis shall be submitted with the chosen method of review only for projects or buildings which are contiguous to a public street or to a residentially zoned property. The visual impact analysis shall be prepared and certified by a design professional and include:
- a. **Environmental Assessment.** An assessment of the natural and man made environments surrounding the proposed building utilizing a minimum of four (4) views taken from the subject property of all contiguous public streets and/or residentially zoned properties and one (1) aerial photograph with the proposed building superimposed on the site.
 - b. **Line of Sight Analysis.** A line of sight analysis of the proposed building in relation to the surrounding area. This may be accomplished by submitting a two-dimensional cross section(s) of the site showing the proposed building elevations in relation to contiguous public right-of-ways and residentially zoned properties.
 - c. **Prevalent Theme.** A written determination by the design professional of the prevalent architectural character of the surrounding area, or desirable architectural character, if no prevalent architectural character exists. If a prevalent architectural character does not exist, the use of architectural styles such as Spanish Eclectic, Mediterranean Revival, Florida Vernacular, or Bermuda/Island is encouraged.
 - d. **Architectural Compliance Statement.** A written determination by the qualified design professional that the visual impact analysis indicates that the architectural composition of the proposed project or building creates focal points, is in scale with the pedestrian environment, and complements or enhances existing structures in the surrounding area.

7. Guidelines.

a. Nonresidential Design Elements. The following guidelines shall apply to nonresidential project or buildings.

(1) **General.** An overall unified architectural character and image shall be created by the use of common elements such as consistent forms, colors, materials, and details. Similar, but not identical, architectural treatment between pods within a multi-pod project may be permitted to allow diversity within the project.

(a) Similar architectural composition and treatment shall be provided on all sides of each building contiguous to a public street or residential zoning district.

(b) Out parcels and accessory buildings within a project shall be constructed of compatible materials, color, and character as the principal building.

(2) **Roofline.** The roof line along each elevation shall incorporate a minimum of one (1) design feature each from List A and List B below. The same features are not required on each elevation:

List A - Primary Roof Design Element	
a.	articulated parapet along thirty (30) percent of the roof line for each elevation ^{1,2}
b.	pitched roof with minimum 12" overhanging eaves
c.	Two (2) or more plane breaks or slopes per facade elevation
d.	Any combination of the above

Notes for List A:

1 Parapet length used as part of wall signage shall not be counted as articulation.

2 Maximum spacing between articulation = 100 feet. Spacing may vary for recognized architectural styles such as Art Deco which cannot comply with this requirement.

List B - Secondary Roof Treatment	
a.	decorative roof details, such as dormers, cupolas, rafter tails, balconies, terraces, or exposed beams
b.	cornices with decorative moldings
c.	pediments, porticos, architectural features at entryways, or decorative towers

(3) **Facade.** The front and side facades, and rear facade if contiguous to a public street or residential Zoning district, of every building shall incorporate recesses and projections, and architectural elements such as columns, arches, etc., as provided herein:

(a) **Required design elements.** All applicable facades, unless exempted above, shall meet the following standards:

- 1) **Recesses/projections.** Facades greater than fifty (50) feet in length shall incorporate recesses and projections a minimum of twelve (12) inches in depth along a minimum of twenty percent (20%) of the total length of the facade. The recesses or projections shall be distributed along the facade with a maximum spacing of one hundred (100) feet between each recess or projection.
 - a) **Bay doors.** Facades with four (4) or more bay doors may exclude the combined length of the bay doors from the total facade length.
 - 2) **Walls.** Blank walls shall not exceed ten (10) feet in height or twenty (20) feet in length. Control and expansion joints shall constitute a blank wall, unless used in a decorative pattern with varied materials or textures and spaced a maximum of ten (10) feet on center. Relief and reveal depth shall be a minimum of three-quarter (3/4) inch.
 - 3) **Storefronts.** Individual ground-level retail uses with exterior public access that are part of a larger freestanding building, other than regional commercial facilities, shall have display windows along a minimum of 20% of the facade length. Windows shall be defined with details such as frames, sills, shutters, planters, relief trims, or lintels. Storefront design, relief features and decorative treatments shall complement contiguous storefronts.
- (b) **Additional design elements.** In addition to Sec. 6.6.E.7.a.(3)(a), Required design elements, the front and side facades shall include a minimum of one (1) of the following design elements:
- 1) **Exterior treatment.** The exterior treatment of the front elevation shall consist of a minimum of two (2) different building materials, textures, or finishes at a ratio of a maximum of 80% for the primary treatment and a minimum of 20% total for the secondary treatment. Exterior finishes such as stucco, brick, wood, coquina or cut stone are encouraged. The surfaces of multiple exterior storefronts within a building, except regional commercial facilities, shall compliment contiguous storefronts.
 - 2) **Fenestration and details.** Architectural features or details such as, windows, awnings, covered arcades, sills, shutters, reliefs, trims, columns, pilasters, quoins, reveals, cornices, horizontal banding, arches, decorative vents, and/or accent tile, shall be integrated into the facade to avoid the appearance of a blank wall and shall be provided along a minimum of sixty percent (60%) of the facade length of the front and side facades, and rear facades if contiguous to a public street or residential zoning district.
- (4) **Entries.** All public entries shall be easily identifiable and integrated into the building architecture. Each freestanding principal structure shall have a minimum of one clearly defined primary public entrance feature. The primary entrance shall incorporate a minimum of one (1) design element each from List A and List B below:

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List A - Primary Entry Feature Design Element	
a.	canopies, porte-cochere, or porticos
b.	wall recess or projection a minimum of twelve (12) inches in depth
c.	covered arcades, a minimum of eight (8) feet clear in width
d.	peaked roof forms
e.	arches, columns or pilasters

List B - Secondary Decorative Treatment	
a.	overhangs, cornices, and eaves
b.	decorative moldings or trims around windows and doors
c.	covered public outdoor patio or plaza incorporated with entry area which are not part of a tenant space
d.	special pavers, bricks, decorative concrete, or other similar pavement treatment
e.	architectural details, such as tile work or moldings

- (5) **Color.** Color shall be used to achieve compatibility with the surrounding area and to complement the project.
- (6) **Pedestrian Amenities.** For planned development districts only, a minimum of one (1) pedestrian amenity for each one hundred thousand (100,000) gross square feet of floor area or fraction thereof shall be incorporated into the overall development to create a pedestrian friendly atmosphere. Suggested amenities include, but are not limited to:
 - (a) public art
 - (b) clock tower
 - (c) water feature/fountain
 - (d) outdoor patio, courtyard or plaza
 - (e) tables with umbrellas for open air eating in common areas and not associated with tenant use (i.e. restaurant) or outdoor furniture

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- (7) **Walkways.** A continuous internal pedestrian walkway shall be provided from each adjacent perimeter public sidewalk to all customer entrances. The design of the walkway shall include all of the following:
 - (a) one native canopy tree for each twenty-five (25) linear feet with a maximum spacing of fifty (50) feet between trees
 - (b) one bench every 200 feet between the public sidewalk and building
 - (c) walkways traversing vehicular use areas shall be accented with special pavers, bricks, decorative concrete, stamped concrete, or similar decorative pavement treatment
- (8) Design elements subject to ZC or BCC approval. The following elements are prohibited, unless approved by the ZC or BCC pursuant to the Review Process of this section:
 - (a) structures which are of symbolic design for reasons of advertising
 - (b) high intensity, metallic, neon, or fluorescent colors
 - (c) neon tubing, fiber optics or similar lighting, excluding those used for signage
 - (d) high gloss vinyl and plastic awnings
 - (e) awnings with horizontal ribbing, flowered or similarly patterned designs
 - (f) unpainted or plain/unfinished exterior facades, excluding galvalume and galvanized steel roof
 - (g) smooth faced painted concrete masonry block
- b. **Multi-family Design Elements.** In addition to the guidelines for non-residential projects, multi-family projects shall adhere to the following guidelines:
 - (1) **Master elevations.** Master elevation approvals may be reused within a project, provided the master elevation complies with Section 6.6.E.6, Visual impact analysis, for each location in which that elevation is used.
 - (2) **Balconies and patios.** Individual balconies and/or patios shall be provided for a minimum of 20% of the total number of units within each building.
8. **Non-judicial remedies.** Any applicant aggrieved by an administrative interpretation or decision regarding this Section shall, within thirty (30) calendar days from the date a written interpretation or decision is rendered, file an appeal to the ZC. The appeal shall be heard on the next available ZC agenda.
9. **Exhaustion of non-judicial remedies.** Any applicant, the Executive Director of PZB, the BCC member representing the district in which the project or building is to be located, aggrieved by a decision of the ZC regarding an interpretation or decision regarding this Section shall, within thirty (30) calendar days from the date a decision by the ZC is rendered, file an appeal to the BCC. The appeal shall be heard on the next available BCC agenda as an Administrative Inquiry.
10. **Appeals.** An appeal shall be pursuant to the judicial relief standards of 5.1, General Applicability.

11. One year review. Staff shall review the effectiveness of these guidelines and present a report to the BCC in August, 2002.

[Ord. No. 01- 28]

Amendment History:

[Ord. No. 01-01; January 9, 2001] [Ord. No. 01- 28; July 24, 2001] [Ord. No. 01-100; December 28, 2001]

SEC 6.7 OVERLAY DISTRICT REGULATIONS.**A. NE-O, Native Ecosystem Overlay.**

1. **Purpose and intent.** The purpose and intent of the Native Ecosystem Overlay (NE-O) district is to ensure the protection of environmentally sensitive lands in unincorporated Palm Beach County, while ensuring development options by permitting flexibility in development regulations.
2. **Applicability.** The provisions of the NE-O district shall apply to all development within the boundaries of the NE-O district.
3. **Boundaries.** The NE-O district shall include within its boundaries, the following lands.
 - a. **Environmentally Sensitive Lands.** Lands as defined in Sec. 9.5.J.3. [Ord. No. 99-37]
 - b. **Other "A" quality ecosystems.** Lands identified as "A" Quality Ecosystems in the Palm Beach County Comprehensive Plan, Conservation Element, Policy 2-a and Land Use Element, Policy 1-d.
 - c. **Twenty-five percent set aside.** Uplands with native ecosystems to which the twenty-five (25) percent set-aside would be applicable as required by Sec. 9.5 (Vegetation Preservation and Protection). [Ord. No. 99-37]
 - d. **Water resources protection areas.** Lands that have a high potential for water resources protection, such as aquifer recharge areas and present and potential wellfield areas.
4. **Conflict with other applicable regulations.** When the provisions of the NE-O district conflict with other regulations applicable to the district, the provisions of this section shall prevail, except when superseded by State or federal law.
5. **Use regulations.** In the NE-O district, the use regulations shall be the same as for the underlying district.
6. **Property development regulations.** The development of lands within the NE-O district shall be subject to the property development regulations of the underlying district, except that the following property development regulations may be modified by the Zoning Director upon a written request up to the maximum allowed deviations in Table 6.7-1 below.
 - a) **Off-street parking.** Off-street parking standards may be reduced by up to a maximum of thirty (30) percent if:
 - (1) **Environmentally sensitive lands.** A development permitted by the underlying district cannot be feasibly designed with the required off-street parking spaces, because of the location of Environmentally Sensitive Lands, the twenty-five (25) percent set aside on the subject property, or water resource protection areas;

- (2) **Alternative plan.** An alternative plan of development is prepared for the property that provides the maximum number of off-street parking spaces that are feasible, with a total impervious surface area design that does not exceed fifty (50) percent of the lot coverage requirement, while ensuring the proposed development is not disruptive to Environmentally Sensitive Lands, lands set aside pursuant to the twenty-five (25) percent set aside requirement, or water resource protection areas; and
 - (3) **Consistent.** The alternative plan of development is consistent with the purpose and intent of the NE-O district.
- b. **Density and intensity.** The calculation of maximum density or lot coverage shall be based on gross lot area.
- c. **Off-street loading.** Off-street loading requirements may be reduced or eliminated if:
- (1) **Environmentally sensitive lands.** A development permitted by the underlying district cannot be feasibly designed with the required off-street loading space because of the location of Environmentally Sensitive Lands, the twenty-five (25) percent set aside on the subject property, or water resource protection areas; and
 - (2) **Alternative plan.** An alternative plan of development is prepared for the property with a total impervious surface area not exceeding sixty-five (65) percent of the maximum building coverage requirements, while ensuring that the proposed development is not disruptive to Environmentally Sensitive Lands, the twenty-five (25) percent set aside requirement, or water resource protection areas; and
 - (3) **Consistent.** The alternative plan of development is consistent with the purpose and intent of the NE-O district.
- d. **Height.** Height restrictions may be modified to implement the permitted floor area ration or building coverage if the building coverage does not exceed sixty (60) percent of that otherwise allowed by the underlying district, and the total impervious surface area does not exceed sixty-five (65) percent of the maximum building coverage requirement.
- e. **Setbacks.** Yard setback requirements shall be modified if:
- (1) **Environmentally sensitive lands.** A development permitted by the underlying district cannot be feasibly designed with the required setbacks because of the location of Environmentally Sensitive Lands, the twenty-five (25) percent set aside on the subject property, or water resource protection areas; and
 - (2) **Alternative plan.** An alternative plan of development is prepared for the property that complies to the greatest extent practicable with the setback requirements, while ensuring the proposed development is not disruptive to Environmentally Sensitive Lands, lands set aside pursuant to the twenty-five (25) percent set aside requirement, or water resource protection areas; and
 - (3) **Consistent.** The alternative plan of development is consistent with the purpose and intent of the NE-O district.
- f. **Lighting.** All exterior lighting shall be shielded and directed away from native vegetation.
[Ord. No. 93-4] [Ord. No. 99-37]

B. WCRA-O, Westgate/Belvedere Homes Overlay. [Ord. No. 01-01]

1. **Purpose and intent.** The Westgate/Belvedere Homes Community Redevelopment Agency (WCRA) was created pursuant to Sec. 163.330, et. seq., Fla. Stat., to remove blighted conditions, enhance the County's tax base, improve the living conditions, and preserve areas of low and moderate cost housing in the Westgate/Belvedere Homes area of unincorporated Palm Beach County.

The use of community redevelopment powers enables the PBC BCC and the WCRA to make improvements that encourage and enhance investment while providing neighborhood stability.

The Westgate/Belvedere Homes Community Redevelopment Study Area Overlay (WCRA-O) district is established with the purpose and intent of: encouraging development and redevelopment of the Westgate/Belvedere Homes area through regulatory incentives; arresting deterioration of property values; preserving and protecting existing, viable affordable housing; and providing opportunity for the future development of affordable housing; implementing the WCRA Plan; and providing for increased residential densities without amendment to the PBC Comprehensive Plan.

2. **Applicability.** These provisions shall apply to all development within the boundaries of the WCRA-O district. In addition, development shall comply with all other applicable Code requirements.
3. **Boundaries.** The WCRA-O district consists of those lands within unincorporated Palm Beach County bounded by Okeechobee Boulevard on the north, Belvedere Road on the south, Florida Mango Road on the east, and Military Trail on the west. This description does not limit the WCRA's ability to amend its boundaries. The WCRA-O district shall be amended as needed to conform to any boundary changes of the Westgate/Belvedere Homes Community Redevelopment Area.
4. **Conflict with other applicable regulations.** Where the provisions of the WCRA-O district are in conflict with other regulations applicable to this district, the provisions of this section shall prevail. Where provisions of the WCRA-O district are not in conflict with other applicable regulations, the most restrictive regulations shall prevail.
5. **Procedures.** Prior to initial Development Review Committee (DRC) certification of all requests for Official Zoning Map Amendments (rezonings), Conditional Uses, and Development Review Committee only items, all applicants shall obtain a recommendation from the WCRA. Prior to the approval of all requests for Comprehensive Land Use Plan Amendments, Density Bonuses, Variances or CRA Master Plan Amendments all applicants shall obtain a recommendation from the WCRA. All applicants shall provide proof of payment of any applicable WCRA review fee.
6. **Development Review Committee.** All new commercial and industrial developments, and residential developments consisting of more than two (2) dwelling units shall be subject to DRC approval.
7. **Official Zoning Map Amendments.** All Official Zoning Map Amendment requests shall comply with the following standards.
 - a. **Industrial districts.** Any request to rezone parcels located in the Flight Path of the Palm Beach International Airport to an industrial district shall not require a Comprehensive Land Use Plan Amendment.
 - b. **Commercial districts.** Any request to rezone parcels to a commercial district or Planned Development District, shall not require a Comprehensive Land Use Plan Amendment, provided the following criteria are met.

- (1) **Twenty (20) percent (%) limitation.** The rezoning request shall not increase the existing area with the commercial future land use designations by more than twenty (20) percent above the acreage shown on the Future Land Use Plan Atlas at the time of Comprehensive Plan adoption in 1989. The areas with commercial future land use designation shall be identified on the Comprehensive Plan Future Land Use Map.
 - (2) **Purpose.** The rezoning request advances the purpose and intent of the WCRA Plan, and does not have a negative impact on surrounding uses.
 - (3) **WCRA recommendation.** The rezoning request receives a favorable recommendation from the WCRA in accordance with the standards established in the WCRA Plan.
8. **Uses.** The following uses shall be permitted in the WCRA-O subject to the appropriate review process.
- a. **Permitted uses.** Uses permitted by right in the underlying zoning district shall be permitted by right in the WCRA-O District. Additionally, residential uses shall be permitted in the commercial land use subcategories as described in the Palm Beach County Comprehensive Plan.
 - (1) **General Commercial district (CG).**
 - (a) **Office/warehouse uses.** Requests for office/warehouses shall be subject to Class A Conditional Use approval. In addition, the following supplementary requirements shall apply.
 - i) **Office.** Accessory office space, supporting the warehouse use, shall occupy a minimum of twenty-five (25) percent of the gross floor area.
 - ii) **Bay doors.** Bay doors shall not face any abutting residential property. Bay doors shall not face public streets, unless a landscape betterment plan has been submitted.
 - iii) **Separation.** There shall be a minimum ten (10) foot separation between individual office-warehouse buildings.
 - (2) **Special use developments.** The following special use developments may be permitted in the CG, and IL districts pursuant to the following standards.
 - (a) **Mixed-use commercial.** The purpose of this special land use development is to encourage lower intensity, mixed-use development along the south side of Westgate Avenue. Developers shall be permitted to request an increase in the residential density by drawing from the pool of three hundred (300) bonus residential units assigned to the area pursuant to the PBC Comprehensive Land Use Plan. The use of the bonus units shall be subject to approval by the BCC and the WCRA. The minimum lot size for this special land use shall be one half (0.5) acre. All other applicable provisions of the ULDC shall apply. In addition, developers shall comply with the design requirements of the MXP section to the greatest extent possible.
 - (b) **Soft-edged industrial.** The purpose of this special land use development is to ensure that adequate screening and buffering is provided in areas adjacent to existing residential development. The increased landscaping and buffering requirements, and the provision for "cleaner" and compatible light industrial development shall only be required for areas with an Industrial land use designation. In addition, all applicable provisions for the IL zoning district shall apply. The property frontage of developments within this land use designation shall comply with the R-O-W buffer requirements pursuant to Sec. 7.3 of the ULDC.
 - (2) **Special permit uses.** Uses permitted in the underlying zoning district subject to special permit regulations, shall be permitted in the WCRA-O except for the following.
 - (1) Adult entertainment establishments and day-labor employment centers shall be prohibited.
 - c. **Class A and Class B Conditional Uses.** Conditional uses in the underlying zoning district shall be permitted pursuant to the use regulations of the underlying zoning district and all other applicable ULDC regulations. In addition, the following shall apply:

- (1) **Parcels two (2) acres or less.** Uses on parcels two (2) acres or less in size that pursuant to Sec. 6.4, require Class A Conditional Use approval, may be approved through the Class B Conditional Use process. This process may also be followed for Development Order Amendments.
 - (2) **Commercial uses.** Any commercial land uses may be approved as conditional uses, subject to the following.
 - (a) **Twenty (20) percent (%) limitation.** The request shall not increase the existing area with commercial future land use designations in the WCRA-O by more than twenty (20) percent above the acreage shown on the Future Land Use Plan Atlas at the time of Comprehensive Plan adoption in 1989. The areas with commercial future land use designation shall be identified on the Comprehensive Plan Future Land Use Map.
 - (b) **Purpose.** The proposed conditional use advances the purpose and intent of the WCRA Plan, and does not have a negative impact on surrounding uses.
 - (c) **WCRA recommendation.** The conditional use receives a favorable recommendation from the WCRA in accordance with the standards established in the WCRA Plan.
9. **Property development regulations.** The development of lands within the WCRA-O district shall be subject to the property development regulations of the underlying district, except for the following.
- a. **Residential density bonus.** Residential densities permitted by the Comprehensive Plan Future Land Use Map may be increased by the BCC pursuant to the Class A Conditional Use process, provided that:
 - (1) **Purpose.** The proposed residential development advances the purpose and intent of the WCRA-O; the goals, objectives, and policies of the Comprehensive Plan; the WCRA Plan; and does not have a negative impact on any surrounding uses;
 - (2) **Criteria.** The request is consistent with the criteria established in the WCRA Plan for the increase of residential densities;
 - (3) **Number of units.** The additional residential units permitted do not exceed a cumulative total of three hundred (300), pursuant to the Comprehensive Plan. These units shall be exempt from the County's Voluntary Density Bonus Program application process and procedures. Following exhaustion of the housing pool, requests for density increases may be approved by the BCC through the County's Voluntary Density Bonus Program application process, provided the proposed residential density bonus is initially recommended by the WCRA.
 - (4) **Dispersal.** In order to encourage an equitable geographic distribution of development, the Voluntary Density Bonus criteria may not be applicable when increased densities are requested. Pursuant to Objective 1.5 of the Housing Element of the Comprehensive Plan, low income households shall not be concentrated in one area. The Voluntary Density Bonus criteria may not be applicable when increased densities are requested.
 - b. **Residential Development Standards.** In addition to the development standards contained in the ULDC, the following special development standards shall be required of all residential development within the WCRA-O, at or before the time of construction or as deemed appropriate by the County.
 - (1) **Awnings/canopies.** Awnings or canopies, attached to walls, shall not project more than five (5) feet into the required setback. In addition, they shall not be supported by any means other than the wall or its integral parts.
 - (2) **Flexible regulations.** Requests for flexible regulations, pursuant to Sec. 6.5. of the ULDC shall be encouraged as an incentive to promote affordable owner occupied infill housing within the WCRA, and shall be authorized for an affordable housing subdivision, provided such dwelling units meet the Federal Department of H.U.D. definition of affordable for PBC and that such deviations are recommended by the WCRA.

- (3) **Minimum frontage.** Parcels accommodating single family houses shall have a minimum frontage of fifty (50) feet on a public right-of-way.
 - (4) **Open space for multi-family development.** Forty-five (45) percent of the total site for multi-family development shall be designated as open space. Sixty (60) percent of that total on-site open space shall be designated as usable open space. Open space requirements may be reduced subject to BCC and WCRA approval on a case-by-case basis.
- c. **Nonresidential development standards.** In addition to the development standards contained in this Code, the following special development standards shall be required of all nonresidential development within the WCRA-O district, at or before the time of construction as deemed appropriate by the County.
- (1) **Awnings/canopies.** Awnings or canopies, attached to walls, shall not project more than five (5) feet into the required setback. In addition, they shall not be supported by any means other than the wall or its integral parts.
 - (2) **Buffers.**
 - (a) **Residentially zoned parcels with residential land use.** All proposed commercial or industrial uses shall provide upgraded buffer areas, a minimum of ten (10) feet in width along all property boundaries that are contiguous to existing residential uses or land designated as residential by the Future Land Use Atlas of the Comprehensive Plan. These buffer areas shall also be required for nonresidential land uses abutting Nokomis Avenue and Cherokee Avenue, and on any parcel indicated as Bonus Commercial Receiving Area on the WCRA Master Land Use Plan map. The upgraded buffer shall include:
 - i) **Six foot wall or fence.** A six (6) foot high opaque concrete block wall shall be permitted, or a decorative fence approved by the WCRA Board. Barbed wire shall be prohibited.
 - ii) **Bonus commercial receiving area.** A six (6) foot high chain link or other decorative fence, approved by the WCRA, may be permitted with the consent of the immediately abutting property owners and/or property owner(s) directly across the right-of-way. Hedge material, maintained at a height of 60 inches, and native canopy trees spaced pursuant to Sec. 7.3 of the ULDC shall be required. Barbed wire shall be prohibited.
 - iii) **Hedge.** A hedge of native vegetation twenty-four (24) inches in height, spaced twenty-four (24) inches on center at planting; and
 - iv) **Native canopy trees.** Native canopy trees, a minimum of twelve (12) feet in height with a minimum six (6) foot spread, spaced twenty (20) feet on center, shall be planted. For Nokomis Avenue and Cherokee Avenue, required canopy trees shall be placed on alternating sides of the wall, and spaced twenty (20) feet on center.
 - (b) **Residentially zoned parcels with commercial land use.** Commercial uses adjacent to residential districts with commercial land use designation, and commercial uses adjacent to residential uses in commercial districts shall provide a minimum five (5) foot wide landscape buffer along shared residential property lines. This buffer shall include:
 - i) **Six foot wall or fence.** A six (6) foot high opaque concrete block or wall or chain link fence shall be permitted, but with no barbed wire topping, or a decorative fence approved by the WCRA Board.
 - ii) **Hedge.** A hedge a minimum of forty-eight (48) inches in height, spaced thirty-six (36) inches on center at planting, to be maintained a height of sixty (60) inches and planted on the outside of the fence of wall; and
 - iii) **Native canopy trees.** Native canopy trees, a minimum twelve (12) feet in height, with a minimum six (6) foot spread, spaced twenty (20) feet on center at planting.
 - iv) **Alternative landscape plan.** An alternative landscape plan, approved by the WCRA and meeting minimum standards of the ULDC, may be substituted for the above.
 - (3) **Exterior speaker systems prohibited.** Outdoor audio speaker systems that are audible from adjoining residential property lines shall be prohibited.

- (4) **Streetscape and Landscape.** All development shall comply with the standards of Sec. 7.3 (Landscape and Buffering). Development with frontage on Wabasso Drive, Congress Avenue, Seminole Boulevard and Westgate Avenue or any development within any area designated as Soft-Edged Industrial on the WCRA Master Land Use Plan map shall comply with the streetscape design guidelines of the Westgate/Belvedere Homes Community Redevelopment Area Plan.
- (5) **Signage.** Signage shall comply with the requirements of Sec. 7.14 of the ULDC (Signage), and shall also be subject to the following standards.
- (a) **Sign face.** Signs shall be limited to one (1) square foot per two (2) linear feet of frontage up to a one hundred (100) square foot maximum. One (1) sign shall be permitted for every two hundred (200) feet of frontage. Properties fronting on Okeechobee Boulevard, Military Trail, Congress Avenue, Westgate Avenue and Belvedere Road shall be exempt from these regulations.
- (b) **Tenant identification sign.** All tenant identification signs shall be unified in design. Those not attached to the building shall be located within a single cabinet or frame. Properties fronting on Okeechobee Boulevard, Military Trail, Congress Avenue and Belvedere Road shall be exempt from these requirements.
- (c) **Setback.** Signs shall be setback a minimum of five (5) feet from any sidewalk. No portion of any sign may overhang the public R-O-W. Properties fronting on Okeechobee Boulevard, Military Trail, Congress Avenue and Belvedere Road shall be exempt from these requirements.
- (d) **Pole signs.** Pole signs shall not exceed fifteen (15) feet in height. Monument signs shall be encouraged to the maximum extent possible. Properties fronting on Okeechobee Boulevard, Military Trail, Congress Avenue and Belvedere Road shall be exempt from these requirements.
- (e) **Commercial uses along Cherokee and Nokomis.** Parcels with frontage on Cherokee Avenue and Nokomis Avenue shall be prohibited from installing pole signs. Sign face shall be limited to sixteen (16) square feet per side and shall not be illuminated.
- (6) **Prohibited signs.** In addition to the signs prohibited by Sec.7.14, the following shall also be prohibited in the WCRA-O district:
- (a) any flag where its longest side is greater in length than twenty (20) percent of the length of the flagpole or standard;
- (b) balloons;
- (c) electronic message boards; and
- (d) billboard signs.
- (7) **Lighting.** All development shall comply with the following lighting standards, in addition to those requirements in Sec. 6.6 (Outdoor lighting standards).
- (a) **Casting of illumination.** Illumination shall be downcast and shall not overflow to adjacent property.
- (b) **Wall fixture lights.** Attached wall fixtures shall be mounted no higher than five (5) feet above the first story, and shall not be located on building roofs.
- (c) **Parking lot lighting.** Parking lot lighting shall not exceed twenty-five (25) feet in height, and shall be located a minimum of forty (40) feet apart.
- (d) **Roof top lighting.** Roof top lighting shall be prohibited.
- (e) **Height of light fixtures.** Lighting fixtures shall be scaled to pedestrians, and shall be compatible with the building and site.
- (8) **Building design.**
- (a) **Materials.** The use of imitation rock, imitation wood, corrugated metal, fiberglass siding or other such materials shall be prohibited.
- (b) **Color.** Earth or neutral tones shall be encouraged as the dominant background color of a structure.

- (c) **Roof, trim, and awnings.** Roof, trim, and awnings and canopy accent colors shall be compatible with building colors.
 - (d) **Screening.** Materials similar to that of the primary structure shall be used to screen mechanical equipment, utility structures, and trash receptacles.
 - (e) **Entrances to buildings.** Additional entries to the building from side or rear parking lots are encouraged.
 - (f) **Building facade.** Detailing of the building facade should be appropriate to the building size.
 - (g) **Building design.** Building design shall meet the provisions of the 1990 American Disabilities Act (ADA).
 - (h) **Height.** Commercial buildings with frontage on Cherokee Avenue and Nokomis Avenue shall be limited to one story and shall not exceed twenty (20) feet in height including a pitched roof.
- (9) **Nonresidential fences.** For nonresidential development, fences shall, by January 1, 1995, be located on the interior of any required front yard landscape buffer.
- (10) **Commercial land use strip.** A two (2) lot tier commercial land use strip, pursuant to the Land Use Atlas Map, along Westgate Avenue is established for the area bounded by Cherokee Avenue on the north, Nokomis Avenue on the south, Congress Avenue on the east and the section line between Sec. 25, T43S, R42E and Sec. 30, T43S, R43E on the west. Commercial development within this area shall comply with the following standards.
- (a) **Minimum frontage.** A minimum frontage of fifty (50) feet shall be established along Westgate Avenue, Nokomis Avenue, Cherokee Avenue, Wabasso Drive, Tallahassee Drive, Seminole Boulevard, Osceola Drive, Loxahatchee Drive and Suwanee Drive.
 - (b) **Access.** Primary access for all CG uses and Conditional Uses shall be permitted only from Westgate Avenue, Wabasso Drive, Tallahassee Drive, Seminole Boulevard, Osceola Drive, Loxahatchee Drive and Suwanee. Access to Cherokee Avenue may be permitted if it is paved in a manner acceptable to the County Engineer. Primary access on Nokomis Avenue and Cherokee Avenue shall be permitted for professional office use only.
 - (c) **Integrated site plan.** The owner of a lot that does not front on Westgate Avenue, shall be allowed to rezone to a commercial use if it is combined in an integrated site plan with fronting on Westgate Avenue. The BCC may permit emergency access from Nokomis Avenue. Secondary access may be permitted from Nokomis Avenue pursuant to Sec. 6.7.B.8.a.
- (11) **Base building line.** The forty (40) feet wide visual buffer requirement of Sec. 6.5.G.7.a shall not apply to those lots abutting Westgate Avenue between Congress Avenue and Military Trail. The base building line for said lots shall be the existing R-O-W line of Westgate Avenue.
- (12) **Parking.** Required and display parking shall be permitted pursuant to WCRA-O structure setback standards. Off-site parking at approved sites, and shared parking between separate parcels, shall be permitted. Unity of Control shall be required for shared parking.
- (13) **Loading zones.** Loading zones on sites under two (2) acres shall be allowed inside of parking areas after business hours.
- (14) **Setback reductions.** Front setback from all commercial roads may be reduced to ten (10) feet, and when the adjacent parcel has an underlying commercial zoning district, the side setbacks may be reduced to five (5) feet.

10. Local residential streets.

- a. **Construction in existing R-O-W.** The County Engineer may approve alternatives to the County standard design sections for local street construction in order to accommodate construction or reconstruction of paving and drainage improvements to an existing public local street, or segment thereof. The eligible R-O-Ws shall have a width of less than fifty (50) feet and shall be maintained by the County. Said alternative design(s) shall provide for paved travelway widths, structural sections, drainage, pedestrian access, dead-end turnarounds, and safe sight corners as prescribed by the County standards for local streets, or as deemed equivalent by the County Engineer. All required treatment and discharge control of stormwater runoff to the street drainage system shall be provided by secondary stormwater management facilities located outside the street R-O-W, permitted and constructed in accordance with applicable regulations of all agencies having jurisdiction over the receiving waters at the point of legal positive outfall.
- b. **Access to residential subdivision lots.** In lieu of minimum legal access requirements pursuant to Sec. 8.22.A.2., a local street improved pursuant to Sec. 6.7.B.10.a and having continuous paved access to at least one public street on the perimeter of the WCRA-O, shall be deemed by the County Engineer to meet the requirement of local street access for residential lots created by subdivision of abutting property. Nothing herein shall prohibit the owner of abutting property from making application for and receiving appropriate approval of a final subdivision plan or waiver of platting prior to completion of the above-noted improvements; provided, however, that the applicable plat or affidavit of waiver shall not be approved for recordation until construction has commenced for said improvements.

11. Stormwater discharge control. For subdivision of land within the WCRA-O District where stormwater discharge from such land is regulated by a secondary stormwater system under a Surface

Water Management Permit issued by South Florida Water Management District, the requirements for control of discharge pursuant to Sec. 8.24.F.2 shall be deemed waived.

[Ord. No. 93-4] [Ord. No. 94-23] [Ord. No. 00-015]

C. R&T-O, Research and Technology Overlay. [Ord. No. 01-01]

1. **Purpose and intent.** The purpose and intent of the Research and Technology Overlay (R&T-O) district is to protect critical manufacturing employers from the encroachment of incompatible land uses and activities; provide opportunities to locate accessory, auxiliary and supporting industrial land uses in close proximity to existing manufacturing facilities; and ensure the location of compatible adjacent land uses and activities in the district that complement manufacturing and high-tech operations that are related to the continuation and future development of the County's manufacturing and industrial base. The R&T-O district is specifically included in this Code to meet the Comprehensive Plan provisions related to the Pratt-Whitney Overlay.

Additionally, all development within the R&T-O district shall: promote efficient and economical industrial land uses and the provision of adequate public facilities to serve proposed development; promote compatible industrial land use linkages by process, production or service; be compatible with surrounding land uses and activities; preserve and protect natural features and native vegetation so as to prevent ecological damage in part through the location of buildings and land use intensities; and encourage the continuation and future development of the County's manufacturing and industrial base.

2. **Applicability.** The provisions of the R&T-O district shall apply to all development within the boundaries of the R&T-O district.

3. **Boundaries.** The R&T-O district consists generally, of those lands in unincorporated Palm Beach County lying east and north of the Beeline Highway and the Pratt-Whitney facility, which includes all or portions of Sections 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, Township 41 Range 40; Sections 5, 6, 7, 8, 9, 17, 18 Township 41 Range 41; and Section 13, Township 41 Range 39. The precise boundaries of the R&T-O district are identified on the Official Zoning Map.
4. **Conflict with other applicable regulations.** Where any provisions of the R&T-O district conflict with other applicable regulations, the provisions of this section shall prevail, except when superseded by State or federal law.
5. **Use regulations.** Development in the R&T-O district shall comply with the use regulations of the underlying district, subject to compliance with the following criteria.
 - a. The proposed development shall promote the goals, objectives, and policies of the Comprehensive Plan.
 - b. The proposed development is consistent with the purpose and intent of the R&T-O district.
 - c. The proposed development includes adequate, safe, and appropriate public facilities and services.
 - d. The proposed development is not detrimental to existing land uses or the native ecosystems of the R&T-O district.
 - e. The proposed development complies with the requirements of the NE-O district and Article 9, Environmental Standards.
 - f. The proposed development complies with the utility siting criteria for the limited service area.
6. **Property development regulations.** All development within the R&T-O district shall be subject to the property development regulations of the underlying district, except where it is in the NE-O district it shall be subject to the development regulations of the NE-O district.
7. **Performance standards.** All development within the R&T-O district shall comply with the rules and regulations of all governmental agencies having appropriate jurisdiction, and with all applicable requirements of this Code.

D. GA-O, Glades Area Economic Development Overlay. [Ord. No. 01-01]

1. **Purpose and intent.** The Glades Area Economic Development Overlay (GA-O) district is intended to provide flexibility in the range of uses and property development regulations allowed in the underlying districts in the Glades area and to accommodate uses which, if deemed appropriate, will increase job opportunities and improve the economic vitality of the area. In addition, the GA-O district will provide a set of regulations that recognize the character of the area.
2. **Applicability.** The provisions of the GA-O district shall apply to all development located within the boundaries of the GA-O district. All development orders within the GA-O district shall comply with all applicable Joint Planning Area Agreements, pursuant to Florida Statutes.
3. **Boundaries.** The boundaries of the GA-O district shall be identified on the Official Zoning Map.

4. **Conflict with other applicable regulations.** When the provisions of the GA-O district conflict with other regulations applicable to the site, the provisions of this section shall prevail.
5. **Use regulations.** In the GA-O district, no building, structure or land or water use shall be permitted except for the following uses.
 - a. **Permitted uses.** Uses permitted as of right in the underlying district are permitted as of right in the GA-O.
 - b. **Special uses.** Uses allowed as special uses in the underlying district shall be permitted in the GA-O district after compliance with the special use standards. In addition:
 - (1) **Single-family dwelling unit.** Any single-family dwelling unit required to relocate because of an eminent domain proceeding may relocate to lands in the AP district by receipt of a special use permit; and
 - (2) **Nonconforming use.** Any nonconforming use may be expanded by receipt of a special use permit.
 - c. **Conditional uses.** Uses allowed as conditional uses in the underlying district shall be permitted in the GA-O district after compliance with the conditional use regulations. Uses not otherwise permitted in the underlying districts may be permitted as Class A Conditional uses in the GA-O district after compliance with the conditional use regulations and after the Board of County Commissioners determines that the proposed use meets the following criteria:
 - (1) increases the number of jobs or provides needed housing;
 - (2) does not adversely affect adjacent land uses;
 - (3) is consistent with the goals, objectives and policies of the Comprehensive Plan; and
 - (4) helps to support existing or encourage additional Glades Area economic development.
6. **Property development regulations.**
 - a. **General.** All development within the GA-O district shall be subject to the property development regulations of the underlying district, except as otherwise provided below.
 - b. **Minimum density.** The Board of County Commissioners may consider the waiver of the minimum density requirement for proposed development in the Glades area when:
 - (1) **Consistency.** The proposed development is consistent with the provisions of any "Joint Planning Area" agreement (Policy 4-d. Intergovernmental Coordination Element), and;
 - (2) **Analysis.** An analysis is completed that addresses 1) the impact of a reduced density development on the overall infrastructure system; 2) the compatibility of the proposed development with adjacent land uses; and 3) the effect of the reduced density development on the ability of the County to meet its goals, objectives and policies related to affordable housing. If the development is located in a municipal annexation area, the analysis must be performed by the annexing municipality.
 - c. **Maximum density and intensity.** Maximum density and intensity of uses within the GA-O district may be allowed to exceed those imposed by the underlying district and shall be determined by the Board of County Commissioners during the conditional use permit review process.

d. Location of structures. Building permits in the GA-O district may be permitted between the one hundred twenty (120) foot and two hundred twenty (220) foot R-O-W line within the R-O-W of State Road 700 through Canal Point, from Third Street on the north to Triangle Park on the east, subject to approval of the County Engineer.

E. PBIA-O Palm Beach International Airport Overlay. [Ord. No. 01-01]

- 1. Purpose and intent.** The Palm Beach International Airport Approach Path Conversion Area Overlay district (PBIA-O) recognizes that some airplane noise-affected lands surrounding the Palm Beach International Airport are most suitable for campus-style industrial development, and other quality non-residential land uses (as described in Article 18, Airport Zoning Regulations). The purposes of the PBIA-O district, therefore, are as follows: (1) to protect neighborhoods surrounding the Palm Beach International Airport from incompatible land development; (2) to protect airport operations from incompatible land development, and provide development regulations that will assure safe, unobstructed access for all aircraft that enter and exit the airport; (3) to allow property owners to initiate conversion to industrial use where appropriate; and (4) to allow property owner participation in the land use decision-making process.
- 2. Applicability.** The provisions of the PBIA-O district shall apply to all development located within the boundaries of the PBIA-O. Nothing herein shall require modification of an existing use, except as provided below.
- 3. Boundaries.** The PBIA-O district consists of those lands in unincorporated Palm Beach County bounded by Belvedere Road on the north, Southern Boulevard on the south, Military Trail on the east, and the Florida Turnpike on the west, except for incorporated municipal areas.
- 4. Conflict with other applicable regulations.** Where the provisions of the PBIA-O district conflict with other regulations applicable to the district, the provisions of this section shall prevail, or as otherwise provided by the Comprehensive Plan.
- 5. General provisions.**
 - a. Standards.** All development within the PBIA-O district shall be compatible with Airport Operations, as determined by the Board of County Commissioners, using the standards established in the Comprehensive Plan and Article 18.
 - b. Use.** All development applications shall comply with the provisions of Article 18.
 - c. Height.** All development applications shall comply with Article 18 (Airport Zoning Regulations) of this code.
 - d. FAA.** All development must be consistent with FAA standards, guidelines, and regulations for land use compatibility and aviation safety.
- 6. Review procedures.** All development requests within the PBIA-O district shall comply with the applicable procedural provisions of this Code, in addition to the following.
 - a. Permitted uses.** All applications for a permitted use in the PBIA-O shall be reviewed in accordance with Sec. 6.4 Use Regulations Schedule, and Article 18 Land Use Noise Compatibility Schedule.

- b. **Site specific.** All Site Specific (Future Land Use Map) amendments to the Comprehensive Plan shall be reviewed by the PBIA-O Committee, who shall then present their recommendations to the Local Planning Agency.
- c. **Conditional uses.** All conditional use applications for development permits shall be reviewed by the PBIA-O Committee, which shall then present its recommendation to the Zoning Commission.

7. Use Regulations.

a. Uses.

- (1) **Permitted uses.** All residential, commercial, and industrial uses permitted by right in the underlying district shall be permitted in the PBIA-O district.
- (2) **Prohibited uses.** Adult entertainment establishments, bulk storage of gas and oil, and outdoor retail sales (other than greenhouses or nurseries) shall be prohibited in the PBIA-O district.

- b) **Special permits.** All uses allowed as special permits in the underlying district shall be permitted in the PBIA-O district after compliance with the special use regulations imposed by the underlying district.

- c) **Conditional uses.** All uses allowed as conditional uses in the underlying district, except for adult entertainment establishments, bulk storage of gas and oil, outdoor auctions, open flea markets, and salvage or junk yards and outdoor retail sales (other than greenhouses or nurseries) shall be permitted in the PBIA-O district after compliance with the Conditional use regulations imposed by the underlying district.

d) Nonconforming Uses.

- (1) **Existing residential uses.** All residential uses that exist within the PBIA-O district at the time that the PBIA-O district provisions are adopted, shall not be classified as a nonconforming use.
- (2) **Existing nonresidential uses.** Commercial uses that exist within the PBIA-O district at the time that the PBIA-O district provisions are adopted and that meet the provisions of this section shall be classified as conforming uses. Commercial uses that exist within the PBIA-O at the time that the PBIA-O provisions are adopted that do not meet the provisions of this section shall be classified as nonconforming uses.

- e) **Industrial Rezoning in Residential Future Land Use Categories.** Land within the PBIA-O district designated as residential or commercial on the Future Land Atlas shall be eligible for rezoning to the IL district, except in non-conversion areas described below. Every application for industrial rezoning within the boundaries of the PBIA-O district, shall comply with the procedures of Sec. 5.3 (Official Zoning Map Amendments) and the following:

- (1) **Non-Conversion Areas.** The following areas shall require a land use amendment in order to rezone to the IL zoning district:
 - (a) Areas designated as Parks and Recreation. Uses shall be limited to those permitted in the Parks and Recreation land use category.
 - (b) The following areas shall be limited to the uses permitted in the residential future land use category and the designated residential zoning district.
 - (i) Timber Run subdivision,
 - (ii) Lake Belvedere Estates subdivision,
 - (iii) Overbrook subdivision.
 - (iv) The area bounded by Belvedere Road on the North, the Florida Turnpike on the west, Jog Road on the east, and to a depth of 700 feet south from Belvedere Road, and

- (v) The area bounded by Jog Road to the west, Southern Boulevard to the south, Belvedere Road to the north, and the Timber Run Subdivision and the R-O-W for Cypress Avenue to the east.
- (2) **Rezoning Criteria.** Lands within the PBIA-O district may be rezoned to the IL district, except for those areas described as non-conversion areas, regardless of the designation on the Future Land Use Atlas provided one of the following conditions are met:
- (a) Lands within the PBIA-O district that support existing residential development or that have a valid development order for residential development may be rezoned to the IL district, if:
 - (i) the parcel has a minimum contiguous area of at least five (5) acres, and,
 - (ii) abuts an industrial zoning or industrial use on at least one side, and,
 - (iii) abuts a R-O-W identified on the County's Thoroughfare Identification Map; or
 - (iv) the parcel has a minimum contiguous area of at least ten (10) acres, and,
 - (v) abuts an industrial zoning or use on at least one side, and,
 - (vi) does not abut a R-O-W identified on the County's Thoroughfare Identification Map; or
 - (b) Lands within the PBIA-O district that are currently vacant may be rezoned to the IL district if:
 - (i) the parcel has a minimum contiguous area of at least five (5) acres, and,
 - (ii) abuts an industrial district or use on at least one (1) side, and,
 - (iii) is contiguous on no more than two (2) sides to existing residential development, and,
 - (iv) abuts a R-O-W identified on the County's Thoroughfare Identification Map; or
 - (v) the parcel has a minimum contiguous area of at least ten (10) acres, and,
 - (vi) is contiguous on no more than two (2) sides to existing residential development, and,
 - (vii) the parcel does not abut a R-O-W identified on the County's Thoroughfare Identification Map, or
 - (c) Lands within the PBIA-O district that are bounded by Southern Boulevard on the south, the L-4 Canal on the north, Military Trail on the east, and the western boundary of the Royal Palm Estates subdivision on the west, shall only allow residential uses to convert to industrial uses subject to the following:
 - (i) All new industrial uses shall be developed as a "Planned Industrial Park Development" (PIPD); and
 - (ii) All new PIPDs shall be a minimum size of twenty-five (25) acres; and
 - (iii) All new industrial development shall utilize a campus-style design as well as conform to the requirements for PIPDs; and
 - (iv) The following uses shall be prohibited: salvage junk yards, machine or welding shops, hazardous waste facilities, solid waste facilities, bulk storage facilities, transportation and multi-modal facilities, large-scale repair and heavy equipment repair and service facilities, petroleum and coal-derivations-manufacturing and storage facilities, heliports, helipads, airstrips, hangers and accessory facilities, and Type III excavation.

8. Property development regulations. Applications shall comply with the property development regulations of the underlying districts except where modified by the following.

- a. **Unified control.** Any development within PBIA-O district shall be developed under common ownership or unity of control as provided in Sec. 6.8 (Planned Development District Regulations).

- b. **Enclosed activities.** In addition to standards in Sec. 6.6.A.3., all activities, except storage and sales of landscape material, shall be operated within enclosed buildings.
- c. **Renovation and expansion of non-residential uses.** When a structure used for industrial or commercial uses, lying in a residential district or adjacent to a residential district, is renovated or expanded by more than twenty (20) percent of gross floor area, in any one or more expansions, the property development regulations or the PBIA-O district shall apply.
- d. **Lot dimensions and yard setbacks.** Setbacks and lot dimensions for commercial and industrial development shall comply with the property development regulations in Sec. 6.5. unless modified herein.
 - (1) **Lot dimensions.** All lot dimensions shall comply with those of the underlying zoning district.
 - (2) **Setbacks.** The minimum building setbacks shall be as follows:
 - (a) No structures or truck parking and loading shall be permitted closer than seventy-five (75) feet to any lot line abutting a residential district (inclusive of the buffer), unless the area is designated as display parking as permitted by Sec. 6.4.D.97.
 - (b) No rear yard shall be required where an industrial lot abuts an existing or proposed railroad R-O-W or spur.
 - (c) Setbacks from all other property lines shall be required according to the following table:

Yard	Minimum Setback
Front	25 feet/50 feet in CG
Side, interior	15 feet
Side, street	25 feet
Rear	50 feet

- e. **Maximum height for industrial and commercial development.** Building height shall comply with the provisions of the Airport Zoning Regulations in Article 18. In addition, building heights shall be limited to a maximum of thirty-five (35) feet when immediately adjacent to an existing residential use. All commercial and industrial developments immediately adjacent to an existing residential use and greater than thirty-five (35) feet shall be permitted if an additional two (2) feet is added to all setbacks for each foot above thirty-five (35) feet, except where prohibited by the Article 18.
- f. **Commercial vehicle parking and loading.** No truck, or tractor-trailer parking or loading shall be permitted closer than seventy-five (75) feet to the lot lines abutting a residential district (inclusive of the buffer), unless the area is designated as display parking as permitted by Sec. 6.4.D.97.
- g. **Landscaping.** In addition to the provisions of Sec. 7.3 (Landscaping and Buffering), the following provisions must be met where a use is proposed that is incompatible with an adjacent development or district.
 - (1) **Minimum dimensions.**
 - (a) **Minimum width.** The minimum width of the landscape strip shall be ten (10) feet.
 - (b) **Minimum length.** The landscape strip shall extend along the length of the perimeter between the commercial or industrial lot and the abutting lot or district.

- (2) **Mandatory landscape barrier.** A landscape barrier shall be constructed within the landscape buffer. The landscape barrier shall consist of a solid (CBS) concrete block and steel wall with a continuous footing or an alternative acceptable to the Zoning Director, having a height no less than six (6) feet measured from the highest grade on either side of the abutting lots. The exterior side of the masonry wall shall be given a finished architectural treatment that is compatible and harmonizes with existing development.
 - (3) **Planting instructions.** Trees shall be planted on alternating sides of the wall at intervals of twenty (20) feet. Trees shall have a minimum height of ten (10) feet. An eighteen (18) inch hedge shall be planted on the exterior side of the wall, between the trees and wall, and running the length of the wall.
- h. Lighting.** In addition to the standards of Sec. 6.6 (Outdoor Lighting Standards) and Article 18 (Airport Zoning Regulations), outdoor lighting within the PBIA-O district shall comply with the following:
- (1) **Restriction.** There shall be no roof top lighting.
 - (2) **Limitation.** Lighting fixtures shall be limited to the minimum needed for essential lighting of the site and building.
 - (3) **Scaling.** Lighting shall be scaled to pedestrians for sites and/or buildings adjacent to residential uses.
- i. Noise compatibility and abatement requirements.**
- (1) **Consistency.** Uses shall comply with the land use compatibility guidelines in the Off-Airport Land Use Compatibility Schedule (Appendix 8 of Article 18).
 - (2) **Noise abatement.** For any commercial or industrial use, noise abatement measures incorporated into the design and construction of the structure must be used to achieve Noise Level Reduction (NLR) demonstrable to twenty-five (25) Ldn, for reception, lounge, and office areas.
 - (3) **Speakers.** No outdoor speakers shall be allowed that are audible at the property line.
- j. Architectural treatment.** Architectural treatment shall be incorporated into all sides of the facade, physical layout, and construction of a proposed use to provide an attractive addition to the neighborhood. It should achieve compatibility of design with adjacent uses. Architectural treatment shall, at a minimum:
- (1) **Identification.** Physically identify the type and character of the use.
 - (2) **Accommodation.** Accommodate the surrounding natural and/or built environment with buildings, their siting, landscaping, lighting, and parking scaled for compatibility with the adjacent land use; and,
 - (3) **Asset.** Be a visual asset to the PBIA-O district. [Ord. No. 96-28]

F. IOZ, Indiantown Road Overlay District. [Ord. No. 01-01]

- 1. Purpose and intent.** The Indiantown Road Overlay Zoning District (IOZ) is intended to implement the site development regulations of uses within the established Indiantown Road Corridor Study Area pursuant to the interlocal agreement to be adopted between Palm Beach County and the Town of Jupiter. The Town has adopted the IOZ pursuant to the recommendation of the Indiantown Road corridor Study and Chapter 163, Part II Florida Statutes.

The purpose of the IOZ is to protect residential neighborhoods, limit uses, improve the overall aesthetics of the Indiantown Road corridor, and establish development incentives to accomplish the various objective of the corridor study.

Through the interlocal agreement the Town and County shall provide for a means of intergovernmental cooperation in implementing the IOZ standards throughout all appropriate incorporated and unincorporated portions of the Indiantown Road corridor and in accordance with Florida Statutes Chapter 163, Part IV. The Town and County agree to use a joint review process to advance the public health, safety, and general welfare and adopt procedures for the joint administration of land development regulations.

2. **Applicability.** The provisions of the IOZ district and the Indiantown Road Corridor Study, incorporated by reference, shall apply to all proposed development order applications within the boundaries of the IOZ district, except for applications for variances.
3. **Boundaries.** The IOZ generally is located along incorporated portions of Indiantown Road east of I-95 and west of the Atlantic Ocean, including certain portions of U.S. Highway One, Military Trail, Center Street, Maplewood Drive and Central Boulevard, and certain unincorporated portions of the Indiantown Road corridor east of I-95. Unincorporated portions of the Indiantown Road corridor include portions of Section 3, Township 41, Range 42 as indicated on the Official Zoning Map. [Ord. No. 01-01]
4. **Additional regulations.** The IOZ district regulations are contained in the interlocal agreement.
5. **Conflict with other applicable regulations.** When the provisions of the IOZ district conflict with other regulations applicable to the site the provisions of this section shall prevail.
6. **Joint review process.** Development approval submitted to the Palm Beach County Planning, Zoning and Building Department located within the unincorporated IOZ shall be reviewed by the Town of Jupiter. The review process shall be provided for in the adopted interlocal agreement.

The Town and County are specifically granted authority to jointly plan for unincorporated areas adjacent to incorporated municipalities and to adopt procedures for the joint administration of land development regulations. [Ord. No. 93-4]

G. COZ, Conditional Overlay Zone. [Ord. No. 01-01]

1. **Purpose and intent.** The purpose and intent of the COZ district is to modify and restrict the use and site development relations otherwise authorized in the base district. All requirements of a COZ district are in addition to and supplement all other applicable requirements of this Land Development Code. Restrictions imposed by the COZ district shall mitigate potential impact and assure compatibility to surrounding land uses.
2. **Applicability.** The provisions of the COZ district shall apply to those lands in unincorporated Palm Beach County pursuant to approval by the Board of County Commissioners. In application of a COZ district, the BCC shall find that the land proposed for rezoning is appropriate for the requested property only if base district regulations are modified. The Board shall find one or more of the following reasons for the COZ district:
 - a. potential impact to surrounding land uses requires mitigation;
 - b. compatibility will be furthered between the requested zone district and adjacent zones if uses and property development regulations are modified; and
 - c. intensity limits reflect available capacity of public facilities.

3. **Use regulations.** Restrictions which may be imposed in the COZ district shall be limited to the following:
- a. decreasing the number or average density of dwelling units which may be constructed on the property;
 - b. increasing minimum lot size or minimum lot width requirements;
 - c. decreasing maximum floor area ratio permitted;
 - d. decreasing the maximum height permitted;
 - e. increasing the minimum yard and setback requirements;
 - e) decreasing maximum building or impervious coverage permitted;
 - f) restrictions on access to abutting and nearby roadways, including specific design features intended to ameliorate potentially adverse traffic impacts; or
 - h. any other specific site development regulations required or authorized by this Code.
4. **Procedure.** The property owner or agent of the property being considered for rezoning shall either (1) apply for COZ overlay and the restriction imposed by the overlay; or (2) voluntarily agree to COZ zoning during the zoning process. Restrictions imposed by the COZ district shall be included in the resolution zoning or rezoning of the property as a COZ district. The land shall retain its base district zone and the COZ shall be an overlay. All property included in a COZ district shall be identified on the Zoning Map by adding the letter "COZ" to the base district symbol. The resolution zoning or rezoning of property as a COZ district shall specifically state the modifications imposed pursuant to this section. The restrictions shall be considered a part of the text of this Code, and a violation of the restrictions shall be a violation of this Code.

H. TAP-O, Turnpike Aquifer Protection Overlay. [Ord. No. 01-01]

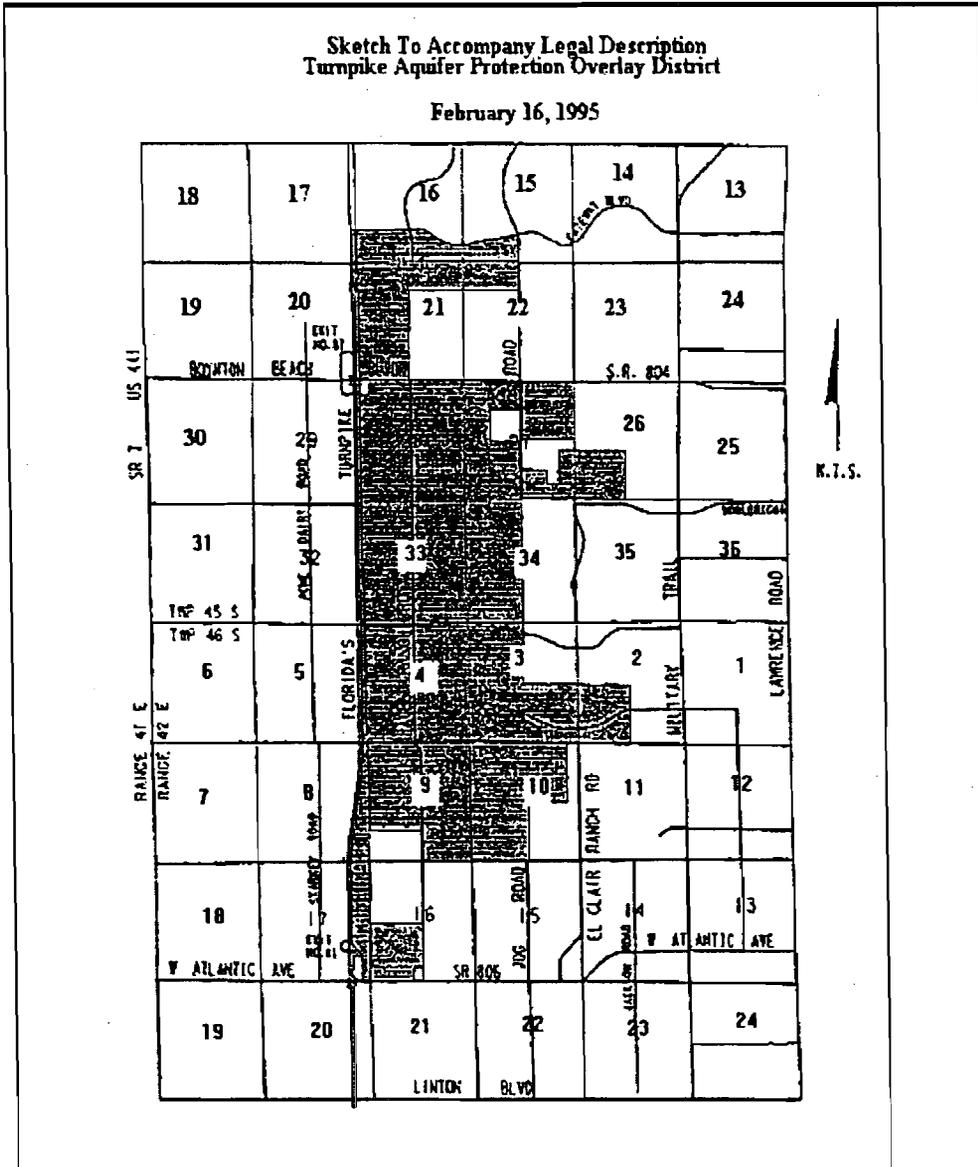
1. **Purpose and intent.** Creation of the TAP-O District is needed to: (1) protect and safeguard the public health, safety and welfare by enhancing the functions of natural groundwater recharge areas; (2) minimize any potential adverse impacts on the surficial aquifer system, known locally as the "Turnpike" aquifer by limiting or restricting certain incompatible uses and developments; and (3) prevent the continuing loss of prime public water supply sites by requiring certain developments and uses to identify or identify and dedicate public water supply sites.
2. **Applicability.**
- a. The provisions of the TAP-O district shall apply to all new development, new uses or expansions of existing uses within its boundaries.
 - b. All new development, new uses or expansion of existing uses located within the TAP-O district shall be designed and constructed to protect and preserve the identified groundwater resources of the area. For the purposes of this section, all improvements shall be designed and constructed in accordance with the public supply water well site location criteria contained within this section.
3. **Exemption.** All development and uses which exist on the effective date of this section shall be exempt from the requirements of this section.

4. **Boundaries.** The TAP-O district boundaries shall generally be described as the area north of West Atlantic Avenue (S.R.806), south of Northwest 22nd Avenue in Boynton Beach, east of the Florida Turnpike, and west of Military Trail. The specific boundaries are depicted on maps incorporated herein and made a part of this Code. These maps shall be on file and maintained by the PBCWUD.

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LEGAL DESCRIPTION
To Accompany Sketch of Turnpike Aquifer Protection Overlay District



FEBRUARY 16, 1995

Those tracts of land lying in Township 45 South, Range 42 East, Palm Beach County Florida, being more particularly described as follows:

A part of Section 15 being all of "Le Chalet Plat No. 1" as recorded in Plat Book 31, Pages 166 and 167, Public Records of Palm Beach County, Florida.

ALSO

A part of Section 16 being that portion of "Aberdeen Plat No. 2" as recorded in Plat Book 55, Pages 11 thru 22, Public Records of Palm Beach County, Florida, lying West of Hagen Ranch Road and South of the Westerly projection of N.W. 22nd Avenue (Gateway Boulevard).

ALSO

That part of Section 17 lying East of Florida's Turnpike and South of the Westerly projection of the South line of "Aberdeen Plat No. 9" as recorded in Plat Book 59 Pages 178 thru 180, Public Records of Palm Beach County, Florida.

ALSO

That part of Sections 20, 29, and 32 lying East of Florida's Turnpike.

ALSO

All of Section 21 less the Southeast ¼ and less the South ½ of the Northeast ¼.

ALSO

The North ½ of the Northwest ¼ of Section 22.

ALSO

The Southwest ¼ less the North ½ thereof of Section 26.

ALSO

All of Section 27 less the Southeast ¼ of the Northwest ¼, and less "Indian Wells" as recorded in Plat Book 52, Page 145, Public Records of Palm Beach County, Florida.

ALSO

All of Sections 28 and 33.

ALSO

The West 1/2 of Section 34.

ALSO

Those tracts of land lying in Township 46 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

The Southwest ¼ of Section 2.

ALSO

All of Section 3 less the Northeast ¼.

ALSO

All of Section 4.

ALSO

That part of Sections 5, 8 and 17 lying East of Florida's Turnpike.

ALSO

All of Section 9 less the South ½ of the Southwest ¼.

ALSO

All of Section 10 less "Delray Villas Plat No. 2" as recorded in Plat Book 33, Pages 161 and 162, Public Records of Palm Beach County, Florida, and less the Southeast 1/4.

ALSO

The Southwest $\frac{1}{4}$ less the East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ thereof of Section 16.

5. **Conflict with other applicable regulations.** The requirements of this section, unless superseded by Sec. 9.3 (Wellfield Protection) of this code, or applicable state or federal law, shall apply to all new development, new uses or expansion of existing uses within the TAP-O district.
6. **General provisions.**
 - a. All new development, new uses or expansion of existing uses within the TAP-O district which occur following the effective date of this section shall comply, at a minimum, with the Zone 3 requirements of Sec. 9.3 of this code for the storage, handling, use, or production of regulated substances.
 - b. All new development, new uses or expansion of existing uses within the TAP-O district shall comply with the public supply water well location criteria as provided herein.
 - c. All requests for development approval for new uses or expansion of existing uses within the TAP-O district submitted after the effective date of this section shall comply with the provisions of this section.
7. **Mandatory identification and dedication of public supply water well sites.** Development approvals for new development, new uses or expansion of existing uses within the TAP-O district submitted after the effective date of this section shall identify public supply water well sites. Dedication of public supply water well sites shall be required when there is rough proportionality between the required dedication and the needs of the community because of the development. The amount of well sites to be identified or identified and dedicated shall be based upon the total size of the proposed project as provided below:
 - a. Developments consisting of at least 25 acres, but less than 100 acres, shall be required to identify or identify and dedicate one public supply water well site;
 - b. Developments consisting of at least 100 acres, but less than 200 acres, shall be required to identify or identify and dedicate two public supply water well sites; and,
 - c. Developments consisting of more than 200 acres shall be required to identify or identify and dedicate one public supply water well site for each 100 acres or part thereof.
8. **Public supply water well site compatibility and location criteria.**
 - a. Public supply water well sites shall be located to be compatible with the groundwater resources of the area. To ensure compatibility, public supply water well sites shall be designed to achieve the following:
 - (1) maximize natural groundwater recharge;
 - (2) minimize potential drawdown impacts to surrounding natural resources, environmental resources, and artificial surface water management systems; and
 - (3) minimize adverse impacts to surrounding nonresidential land uses as outlined in Sec. 9.3 (Wellfield Protection) of this Code.
 - b. The following criteria shall be used in locating public supply water well sites in all new development, new uses or expanded uses located within the TAP-O district:

- (1) Public supply water well sites shall be located along the perimeter of the affected property in a manner acceptable to the PBCWUD;
 - (2) Public supply water well sites shall be located, in a manner acceptable to the PBCWUD, to facilitate connection to any existing or proposed raw water line located along the R-O-W of Jog Road or Hagen Ranch Road;
 - (3) Public supply water well sites, to the extent possible and in a manner acceptable to the PBCWUD, shall be evenly spaced, with a minimum separation distance of 500 feet between such sites;
 - (4) Public supply water well sites shall be located in accordance with setbacks required by the Florida Department of Environmental Protection and by Palm Beach County Environmental Control Rule II;
 - (5) Public supply water well sites shall be located within new or expanded land uses in a manner acceptable to the PBCWUD to minimize drawdown impacts to natural water bodies, surface water management systems with planted littoral shelves, and wetlands;
 - (6) Public supply water well sites to be dedicated, unless other dimensions are approved by the PBCWUD, shall be a minimum size of 60 feet by 40 feet; and
 - (7) Public supply water well sites, to the maximum extent possible, shall be located on properties acquired, dedicated, or reserved for public or common purposes such as parks, open space or easements.
- 9. Dedication of well site within required open space.** For the purposes of this code, well sites dedicated to the PBCWUD shall be included in any calculation to determine required open space.
- 10. Access easement to dedicated public supply water well site.**
- a. A permanent access easement from each dedicated public supply water well site to the closest public R-O-W shall be provided in a manner acceptable to the PBCWUD for such purposes as maintenance of equipment and installation of water pipes.
 - b. If a public right of way does not exist adjacent to a public supply water well site, a permanent access easement shall be provided in a manner acceptable to the PBCWUD.
- 11. Temporary construction access easement.** A temporary construction access easement shall be provided from each dedicated public supply water well site to the closest public R-O-W or other R-O-W acceptable to the PBCWUD.
- 12. Hold harmless agreements.** Each dedication of a public supply water well site shall include a hold harmless agreement to relieve the County from liability for impacts to on-site irrigation wells, aesthetic lakes, and surface water management systems. The agreement shall be in a form acceptable to the County Attorney's Office.
- 13. Dedication of public water supply sites.**
- a. Upon approval of each future well site or sites by the PBCWUD, a conditional letter of acceptance will be issued. Prior to application for building permits, each public supply water well site shall be identified or identified and dedicated as provided below:
 - (1) If new development, a new use or an expanded use does not require recording of a plat then each public supply water well site to be dedicated shall be conveyed within ninety (90) days following final site plan certification by the Development Review Committee. The conveyance shall be in a form approved by the County Attorney's Office.

- (2) If new development, a new use or expanded use requires recording a plat, the location and recordation information of each public supply water well site shall be shown on such plat.
- (3) If new development, a new use or expanded use does not require a recorded plat or final Development Review Committee site plan or subdivision certification, then each public supply water well site to be dedicated shall be conveyed prior to issuance of the first required development permit, including a vegetation removal permit other than a prohibited species removal permit, excavation permit, or building permit. However, the PBCWUD may stipulate an alternate time when the public supply water well site dedication shall occur. The conveyance shall be in a form approved by the County Attorney's office.

b. The location of each well site to be dedicated shall be approved by the Palm Beach County Utilities Department.

14. **Developer's agreements.** The PBCWUD may require, as part of a developer's agreement to provide water or sewer service to a new or expanded land use, dedication of public supply water well sites consistent with the provisions of this section. [Ord. No. 94-23]

I. SCGCF-O, Sugar Cane Growers Cooperative of Florida Overlay.

- 1. **Purpose and intent.** The purpose and intent of the Sugar Cane Growers Cooperative of Florida Overlay (SCGCF-O) district is to maintain the integrity of bona fide agricultural operations related to the cultivation and processing of sugar cane, by prohibiting the encroachment of incompatible land uses and/or activities. It will also provide opportunities for the inclusion of related accessory and supporting uses and/or activities in close proximity to the existing mill.
- 2. **Applicability.** The provisions of the SCGCF-O district shall apply to all development within its defined boundaries.
- 3. **Boundaries.** The SCGCF-O district includes all of Sections 21 and 28, the eastern half of Sections 20 29, Township 43 Range 37, excluding completely the western half of Section 29. These boundaries shall be delineated on Palm Beach County's Official Zoning Map.
- 4. **Conflict with other applicable regulations.** Where the provisions of this SCGCF-O district conflict with other applicable ULDC regulations, the provisions of this section shall apply.
- 5. **Use regulations.** The following uses shall be permitted in the SCGCF, subject to Section 6.4.D of the ULDC (Supplementary Use Standards).

PERMITTED USES:

- Agriculture, bona fide
- Agricultural food processing
- Agricultural production
- Agricultural related manufacturing
- Agricultural research / development
- Agricultural transshipment
- Groves / row crops
- Livestock raising - (five (5) or fewer animals per acre)
- Machine or welding shop
- Nursery, wholesale
- Park, passive
- Shadehouse, accessory - (2,000 square feet or less)

CLASS A CONDITIONAL USES:

- Electrical power facility
- Livestock raising - (more than five (5) animals per Acre)
- Sugar mill or refinery

SPECIAL USES:

- Agricultural stand
- Recycling drop off bin
- Security / caretaker quarters

PERMITTED USES: (cont'd)

Storage, indoor agricultural
 Storage, outdoor agricultural
 Warehousing

DEVELOPMENT REVIEW COMMITTEE USES:

Agricultural sales and service
 Chipping and mulching
 Communication towers, commercial
 Composting facility
 Government services
 Heavy industry
 Packing plant
 Park, public Potting soil manufacturing
 Shadehouse - (greater than 2,000 square feet)
 Utility, minor
 Vocational school
 Water or wastewater treatment plant

6. **Property development regulations.** All development within the SCGCF-O shall be subject to the Property Development Regulations for the Light Industrial (IL) zoning district, pursuant to Table 6.5-1 of the ULDC.
7. **General provisions.** The provisions of this section shall apply to all proposed development and expansion of existing development.

[Ord. No. 93-4] [Ord. No. 94-23] [Ord. No. 96-28] [Ord. No. 99-37] [Ord. No. 00-015]

J. LWRCC-O, Lake Worth Road Commercial Corridor Overlay.

1. **Purpose and intent.** The purpose of the Lake Worth Road Commercial Corridor Overlay (LWRCC-O) district is to provide incentives to encourage infill development and redevelopment along Lake Worth Road, improve the neighborhood characteristics of the area, and improve the overall quality of the surrounding community. The intent of the LWRCC-O is to implement the community's vision for the area and to address the unique land development constraints along Lake Worth Road.

The standards below will ensure that new development is compatible with and enhances the appearance of the surrounding area. Redevelopment of existing buildings or projects will be required to comply with the applicable standards within the affected area only.

2. **Applicability.** The provisions shall apply to all development within the boundaries of the LWRCC-O.
3. **Boundaries.** The LWRCC-O consists of those lands within unincorporated Palm Beach County bounded on the north by 2nd Avenue, on the south by the LWDD Lateral 12 (L-12) Canal, on the east by Congress Avenue, and on the west by Military Trail.
4. **Conflict.** Where the provisions of the LWRCC-O district conflict with other applicable ULDC regulations, the provisions of this section shall prevail.
5. **Property Development Regulations.** Development shall comply with the property development regulations of the underlying zoning districts, except where modified as follows.

- a. **Setback Reductions.** Setbacks may be reduced to the following:
- (1) **Front.** Twenty (20) feet.
 - (2) **Side.** Ten (10) feet.
 - (3) **Side Street.** Twenty (20) feet.
- b. **Setback Increases.** The rear setback shall be fifty (50) feet.
- c. **Floor-Area-Ratio.**
- (1) **Outdoor Seating Areas.** For the purposes of Tables 6.5-1, 6.5-1B, 6.8-15, 6.8-18, and 6.8-21 only, fifty percent (50%) of the outdoor seating area for restaurants shall not be included in FAR calculations.
 - (2) **Service Roads.** Parcels accessed through a service road may be permitted to develop at a FAR of .5.
 - (3) **Mixed Use Projects.** For the purposes of Tables 6.5-1, 6.5-1B, 6.8-15, 6.8-18, and 6.8-21 only, fifty percent (50%) of the residential square footage provided within a vertically integrated mixed use project shall not be included in FAR calculations.¹
- d. **Building Coverage.**
- (1) **Outdoor Seating Areas.** For the purposes of Tables 6.5-1, 6.5-1B, 6.8-15, 6.8-18, and 6.8-21 only, fifty percent (50%) of the outdoor seating area for restaurants shall not be included in building coverage calculations.
 - (2) **Service roads.** Parcels accessing through a service road shall be permitted to develop at a maximum building coverage of .50.
- e. **Planned Development District Minimum Acreage.** The PDD minimum acreage requirements may be reduced to three (3) acres when two (2) or more smaller, nonconforming lots are combined through a unity of control.
- f. **Parking.**
- (1) **Location.** All required parking spaces for the principal use shall be located on the rear or side of the principal building. No parking spaces shall be located within the front setback.
 - (2) **Shared parking.** Parcels with cross access shall be permitted a twenty (20) percent reduction in the number of required parking spaces. A shared parking study shall be required and approved by the Zoning Division, Engineering Department, and the County Attorney. Additional reductions may be requested subject to the provisions of Sec. 7.2.C.9, Shared parking.
 - (3) **Rear service road.** Parcels providing access through a rear service road shall be permitted a twenty (20) percent reduction in the required number of parking spaces required. The rear service road shall be a minimum thirty (30) feet wide access and utility easement and be subject to approval by the County Engineer and the Fire Marshall. The road must be unencumbered, built to County standards, and not used for any other purposes.
 - (4) **Mixed Use Development.** Project providing a minimum of fifty percent (50%) of vertical integration shall not be required to provide parking spaces for residential units located above commercial uses.¹

¹Overall square footage shall be used in the calculation of vertical integration percentage.

- g. **Street trees.** Street trees shall be provided as follows:
 - (1) **Planting requirements.** One shade tree or palm tree shall be required every forty (40) linear feet, along both sides of the street, with a maximum spacing of sixty (60) linear feet between trees. Trees may be grouped or clustered.
 - (2) **Location.** Street trees shall be planted between the roadway and the sidewalk. If there is not sufficient land area to install street trees between the sidewalk and the curb, the trees should be installed along the front property line in addition to the required landscaping.
 - (3) **Alternative Landscape Plan.** Alternative landscaping and/or spacing may be provided, subject to approval of an Alternative Landscape Plan.

- h. **Signage.** The maximum number, height, and area, and the location of freestanding signs shall be governed by Table 6.7-1.

**TABLE 6.7-1
LWRCC-O Sign Standards**

Standard	LAKE WORTH ROAD	OTHER ROADS	OUTPARCELS*
Maximum Number of Signs Per Linear Feet of Frontage	1 per 100	1 per 100	N/A
Maximum Number of Signs	3	2	1
Maximum Height in Feet	10	6	5
Maximum Single Face Area in Square Feet (s.f.)	100	60	20
Minimum Separation in Feet	50	50	20

Notes to TABLE 6.7-1:

- 1 Maximum number of sides: Two (2).
- 2 Styles: Monument, front-lighted signs and project identification signs only.
- 3 Prohibited signs: Neon signs, neon colors, back-lighted signs, and gang signs.
- 4 Height is measured from finished grade to highest point.
- * Outparcels are permitted in PDDs only.

i. Pedestrian Circulation.

- (1) A paved, ADA compliant walkway shall be provided from all adjacent public sidewalks to all entrances used by the general public.
- (2) Landscaping shall be provided along the walkway as follows: One canopy tree every fifty (50) feet on alternating sides of the walkway. Trees shall be spaced twenty-five (25) feet on center. Buffer trees may be used to satisfy the requirement if the sidewalk is adjacent to a required landscape buffer.
- (3) Benches and trash receptacles shall be provided as follows: One bench and trash receptacle every two hundred (200) feet with a minimum one (1) bench and trash receptacle per building.
- (4) Walkways traversing vehicular use areas shall be constructed of pavers, brick, decorative concrete, or similar pavement treatment (other than paint or striping) to indicate the pathway is intended for pedestrians.

6. Quality Development Standards.

- a. **Public Amenities.** Uses requiring approval by the BCC or ZC shall provide a minimum of one (1) of the following public amenities:
- (1) public art;
 - (2) clock tower;
 - (3) outdoor seating or outdoor furniture with umbrellas for open air eating;
 - (4) outdoor patio, courtyard or plaza;
 - (5) water feature/fountain/use of retention area as a focal point; or
 - (6) parks, squares or other public open spaces. Public open spaces shall be at least one hundred (100) feet by fifty (50) feet and are encouraged at intersections.
- b. **Architectural Design Guidelines.** The following general architectural design guidelines shall apply:
- (1) **Color.** Pastels or earth tone colors shall be encouraged for the base building color. The same base building color shall be used for the entire structure.
 - (2) **Entries.** All entries used by the general public shall be easily identifiable and integrated into the building architecture.
 - (3) **Awnings/Canopies.** Weather protection, such as awnings or canopies, shall be provided over the pedestrian walkway within thirty (30) feet of all primary general public entrances. Awnings/canopies shall be provided over all entrances. The following types shall be prohibited: high gloss vinyl; plastic; horizontal ribbing; flowered and multi-color (four (4) or more) designs.
 - (4) **Windows.** Clear or low reflective glass shall be used for display windows and doors. Windows shall be defined with elements such as frames, sills, muntins, and headers.
 - (5) **Roofs.** All roof materials and colors shall compliment the base building materials and color. Roof design shall include a minimum of one (1) distinctive architectural focal point or feature (e.g., cupola, dormer, widows walk, weather vane, clock tower, dome).
 - (6) **Roof top screening.** All rooftop equipment, such as but not limited to, mechanical, electrical, communication and air-conditioning equipment, shall be screened from view from adjacent properties and public streets. Screening material and method shall be consistent with the architecture of the building. Equipment shall be screened by use of a parapet, copula, dormer, or a similar enclosure.
 - (7) **Loading and service areas screening.** Loading docks, dumpsters, outdoor storage areas, compactors, and similar areas shall be screened from view from adjacent properties and public streets. Screening material and method shall be consistent with the architecture of the building and/or equivalent landscaping.
 - (8) **Lighting.** All freestanding poles and wall mounted exterior light fixtures shall be decorative and limited to a maximum height of thirty (30) feet.
 - (9) **Prohibitions.** The following elements shall be prohibited: neon lights and colors, high intensity, metallic or flourescent colors, mirror or solar glass with a reflectivity or opacity greater than sixty percent (60%).
- c. **Crime Prevention Through Environmental Design (CPTED).** A minimum of one (1) CPTED principle from each category below shall be incorporated into site design for all development.
- (1) **Reduce Opportunities.** Criminal opportunities can be reduced by creating an atmosphere that does not encourage or invite unlawful activity. Strategies include:
 - (a) well lighted public outdoor areas and pedestrian walkways;
 - (b) well lighted parking areas;
 - (c) direct general public access from all parking areas;
 - (d) signs directing general public to entrances for general public;

- (e) easily identifiable store entrances;
 - (f) difficult roof accessibility; and
 - (g) "call-out" pay phones only under surveillance.
- (2) **Increase Visibility.** Visibility in and around the business area will help to reduce crime. Methods include:
- (a) store windows facing all parking areas;
 - (b) interior shelves and displays not exceeding five (5) feet in height;
 - (c) well lighted interior/exterior spaces;
 - (d) building-mounted lighting installed on all exterior walls, especially at delivery/service and entrances for general public;
 - (e) clear visibility maintained from the store to the street, parking areas, pedestrian walkways, and passing vehicles;
 - (f) all entrances and exits under visual or electronic surveillance; and
 - (g) landscaping, buildings, walls and fences which do not create hiding places or hinder visibility.
- (3) **Territorial Reinforcement.** Physical features can be used to distinguish private areas from public spaces. Residential areas should be designed to indicate they are off-limits to the general public. Methods to differentiate private areas from public spaces include:
- (a) landscaping, special pavement, and low fences;
 - (b) public spaces identified by welcome, directional, marque, or similar signs; and
 - (c) wrought iron, aluminum picket or similar non-opaque decorative gates used to identify entrances into private residential areas.

[Ord. No. 01- 01]

K. LOST-O, Lake Okeechobee Scenic Trail Overlay.

1. **Purpose and intent.** The purpose and intent of the LOST-O district is to encourage nature and heritage based tourist related uses, such as lodging, restaurants, and trail outfitters, around the Herbert Hoover Dike to facilitate development of the Lake Okeechobee Scenic Trail. The LOST-O district is also intended to provide flexibility in the range of uses and land development regulations allowed in the underlying districts within its boundaries.
2. **Applicability.** The provisions of the LOST-O district shall apply to all development within the boundaries of the LOST-O district.
3. **Boundaries.** The LOST-O includes the area located between the Herbert Hoover Dike and 250 feet South of U.S. 27, or between the Herbert Hoover Dike and 250 feet East of Connors Highway.
4. **Use regulations.** Uses permitted as of right in the underlying district are permitted as of right in the LOST-O. In addition, the following uses shall be allowed subject to Sec. 6.4.D, Supplementary Use Standards:

Bed & breakfast
 Camping cabin
 Catering service
 Offices, business or professional
 Restaurant, specialty
 Retail sales, general
 Stable, commercial

[Ord. No. 01-29]

Amendment History:

[Ord. No. 93-4; February 16, 1993] [Ord. No. 94-23; October 18, 1994] [Ord. No. 96-28; September 25, 1996]
[Ord. No. 99-37; October 7, 1999] [Ord. No. 00-015; April 12, 2000] [Ord. No. 01-01; January 18, 2001]
[Ord. No. 01-29; August 3, 2001]

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SEC. 6.8 PLANNED DEVELOPMENT DISTRICT REGULATIONS.

A. General. The following provisions are applicable to all Planned Development Districts.

- 1. Purpose and intent.** The application of flexible land use regulations to the development of land is often difficult or impossible within traditional zoning district standards. In order to permit the use of more flexible land use regulations and to facilitate use of the most advantageous techniques of land development, it is often necessary to establish a Planned Development District designation in which development is in harmony with the general purpose and intent of this Code and the Comprehensive Plan. The objective of a Planned Development District is to encourage ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers, to produce development that is in keeping with overall land use intensity and open space objectives of this Code and the Comprehensive Plan, while departing from the strict application of the dimensional standards of the traditional Districts. Planned Development Districts are intended to allow design flexibility and provide performance standards that:
 - a. ensure that future growth and development occurs in accordance with the Comprehensive Plan;
 - b. minimize adverse impacts of development on the environment by preserving native vegetation, wetlands and protected animal species to the greatest extent possible;
 - c. increase and promote the use of mass transit, bicycle routes and other non-vehicular modes of transportation;
 - d. result in a desirable environment with more amenities than would be possible through the strict application of the minimum standards of a standard zoning district;
 - e. provide for an efficient use of land, and public resources, resulting in co-location of harmonious uses to share facilities and services and a logical network of utilities and streets, thereby lowering development costs;
 - f. foster the safe, efficient and economic use of land, transportation, public facilities and services;
 - g. encourage concentrated land use patterns which decrease the length of automobile travel, allow trip consolidation and encourage pedestrian circulation between land uses;
 - h. enhance the appearance of the land through preservation of natural features, the provision of underground utilities, where possible, and the provision of recreation areas and open space in excess of existing standards;
 - i. avoid the inappropriate development of lands and provide for adequate drainage and reduction of flood damage;
 - j. ensure a more rational and compatible relationship between residential and non-residential uses for the mutual benefit of all;

- k. protect existing residential and commercial neighborhoods from harmful encroachment by intrusive or disruptive development;
 - l. provide an environment of stable character compatible with surrounding areas; and
 - m. provide for innovations in land development, especially for affordable housing and infill development;
 - n. ensure modifications to approved Planned Development Districts result from changed circumstances that necessitate the need for the modification; and,
 - o. provide for low density residential development within the Agricultural Reserve area compatible with agricultural practices. [Ord. No. 95-13] [Ord. No. 97-64] [Ord. No. 98-11] [Ord. No. 98-12]
2. **Applicability.** The requirements of this section shall apply to all Planned Development Districts and previously approved planned developments, whether new or amended within unincorporated Palm Beach County.
- a. **General.** All Planned Development Districts and previously planned developments shall comply with the requirements of Sec. 6.8.A.2, Applicability and Sec. 1.5, Exemptions and the Effect of Code and Amendments on Previously Approved Development Orders.
 - (1) **Thresholds.** Planned Development Districts except for previously approved planned developments shall exceed the maximum development thresholds established in Table 6.4-3, Zoning District Maximum Intensity Thresholds, and the minimum threshold requirements of the applicable Planned Development District.
 - (2) **Conflicts.** If conflicts exist between the provisions of this section and other regulations found in the ULDC, the provisions of this section shall control to the extent of the conflict.
 - (3) **Zoning.** Before any land shall be designated as a Planned Development District on the Official Zoning Map, it shall receive approval pursuant to procedures and standards of this section and Sec. 5.3, Official Zoning Map Amendments. [Ord. No. 01-100]
 - (4) **Site Development.** Site development shall not occur within a Planned Development District or previously approved planned development until the approval of a Final Site Plan/Final Subdivision Plan pursuant to the procedures and standards of this section.
 - b. **Previously approved planned development master or site plan.** Amendments to previously approved planned developments shall be provided on a master plan or site plan (for developments without a master plan). This master plan or site plan shall serve as the Preliminary Development Plan for the project.
 - (1) **Master plan requirements.** The master plan of a previously approved planned development shall be amended concurrent with the first DRC approval of a final site plan/final subdivision plan pursuant to this section. Each pod on the master plan shall be amended to provide the information required for a Preliminary Development Plan in Sec. 6.8 and by the Zoning Director. [Ord. No. 01-01]
 - (2) **Site plan requirements.** The site plan of a previously approved planned development without a master plan shall be amended concurrent with the first DRC approval pursuant to this section to provide the information as required for a Preliminary Development Plan, Sec. 6.8.A.8.c.10., above, and the information required on the PZB application. [Ord. No. 99-37] [Ord. No. 01-01]

- c. Modifications to a previous planned development.** Modifications to a previously approved planned development shall comply with Sec. 1.5, the requirements of this section, the requirements of the applicable planned development section and the requirements of Sec. 5.3, Official Zoning Map Amendments. [Ord. No. 01-100]
- (1) **Nonconforming uses.** A previously approved planned development which is now considered a planned development shall not be classified as a nonconforming use.
 - (2) **Zoning.** A previously approved planned development, whether built or unbuilt, in all zoning districts except the AGR district, may be amended pursuant to the standards and procedures of this section by the DRC or the BCC without rezoning to a Planned Development District, provided the project has a valid initial development order according to Article 3, Definitions. A Planned Development within the AGR district shall rezone to a PDD, pursuant to Sec. 5.3., Official Zoning Map Amendments. [Ord. No. 01-100]
 - (3) **DRC.** Modifications to previously approved planned developments, which do not require BCC approval shall comply with the modification regulations of Sec. 6.8.A.15, Action by DRC. [Ord. No. 01-01]
 - (4) **Land uses.** Previously approved planned developments shall be governed by the underlying land use category (as determined by Table 6.8-1) or pod designation and BCC conditions of approval for purposes of determining allowed uses and applicability of the supplementary use standards in Table 6.8-2.
 - (5) **Property development regulation.** Previously approved planned developments shall be governed by the development regulations of this section, the regulations within BCC conditions, and the regulations indicated on the latest certified master plan or site plan as allowed in Sec. 1.5. [Ord. No. 98-11] [Ord. No. 99-37]
- 3. Residential density and Comprehensive Plan land uses categories.** The minimum density, the standard density, the planned development density, and the Comprehensive Plan land use categories which correspond to the various Planned Development Districts shall be determined by Table 6.8-1, Planned Development District Densities and Corresponding Land Use Categories. [Ord. No. 98-11]
- a. Computation of density.** The residential density for planned developments shall be based on gross site acreage.
 - b. Minimum development density.** The minimum residential density shall be determined by the Comprehensive Plan land use designation. The Planning Director may waive the minimum density requirement by up to twenty-five (25) percent.
 - c. Standard development density.** Standard development density means the maximum density allowed without a planned development. A planned development which meets the minimum performance standards of the Comprehensive Plan, the minimum standards of Sec. 6.8.A, Planned Development District Regulations, and the minimum standards of the applicable Planned Development District, shall receive a standard density allocation as indicated on the Land Use Atlas.
 - d. Maximum density.** Actual maximum density granted to a Planned Development is based upon meeting performance goals and Comprehensive Plan objectives. Actual density granted by the BCC to a Planned Development may be less than the maximum density indicated.

Maximum density for a Traditional Neighborhood District (TND) is calculated by adding the maximum underlying density of a residential land use category to the maximum density bonus available, up to two (2) dwelling units per acre, granted through the rezoning process.

Residential density for a MXPDP shall be determined by the underlying residential land use category of the commercial or industrial land use category indicated on the Comprehensive Plan Land Use Atlas. Land with a commercial or industrial land use designation without an underlying residential land use category shall be assigned a residential density by PZB based on the residential density of land surrounding the proposed district.

- e. **Density bonus.** A planned development may qualify for a density bonus, in addition to the standard density, by meeting and exceeding the following standards:
 - (1) The performance and density standards of the Land Use Element of the Palm Beach County Comprehensive Plan shall be met for the total density to be permitted; and,
 - (2) The Planned Development District shall be consistent with and exceed the requirements of Sec. 6.8., Planned Development District Regulations including but not limited to the design criteria, vegetation preservation, transportation program and recreation requirements of the applicable Planned Development District.

The density bonus shall not be considered an entitlement for the use of a Planned Development District, and shall only be granted for exemplary projects that exceed the minimum requirements of this section. The BCC has the option of granting standard density, a partial planned development density bonus, or the maximum planned development density bonus.

- f. **Affordable housing.** In addition to the standard density and the planned development density, a Planned Development District may qualify for an affordable housing bonus pursuant to Sec. 6.10, Voluntary Density Bonus, or other Comprehensive Plan affordable housing programs.
 - (1) The equitable distribution of affordable housing shall be pursued through the provisions of the Voluntary Density Bonus (VDB) Program pursuant to the Housing Element of the Palm Beach County Comprehensive Plan.**[Ord. No. 99-37]**

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TABLE 6.8-1
 PLANNED DEVELOPMENT DISTRICT DENSITIES AND CORRESPONDING LAND USE CATEGORIES

PLANNED DEVELOPMENT DISTRICT	DENSITY RANGE IN "DWELLING UNITS PER ACRE (DU/AC.)" BY COMPREHENSIVE PLAN LAND USE CATEGORY								
		RR10	LR1	LR2	LR3	MR5	HR8	HR12	HR18
PUD		Min - None Std - None PDD - 1 √	Min - None Std - None PDD - 1 √	Min - 1 Std - 1.5 PDD - 2 √	Min - 1 Std - 2 PDD - 3 √	Min - 3 Std - 4 PDD - 5 √	Min - 5 Std - 6 PDD - 8 √	Min - 5 Std - 6 PDD - 8 √	Min - 5 Std - 6 PDD - 8 √
TND			Min - None Std - None PDD - 3 √	Min - 1 Std - 1.5 PDD - 4 √	Min - 1 Std - 2 PDD - 5 √	Min - 3 Std - 4 PDD - 7 √	Min - 5 Std - 6 PDD - 10 √	Min - 5 Std - 6 PDD - 14 √	Min - 5 Std - 6 PDD - 18 √
MXPD									
MUPD		√							
PIPD									
MHPD		Min - None Std - None PDD - 1 √	Min - None Std - None PDD - 1 √	Min - 1 Std - 1.5 PDD - 2 √	Min - 1 Std - 2 PDD - 3 √	Min - 3 Std - 4 PDD - 5 √	Min - 5 Std - 6 PDD - 8 √	Min - 5 Std - 6 PDD - 8 √	Min - 5 Std - 6 PDD - 8 √
RVPD		√							
SWPD		√	√	√	√	√	√	√	√

LEGEND Check (√) indicates that the Planned Development District corresponds to the Comprehensive Plan Land Use Category.

Planned Development Zone Districts

- PUD - Planned Unit Development
- TND - Traditional Neighborhood District
- PDD - Planned Development District Bonus Density
- MXPD - Mixed Use Planned Development
- MUPD - Multiple Use Planned Development
- PIPD - Planned Industrial Park Development
- MHPD - Mobile Home Park Planned Development
- RVPD - Recreational Vehicle Park Planned Dev.
- SWPD - Solid Waste Disposal Planned Development

Comprehensive Plan Land Use Categories

- RR 10 - Rural Residential 10
- LR 1 - Low Residential 1
- LR 2 - Low Residential 2
- LR 3 - Low Residential 3
- MR 5 - Medium Residential 5
- HR 8 - High Residential 8
- HR 12 - High Residential 12
- HR 18 - High Residential 18

Density Range

- Min - Minimum Development Density
- Std - Standard Development Density

**TABLE 6.8-1
 PLANNED DEVELOPMENT DISTRICT DENSITIES AND CORRESPONDING LAND USE CATEGORIES**

PLANNED DEVELOPMENT DISTRICT	DENSITY RANGE IN "DWELLING UNITS PER ACRE (DU/AC.)" BY COMPREHENSIVE PLAN LAND USE CATEGORY						
	CLO	CL	CHO	CH	IND	AGR	CRE
PUD						Min - .2 Std - None PDD - 1 √	
TND							
MXPD	√	√	√	√			
MUPD	√	√	√	√	√		√
PIPD					√		
MHPD							
RVPD							√
SWPD	√	√	√	√	√		√

LEGEND Check (√) indicates that the Planned Development District corresponds to the Comprehensive Plan Land Use Category.

Planned Development Zone District

- PUD - Planned Unit Development
- TND - Traditional Neighborhood District
- CHO - Commercial High Office
- MXPD - Mixed Use Planned Development
- MUPD - Multiple Use Planned Development
- PIPD - Planned Industrial Park Development
- MHPD - Mobile Home Park Planned Development
- RVPD - Recreational Vehicle Park Planned Development
- SWPD - Solid Waste Disposal Planned Development

Comprehensive Plan Land Use Categories

- CLO - Commercial Low Office
- CL - Commercial Low
- PDD - Planned Development District Bonus Density
- CH - Commercial High
- IND - Industrial
- AGR - Agricultural Reserve
- CRE - Commercial Recreation

Density Range

- Min - Minimum Development Density
- Std - Standard Development Density

TABLE 6.8-1, NOTES:

- This chart indicates the Comprehensive Plan land use categories which correspond to Planned Development Districts. For previously approved planned developments, except for projects located within the Agricultural Reserve, which shall be subject only the AGR land use, the Zoning Director shall use the land use category which most closely reflects the existing Zoning district and development order. For example, a development previously approved as a planned office business park in the CHO zoning district most closely corresponds to the CHO land use category. A complete listing of land use categories available in unincorporated Palm Beach County is located within the Comprehensive Plan.
[Ord. No. 98-11]
- Actual maximum density granted to a Planned Development is based upon meeting performance goals and Comprehensive Plan objectives. Actual density granted by the BCC to a Planned Development may be less than the maximum density indicated.
- The equitable distribution of affordable housing shall be pursued through the provisions of the Voluntary Density Bonus (VDB) Program pursuant to the Housing Element of the Palm Beach County Comprehensive Plan.
[Ord. No. 98-11]
- Densities indicated in Table 6.8-1 shall be calculated based upon the gross area of a Planned Development.
- Maximum density for a Traditional Neighborhood District (TND) is calculated by adding the maximum underlying density of a residential land use category to the maximum density bonus available, up to two (2) dwelling units per acre, granted through the rezoning process.
- Residential density for a MXPB shall be determined by the underlying residential land use category of the commercial or industrial land use category indicated on the Comprehensive Plan Land Use Atlas. Land with a commercial or industrial land use designation without an underlying residential land use category shall be assigned a residential density by PZB based on the residential density of land surrounding the proposed district.
- The Planning Director may waive the minimum density requirement by up to twenty-five percent (25%).
[Ord. No. 98-12]

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4. Regulating Plan. All Planned Developments shall submit a regulating plan consisting of a comprehensive graphic and written description of the function and development of the Planned Development District. Also, a regulating plan shall be submitted for a previously approved planned development, as requested by PZB, covering the portion of the development being amended or (if flexible regulations are requested) site planned.

a. Modifications to a regulating plan and limited deviations from property development regulations.

Modifications to the regulating plan for items other than for property development regulations as described above, shall require BCC review and approval. The DRC shall have the authority to permit limited administrative deviations, not exceeding ten (10) percent of the stated standard, from property development regulations which are not designated as flexible regulations in the applicable planned development district regulations. Prior to granting this deviation, the DRC shall establish compliance with the following criteria and requirements.

- (1) **Consistency and intent.** The requested deviation shall not be in conflict with and shall further the purpose and intent of this section, the Preliminary Development Plan and the regulating plan;
- (2) **Concurrency.** A revised Concurrency Reservation certificate shall be required if the deviation increases or decreases the overall demand for a service approved in the development's Certificate of Concurrency Reservation;
- (3) **Graphics.** Include a detailed Final Site Plan\Final Subdivision Plan and other applicable graphics to identify the specific change or changes requested from the existing standards; and,
- (4) **Justification.** Provide a written justification report explaining:
 - (a) the reasons for the deviations;
 - (b) why the amount of change requested is the minimum amount necessary to achieve the stated purpose; and,
 - (c) how the requested deviations comply with the intent of the regulation.

[Ord. No. 99-37] [Ord. No. 01- 01]

The regulating plan shall include the requirements listed below and the requirements of the individual District.

b. Flexible regulations. Certain Planned Development Districts allow the applicant to request to deviate from property development regulations specifically indicated as flexible regulations within each District's property development regulation table. Previously approved planned developments which correspond to Planned Development Districts which allow flexible regulations, also may request to utilize flexible regulations. The applicant may submit an application to the DRC to modify these regulations by a maximum of twenty (20%) percent of the stated regulation. All DRC applications for flexible regulations shall provide the following information and be subject to the following requirements.

- (1) **Justification report.** A proposed modification of property development regulations shall be justified by the applicant in a written report submitted with the development application which shall include, but not be limited to:
 - (a) the regulations which are proposed to be modified;
 - (b) the amount of the requested modification;
 - (c) the areas within the Planned Development District in which these modifications shall occur; and,
 - (d) graphic representations (site plans, sections, elevations, perspectives, etc.) showing how the modifications will meet the intent of the applicable Planned Development District in respect to open space, privacy, maintenance, and public health, safety and welfare.

- (2) **Review.** Flexible regulations shall be reviewed and approved by the DRC. The DRC may vote to approve the application, approve the application with certain site design amendments, deny the application, or postpone the application up to a maximum of sixty (60) days.
 - (3) **Limits of approval.** Flexible property development regulations are not intended to take the place of a variance. The DRC shall only grant flexible regulations for an entire pod which has not received building permits for more than twenty five (25%) of its approved dwelling units. Flexible property development regulations shall not be granted on a lot by lot basis or for undeveloped lots located between existing housing.
- c. **Transportation program.** The applicant shall provide a transportation program which provides the following.
- (1) **Alternative transportation.** Methods and standards for accommodating alternative modes of transportation to the automobile (especially bicycles and mass transit) including:
 - (a) **Mass transit.** A description of site improvements proposed for mass transit, such as but not limited to, bus passenger shelters, road turn-outs for bus stops, or a road system designed to accommodate bus routes; and,
 - (b) **Bicycle.** A description of the site improvements proposed for bicycle circulation and storage to encourage the use of bicycles.
 - (2) **Path cross-sections.** Detailed cross-sections showing typical design standards for pedestrian and bicycle paths for the following areas:
 - (a) Walking paths (other than sidewalks);
 - (b) Lighting; and,
 - (c) Pathways within perimeter landscape areas.
 - (3) **Streetscape cross-sections.** Detailed cross-sections showing typical street designs (TND only) and pathways proposed for the perimeter landscape areas. These cross-sections shall indicate design standards for the following areas:
 - (a) Streets, including travel lane dimensions and road R-O-W widths;
 - (b) Bicycle lanes (for through streets);
 - (c) Sidewalks; and,
 - (d) Parallel parking.

(If the site features listed below are required by a development order condition, typical cross-section drawings shall be provided for review at DRC)

 - (a) Street lights;
 - (b) Street trees; and,
 - (c) Median landscape plantings (within road R-O-W). [Ord. No. 93-4] [Ord. No. 99-37]
- d. **Land use justification report.** Certain Planned Development Districts require the submittal of a land use justification report as part of the application requirements. This report shall justify and explain the amount of land uses based on population, such as but not limited to, commercial, recreational and residential. The land use justification report shall also document the methods and analysis used to calculate the proposed land use percentages and the assumptions made to calculate the projected population count.
- e. **Survey.** A certificate of survey completed by a professional land surveyor registered in the State of Florida certifying the location, site configuration, and area of the Preliminary Development Plan.

- f. **Conceptual site development plan.** A TND, MXPDP, MUPD, SWPD and equivalent previously approved planned developments and an Optional residential pod shall provide a conceptual site development plan which indicates the general location, dimensions and character of construction of all proposed streets, driveways, points of ingress and egress, perimeter landscape areas loading areas, number of parking spaces and areas, residential areas and structures, non-residential areas and structures, recreational areas and structures and common open space.
 - g. **Water site features.** Location and width of canals, waterways and flood prone areas.
 - h. **Preservation area in AGR PDD.** An explanation of how the preservation area meets or will be altered to meet, as appropriate, the requirements of the AGR-PUD standards.
[Ord. No. 98-11]
 - i. **Other requirements.** Other information as may be deemed appropriate by the Zoning Director.
5. **Determination of sufficiency.** Within ten (10) working days of receipt of the application, the Zoning Director shall determine whether the application is sufficient.
- a. **Not sufficient.** If the Zoning Director determines the application is not sufficient, a written notice shall be mailed to the applicant specifying the deficiencies. No action shall be taken on the application until the deficiencies are remedied.
 - b. **Sufficient.** When the application is determined sufficient, the Zoning Director shall notify the applicant in writing of the application's sufficiency and that the application is ready for review pursuant to the procedures and standards of this section.
6. **Review and certification by DRC.**
- a. **Timing.** Within seven (7) working days after the application is determined sufficient, the Development Review Committee shall provide the applicant with a draft list of issues, if any, and then shall convene within three (3) working days of notification of issues to review the application and determine whether it should be certified. An application shall not be certified unless it meets the minimum standards for that use pursuant to Art. 6 and Sec. 5.6.D.6. An application shall not be forwarded to the Zoning Commission for review until it has been certified by the Development Review Committee.
[Ord. No. 96-28] [Ord. No. 98-11] [Ord. No. 01- 01]
 - b. **Decision.** The Zoning Director shall make available a copy of the Development Review Committee's decision to the applicant within three (3) working days of the date that the Development Review Committee renders a decision.
 - c. **Public hearing.** If the application is certified, the public hearing on the application shall then be scheduled for the first available regularly scheduled Zoning Commission meeting by the time the public notice requirements can be satisfied, or such time as is mutually agreed upon between the applicant and the Zoning Director in accordance with the Zoning Director's calendar.
 - d. **Not certified.** An appeal of a decision not to certify an application for a Planned Development District may be made to the BCC using the forum and procedures established by the Zoning Director.
7. **Public hearings.** The Zoning Commission and the Board of County Commissioners shall hold public hearings in accordance with Sec. 5.3.D.5. and 5.3.D.6 of this code. [Ord. No. 98-11] [Ord. No. 01- 01]

8. Action by Development Review Committee (DRC).**a. Effect of certification.**

- (1) **Limit on development.** Development shall not be allowed, nor any permit issued, prior to the certification of a Preliminary Development Plan or Master Plan and a Final Site Plan/Final Subdivision Plan for an approved Planned Development District or previously approved planned development.
- (2) **Change in density or intensity.** Upon the certification of a Preliminary Development Plan or Master Plan or Site Plan of a previously approved planned development or a Final Site Plan/Final Subdivision Plan, the density and intensity depicted on the certified plan shall control development for the area indicated on the certified plan.
 - (a) **Density.** If a residential pod on a Final Site Plan/Final Subdivision Plan is determined by the applicant to contain surplus dwelling units from the density indicated on the Preliminary Development Plan or master plan previously approved by the BCC and certified by the DRC, the Preliminary Development Plan or master plan shall be amended prior to the certification of the Final Site Plan/Final Subdivision Plan to decrease density or transfer density in accordance with the following requirements.
 - (i) **Transfer.** The surplus units may be transferred to another pod which is permitted to develop residential units and which does not exceed a maximum density increase of thirty (30) percent above the number of dwelling units last approved by the BCC for that pod.
 - (ii) **Deletion.** The surplus units may be deleted from the Preliminary Development Plan or Master Plan and Final Site Plan/Final Subdivision Plan. The density resulting from Final Site Plan/Final Subdivision plan certifications which reduce the total density indicated on the Preliminary Development Plan or Master Plan shall supersede the total density approved for a Planned Development or previously approved planned development by the BCC.
 - (b) **Intensity.** Final Site Plan/Final Subdivision plan certifications which result in a deletion of intensity (gross floor area) shall become the controlling plan at time of DRC certification and shall supersede the maximum intensity previously approved by the BCC.

b. Modifications to a Preliminary Development Plan, Master Plan or Site Plan. The DRC shall approve modifications to a Preliminary Development Plan, Master Plan or Site Plan if the changes are consistent with the following limitations. Modifications which do not comply with these limitations shall require approval by the BCC.

- (1) **Traffic.** There shall be no substantial increase in traffic impact above that established for the project as approved by the Board of County Commissioners, as determined by the County Engineer.
- (2) **Consistency.** The modification shall be consistent with the purpose and intent of the original approval, this section, the regulating plan and the development order. Changes proposed to a Preliminary Development Plan, Master Plan or Site Plan which result in changing the original goals or intent of the project, such as but not limited to: reducing internal trip capture; substantially diminishing non-vehicular circulation opportunities; or, substantially reducing or increasing the amount of affordable housing; or, for PDD in the AGR category the reduction of the amount of land allocated to the preservation of agriculture, farmland, wetlands, or water preservation areas shall require approval by the Board of County Commissioners. [Ord. No. 98-11]

- (3) **Recreation character.** The overall character of recreation areas shall not be substantially reduced or altered. These areas shall be developed or managed as indicated on the Preliminary Development Plan or Master Plan approved as part of the latest BCC approved development order.
- (4) **Vehicular access points.** Access points shall be established on the Preliminary Development Plan, Master Plan or Site Plan as approved by the Board of County Commissioners. No additional vehicular ingress or egress points shall be added onto any roads external to a Planned Development, onto roads internal to the PUD that are indicated on the County Thoroughfare Plan or onto roads within the PUD that are external to a pod, except for a residential land use. Access onto roads external to a pod, but internal to the PUD may be added to a residential pod in accordance with standards in Sec. 8.22. and County Standards.
- (5) **Non-vehicular circulation.** Pedestrian paths (other than sidewalks which may only be amended according to Art. 8, Subdivision), bike lanes and other modes of non-motorized circulation may be amended or relocated within a Planned Development District. However, the resulting design shall maintain a continuous non-vehicular circulation system meeting the circulation requirements of the applicable Planned Development District;
- (6) **Density increase transfer.** The DRC may certify an increase in residential density within a pod which results from a transfer of units from another pod within the same planned development, provided that:
 - (a) **Increase.** The increase shall not exceed a maximum density increase of thirty (30) percent above the number of dwelling units last approved by the BCC for that pod or result in the redesignation of a less intense housing classification to a more intense housing classification (Example: Detached housing changed to attached housing); and,
 - (b) **Reduction.** There shall be an equal and corresponding reduction in residential density (dwelling units) within another residential pod or zones.
- (7) **Density decrease.** The DRC may certify a decrease in residential density within a pod and may redesignate housing classifications from more intensive to less intensive classifications (Example: attached housing to detached housing) provided that the resulting gross density of the planned development meets or exceeds the minimum density required by the Comprehensive Plan and the requirements of the Traffic section listed above. (Planned Developments which were approved by the Board of County Commissioners with a gross density less than the minimum required by the Comprehensive Plan shall be exempt from this requirement).
- (8) **Redesignation of Pods.** The redesignation of a residential pod to a non-residential pod, the redesignation of a non-residential pod to a residential pod or the redesignation of a non-residential pod to another non-residential pod shall require approval by the BCC.
- (9) **Square footage increase.** An applicant with a requested use or a special exception use may apply to increase the gross floor area of the project by five (5) percent provided the increase does not exceed one thousand (1,000) square feet, and complies with the requirements of this Code including Article 11, Adequate Public Facility Standards.
 - (a) **Industrial uses.** Industrial requested uses or industrial special exception uses may apply to increase the gross floor area of the project by five (5) percent provided the increase does not exceed one thousand five hundred (1,500) square feet, and complies with the requirements of this Code including Article 11, Adequate Public Facility Standards.
 - (b) **Other uses.** The site plans for land uses which are not requested uses or special exception uses and which are not indicated on a certified site plan or subdivision plan which was approved by the ZC or the BCC may be amended according to the limits of the applicable land use and property development regulations.

- (10) **Redesignation of land use mix percentages.** No decrease in the minimum residential land use percentage shall be permitted when public or private civic site acreage has been deducted from the gross acreage in accordance with Sec. 6.8.B.4.(a)(4)b. of this Code, unless approved by the Board of County Commissioners. The Development Review Committee may approve an increase in the residential land use percentage in accordance with the standards of this subsection.

[Ord. No. 01-01]

9. **Effect of Preliminary Development Plan DRC Certification.** The Preliminary Development Plan shall be binding upon the land owners subject to the development order, their successors and assigns, and shall constitute the development regulations for the land. Development of the land shall be limited to the uses, density, configuration, and all other elements and conditions set forth in the Preliminary Development Plan and development order.

10. **Classification of Official Zoning Map.** Within ninety (90) working days of receipt of proof that the Preliminary Development Plan and development order has been recorded, the Zoning Director shall amend the Official Zoning Map to show the Planned Development District classification for the lands for which the Preliminary Development Plan has been approved pursuant to the procedures and standards of this section.

11. **Effect of development order for a Planned Development District.** Issuance of a development order for a Planned Development District shall be deemed to authorize amendment to the Official Zoning Map consistent with the terms and conditions of the development order.

[Ord. No. 00-015]

12. **Amendment to Preliminary Development Plan.** A Preliminary Development Plan for a Planned Development District may be amended pursuant to the procedures established for its original approval or as otherwise set forth in this section.

[Ord. No. 96-28]

13. **Phasing controls and platting.** Phasing, commencement of development, and platting shall be in accordance with Table 5.8-1.

[Ord. No. 99-37] [Ord. No. 01-100]

- a. **Time certain development.** Each Planned Development shall be subject to the time limitations and review requirements of Sec. 5.8, Compliance with Time Limitations, and shall proceed in a reasonably continuous and timely manner according to a phasing and platting schedule and any other requirements identified on a planned development's approved development order.
- b. **Plat phase requirements.** All land within the Planned Development District shall be platted. Planned developments shall indicate platting phases identifying the phasing schedule in chronological order of development. Planned Development Districts with sector planning areas shall give preference to land uses shown in the Land Use Justification Report as having the greatest land use imbalance in determining the chronological order of development.
- c. **Development phasing plan.** A development schedule that includes the following information.
- (1) **Order.** The delineation of the areas to be platted and developed according to their order of construction.
 - (2) **Schedule.** A proposed schedule for the construction and improvement of common open space, streets, utilities, and any other necessary improvements for each development phase.

- 14. Unified control.** All land included within a Planned Development District or a previously approved planned development shall be owned or under the control of the applicant or subject to unified control. Prior to DRC Certification the applicant shall present evidence, as required by the County Attorney, of the unified control of the entire area covered by the Planned Development and shall agree that once the Planned Development is approved, the following conditions shall be met:
- a. **BCC conditions.** Unified control shall be established in accord with the Preliminary Development Plan and such other conditions or modifications as may be attached to the final approval of the development order;
 - b. **County Attorney approval.** Unified control, in the form of agreements, covenants, contracts, deed restrictions, unities or sureties shall be approved and recorded prior to final certification of the Preliminary Development Plan by the Development Review Committee, except for residential Planned Unit Developments. Unity of Control for Residential Planned Unit Developments shall be approved prior to approval of the first plat. All Unity of Control documents shall be in a form acceptable to the County Attorney for the development and completion of the development in accordance with the adopted Planned Development order. The Unity of Control shall also provide for the continued operation and maintenance of all facilities which are not provided, operated or maintained at the general public's expense. [Ord. No. 96-28]
 - c. **Public civic uses, AGR-PUD preservation areas.** Public civic use areas and AGR-PUD preservation areas shall not be subject to regulating documents for the remaining planned development areas as required in Sec. 6.8.A.14.b, unless set forth in the development order approved by the Board of County Commissioners. However, a preservation area in an AGR-PUD shall be shown on a PDP. [Ord. No. 98-11] [Ord. No. 01- 01]
 - d. **Successive owners.** The conditions imposed upon the Planned Development in Sec. 6.8.14.a shall run with the land and be binding on all successors in interest to the property. [Ord. No. 01-100]
 - e. **Development Order Amendments.** The Unified Control shall be amended to include all land added to the Planned Development following the original Planned Development approval. [Ord. No. 01-100]
- 15. Use regulations.** Planned Development District or previously approved planned development shall provide land uses as indicated in Table 6.8-2, (Use Regulations Schedule), unless otherwise restricted by the conditions included in the final development order and subject to the provisions below:
- a. **Administrative categories.** All land uses shall be classified into one of the following administrative categories established by this section and Table 6.8-2, Planned Development District Use Regulations Schedule: general land uses; special land uses; or requested land uses. These land uses are regulated according to pod or land use category as indicated on the Comprehensive Plan Land Use Atlas.
 - (1) **General land uses.** These uses are allowed in conjunction with an approved Preliminary Development Plan, master plan or site plan and do not require further Zoning Commission or BCC approval prior to approval of a Final Site Plan/Final Subdivision Plan for a building permit;
 - (2) **Special land uses.** These uses require an administrative approval and issuance of a special permit. Special land uses may also require approval by the Development Review Committee; and,
 - (3) **Requested land uses.** These uses are required to be indicated on a Preliminary Development Plan, master plan or site plan and shall receive BCC approval. Requested uses shall be subject to the standards of the applicable Planned Development District and Sec. 5.4, Conditional Uses. [Ord. No. 01-100]

- (a) **Location.** Requested uses shall remain in the location approved by the BCC.
- (4) **Additional requested uses.** Additional uses may be designated as requested land uses by complying with the following.
- (a) **Justification.** These uses shall be listed and justified in the land use justification report for the Planned Development District or previously approved planned development; and,
- (b) **Location.** These uses shall be located in pods of Planned Development Districts which are similar and comparable to a standard zoning district in which these uses are allowed.
- (c) **Compatibility.** These uses shall be compatible with the surrounding area.
- [Ord. No. 99-37]
- b. **Supplementary use standards.** A number in the "Note" column of Table 6.8-2, (Planned Development Use Regulation Schedule) refers to supplementary land use standards applicable to a particular land use in one (1) or more of the pods or Comprehensive Plan land use categories in which such use is allowed. These standards are located in Sec. 6.4.D, (Supplementary use standards).
- c. **Accessory uses.** Principal uses listed in the Use Regulations Schedule (Table 6.8-2) are deemed to include accessory uses identified by this Code and such other accessory uses that are necessarily and customarily associated with and are incidental and subordinate to such principal uses. An accessory use shall be subject to the same regulations that apply to the principal use, except as otherwise provided.
- (1) **Location.** All accessory uses, buildings and structures, except for approved off-site parking, shall be located on the same lot as the principal use in each district, except as otherwise provided. The permitted accessory use shall not exceed thirty (30) percent of the gross floor area or business receipts of the principal use, or uses. [Ord. No. 98-11]

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TABLE 6.8-2
 PLANNED DEVELOPMENT DISTRICT
 USE REGULATIONS SCHEDULE

Use Type	Planned Development Zoning District																										
	PUD					TND					MXP				MUP				PIP								
	PODS					Use Zone					Land Use Category				Land Use Category				Use Zone								
	R	R	C	C	A	R	C	S	W	S	C	C	C	C	R	C	C	C	C	I	I	I	C	I	M	R	S
E	E	I	O	G	E	I	H	O	E	L	L	H	H	R	L	L	H	H	R	N	N	N	O	N	H	V	W
C	S	V	M	R	S	V	O	R	C	O	O	O	O	O	O	O	O	O	D	S	D	M	D	D	P	P	P
		/P		/P		/P	P	K	T											T	/L	/G		D	D	D	E
Agricultural uses																											
Agricultural stand				S	P				P	P		P	P	P			P	P	P	P							4.1
Agriculture, bona fide				P																							6
Agricultural research/development																			P		P		P				3
Agricultural sales and service								P	P									P					P				4
Agricultural transshipment									P											P	P		P				5
Aviculture				P																							15.1
Equestrian arena, commercial			R				R												P								34
Groves/row crops				P																							47.1
Kennel, commercial				R					P				R						R				P				53
Kennel, private		P																									54
Livestock raising				P																							56.1
Nursery, retail				P	P			P	P					P	P				P				P				66
Nursery, wholesale				P				P						P								P	P				66.1
Shadehouse				P																							87.1
Stable, equestrian type two				P										P					P								90
Stable, equestrian type one		P		P	P																						91
Storage, agricultural				P																							92.1
Sugar mill or refinery																							P				93

[Ord. No. 97-64] [Ord. No. 98-11] [Ord. No. 99-37] [Ord. No. 00-015] [Ord. No. 01-01] [Ord. No. 01-62]

**TABLE 6.8-2
PLANNED DEVELOPMENT DISTRICT
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Use Type	Planned Development Zoning District																								
	PUD					TND					MXP			MUP					PIP						
	PODS					Use Zone					Land Use Category			Land Use Category					Use Zone						
	R E C	R E S	C I V/ P	C O M	A G R /P	R E S	C I V/ P	S O P	W O R K	S E R V I C E	C C O	C C O	C C O	R L O	C C O	C C O	C C O	I D S T	I N D S T	I N D S T	C O M D G	M H P D	R V P D	S W P D	N O T E
Commercial uses																									
Adult entertainment																				S	S				2
Auction, enclosed			R					P	P	P								P	P						13
Auction, outdoor										R							R	R	R		P	P	P		13
Automotive paint or body shop			R							R							R	R			P	P	P		14
Automotive service station			R							R	R	R				R	R	R		P	P	P		15	
Bed and Breakfast		D		D		S	S			S	S	S	S			S	S	S	S		S			16	
Broadcasting studio			R					R		P	R	R	R	R		R	R	P	P	P	P	P	P		
Building supplies			R					P		P							R				P				
Butcher shop, wholesale													R				R				P	P	P	16.1	
Car wash and auto detailing			R							P			R				R	P			P	P	P	18	
Communication cell sites on wheels (COW)											S	S	S	S		S	S	S	S	S	S	S	S	S	
Contractor's storage yard																			P		P		P	25	
Convenience store			P					P		P	P	P	P			P	P				P	P	P	26	
Convenience store with gas sales			R										R				R	R			R	P		27	
Day labor employment service																	R	R			P			29	
Dispatching office								P	P				R				R				P	P	P	30	
Dog day-care			R										R				R				P	R		30.1	
Financial institution			P					P		P	R	R	P	P		R	R	P	P			P		38	
Flea market, enclosed										P			R								P			40	
Flea market, open																	R					R		41	
Freestanding kiosk			P								P	P	P	P		P	P	P	P		P	P	P	41.1	
Fruit and vegetable market			P	P				P		P	P	P				P	P				P			42	
Funeral home or crematory										R			R			R	R		R		P			43	
Gas and fuel, wholesale										R									R			P			
Hotel, motel, SRO, Boarding & Rooming House			R					R		P		R	R				R	R	R		P			51	

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Use Type	Planned Development Zoning District																										
	PUD					TND					MXPD			MUPD				PIPD									
	PODS					Use Zone					Land Use Category			Land Use Category				Use Zone									
	R E C	R E S	C I V	C O M	A G R	R E S	C I V	S H O	W O R	S E C	C C O	C C O	C C O	R L	C L	C L	C C O	C C O	I N	I N	I N	C O M	I N	M H D	R V P	S W P	N O T
Printing and copying services				P					P			P	P	P	P			P	P	P							
Repair and maintenance, general				R							P								R	P		P	P	P			77
Repair services, limited				P							P	P	P	P				P	P	P	P			P			78
Restaurant, fast food				R									R	R					R	R				P			79
Restaurant, high turnover, sit down				D				D		D	D	D	D					D	D	D	D			D			81.1
Restaurant, quality				P				P		P	R	P	P	P				R	P	P	P	P		P			80
Restaurant, specialty	P			P				P		P	P	P	P	P				P	P	P	P	P	P		P		81
Retail sales, automotive accessories and parts				P				P		P	P	P	P					P	P					P			81.1
Retail sales, general				P				P		P	P	P	P					P	P					P			82
Retail sales, Mobile, temporary or transient				S				S		S	S	S	S											S			83
Self-service storage										P								R	R	P			P	R	P		87
Theater, drive-in										R									R	R				R			94
Theater, indoor				R						R			R						R	P							
Towing service and storage										R											P		P				
Vehicle inspection center				R						R	R	R						R	R	P	R	P					96.1
Vehicle sales and rental				R						R	R	R						R	R					R			97
Veterinary clinic				R	R			R		P	R	R	R	R	R	R	P	P						P			98
Vocational school *not permitted in the AGR-PUD				R						P	R	R	R					R	P	P	P	D		P			99
Wholesaling, general										P													P	P	P		102

[Ord. No. 97-64] [Ord. No. 98-11] [Ord. No. 99-37] [Ord. No. 00-015] [Ord. No. 01- 01] [Ord. No. 01- 28]
[Ord. No. 01-62] [Ord. No. 01-100]

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	PUD				TND				MXP				MUP				PIP												
	PODS				Use Zone				Land Use Category				Land Use Category				Use Zone												
	R	R	C	C	A	R	C	S	S	C	C	C	C	R	C	C	C	C	I	I	I	C	I	M	R	S	N		
E	E	I	O	G	E	I	H	O	E	L	L	H	H	R	L	L	H	H	R	N	N	I	C	I	H	V	W	O	
C	S	V	M	R	S	V	O	R	C	O	O	O	O	O	O	O	O	O	D	S	D	M	D	P	P	P	T		
		/P		/P		/P	P	K	T											T	/L	**	/G	D	D	D	E		
Industrial uses																													
Asphalt or concrete plant																													
Data information processing											P	P	P				P	P	P		P		P	P	P				
Excavation, Type III																											R	35	
Heavy industry																			R		R		P						
Laboratory, industrial research													P							R		P		P					
Machine or welding shop													P	P						P		P		P				58	
Manufacturing and processing																						P		P		P			
Motion picture production studio																						P	P	R	P		P	P	64
Salvage or junk yard																						R				R			
Transportation transfer facility (distribution)																										P	P		
Truck stop																										R	R	R	95.1
Warehousing																										P	P	P	100
Woodworking or cabinetmaking																										R	R	R	

[Ord. No. 97-64] [Ord. No. 98-11] [Ord. No. 99-37]

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Use Type	Planned Development Zoning District																											
	PUD					TND					MXP				MUP				PIP									
	PODS					Use Zone					Land Use Category				Land Use Category				Use Zone									
	R	R	C	C	A	R	C	S	W	S	C	C	C	C	R	C	C	C	C	I	I	I	C	I	M	R	S	N
E	E	I	O	G	E	I	H	O	E	L	L	H	H	R	L	L	H	H	R	N	N	N	O	N	H	V	W	O
C	S	V	M	R	S	V	O	R	C	O	O	O	O	O	O	O	O	O	D	S	D	M	D	P	P	P	T	
		/P		/P	/P	P	P	K	T													/L	/G	D	D	D	E	
Recreational uses																												
Amusements, temporary or Special event	S		S	S				S	S	S		S		S	S		S		S	S	S		S	S				10
Arena, auditorium or stadium				R										R					R	R								11
Campground																					P							17
Camping Cabin																										P		17.1
Entertainment, indoor				R			R		R		R	R			R		R	P				P						32
Entertainment, outdoor				R					R		R	R			R		R	P				P						33
Fitness center	P		R	R			R		P		R	P	P			R	R	R	P			P						39
Golf course	R									R	R	R	R		R	R	R	R	R		P		P					45
Gun club, enclosed									R									R	R	R		P	R	P				48
Gun club, open																			R									48
Gun range, private																						P	R	P				49
Marine facility	R			R					P			R	R			R	R	R				P						59
Park, passive	P	P	P	P	R	P		P	P	P	P	P	P		P	P	P	P	P		P	P	P	P	P	P	P	69
Park, public	P		P							R	R	P	P		R		P	P	P	P		P		R	R			70
Zoo																		R	R									104

[Ord. No. 98-11] [Ord. No. 99-37] [Ord. No. 01-100]

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**TABLE 6.8-2
PLANNED DEVELOPMENT DISTRICT
USE REGULATIONS SCHEDULE**

Use Type	Planned Development Zoning District																																	
	PUD					TND					MXPD				MUPD					PIPD														
	PODS					Use Zone					Land Use Category				Land Use Category					Use Zone														
	R E C	R E S	C V/ P	C M	A /P	R S	C V	S P	W P	S K	S T	C O	C O	C H	C H	R O	C L	C L	C H	C H	R D	I N	I N	I N	C N	I N	M D	R P	S P	N T	E			
Residential Uses																																		
Single-family		P				P																										88		
Zero Lot Line		P				P					P	P	P	P																		103		
Multi-family		P				P		P	P	P	P	P	P	P																		65		
Mobile home dwelling					S																							P				62		
Townhouse		P				P						P	P	P	P																	95		
Accessory dwelling		S			S	P																										1		
Congregate living facility, type 1		P				P																										24		
Congregate living facility, type 2		R	S				S						S		S											S						24		
Congregate living facility, type 3		R	R	R			R				R	R	R	R	R			R	R	R	R			R									24	
Farm residence					P																												36	
Farm worker quarters																																	37	
Garage sale		P			P	P						P	P	P	P															P			44	
Guest cottage		P				P																												47.2
Home occupation		P			P	P						P	P	P	P														P				50	
Nursing or convalescent facility				R			R				P		R		R			R		R						D								67
Security or caretaker quarters			S	S	S		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	86	

[Ord. No. 97-64] [Ord. No. 98-11] [Ord. No. 99-37] [Ord. No. 01- 01]

**TABLE 6.8-2
PLANNED DEVELOPMENT DISTRICT
USE REGULATIONS SCHEDULE**

Use Type	Planned Development Zoning District																												
	PUD					TND					MXP				MUP						PIP								
	POD					POD					Land Use Category				Land Use Category						Use Zone								
	R	R	C	C	A	R	C	S	W	S	C	C	C	C	R	C	C	C	C	C	I	I	I	C	I	M	R	S	N
	E	E	I	O	G	E	I	H	O	E	L	L	H	H	R	L	L	H	H	R	N	N	N	O	N	H	V	W	O
	C	S	V	M	R	S	V	O	R	C	O		O			O				D	S	T	/L	/G	D	D	D	E	
			/P		/P	/P	P	P	K	T																			
	Accessory and Temporary Uses																												
Type II Excavation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	35	
Agricultural Excavation						P																						35	

[Ord. No. 98-11] | [Ord. No. 99-37] | [Ord. No. 00-015]

Notes to TABLE 6.8-2

- 1 Publicly owned civic uses shall consist of land uses which are required to provide services to meet concurrency requirements such as, but not limited to, required parks, water treatment facilities and fire stations, and services required to mitigate other impacts of the development to service providers such as, but not limited to, public schools or libraries.
 - 2 Recreational land uses as required by Article 17, Park and Recreation Standards, and the applicable planned development district regulations shall be allowed according to Sec. 6.4, Use Regulation Schedule, active and passive recreation.
 - 3 Additional land uses not indicated in Table 6.8-2, may be specifically allowed within individual Planned Development Districts as specified.
- [Ord. No. 96-28] [Ord. No. 01-01]

16. **Design objectives.** Planned Developments shall forward the goals of the Comprehensive Plan by complying with the following design guidelines.

a. General objectives.

- (1) Land shall contain sufficient width, depth, and frontage on a publicly dedicated arterial or major street or appropriate access thereto as shown on the Palm Beach County Thoroughfare Plan to adequately accommodate its proposed use and design.
- (2) The proposal shall provide a continuous, non-vehicular circulation system and perimeter landscape areas to connect buildings and other land improvements.
- (3) The proposal shall conveniently design and locate parking to encourage pedestrian circulation between land uses.
- (4) The proposal shall preserve existing trees and other natural features of the site to the greatest possible extent.
- (5) The proposal shall enhance the appearance of the buildings and grounds with supplemental plantings to screen objectionable features and to control noise from areas or activities beyond the control of the Planned Development.
- (6) The elements of the Final Site Plan\Final Subdivision Plan shall be harmoniously and efficiently organized in relation to the size and shape of the tract, the character of the adjoining property, and the type and size of the buildings, in order to produce a compatible, functional, and economical land use pattern.
- (7) The arrangements of buildings shall be in favorable relation to the natural topography, existing desirable trees, views within and beyond the site, and exposure to the sun and other buildings on the site.
- (8) The Final Site Plan\Final Subdivision Plan shall provide for adequate surface water management and soil conservation.
- (9) The proposal shall not be detrimental to the established land use patterns in the surrounding area.
- (10) The proposed land uses shall provide needed housing or services to the surrounding land uses.

b. Access and circulation.

- (1) Planned Development Districts shall have legal access and a minimum of two hundred (200) feet of frontage along an arterial or collector.
- (2) Principal vehicular access points shall be designed to encourage smooth traffic flow and minimize hazards to vehicular or pedestrian traffic. Merging and turning lanes and traffic medians shall be required where existing or anticipated heavy traffic flows indicate needed controls.
- (3) Minor streets within the development shall connect with minor streets in adjacent developments in such a way so as to encourage through traffic, subject to approval by the County Engineer.
- (4) Corner visibility triangles shall be maintained at all intersections.

- (5) Access to the uses and circulation between buildings and other important project facilities for vehicular and pedestrian traffic shall be safe, comfortable and convenient for the users.
 - (6) Streets shall not be designed or constructed as to interfere with desirable drainage in or adjacent to the development.
 - (7) Arterial and collector streets whether public or private shall connect with similarly classified streets in adjacent developments. If no streets exist, the County Engineer shall determine whether future connections are likely and desirable and shall have the authority to alter the design according to the criteria established in Art. 8, Subdivision.
 - (8) Circulation systems (walking paths, bike paths or bike lanes, mass transit and vehicular access ways) shall be designed to connect and provide access between all land uses within and adjacent to planned developments.
 - (9) All road rights-of-way, pavement widths, locations and designs shall encourage pedestrian circulation and shall conform to the standards of the County, as adopted and as may be amended from time to time.
- c. **Road improvements.** The Board of County Commissioners may condition Planned Developments to provide certain road improvements within the road right of way or elsewhere within a Planned Development District in addition to the land development improvements required for the subdivision or platting of land. These conditional improvements are intended to forward certain goals of the Comprehensive Plan such as: assuring the public health, safety and welfare; facilitating non-vehicular circulation; implementing the Linked Open Space Study and other applicable County programs; and improving the neighborhood aesthetics. (The Traditional Neighborhood Development District-TND requires the road improvements listed in this section for all TND districts.) These conditional road improvements may include, but are not limited to:
- (1) **Street lighting.** Street lights a maximum of twenty five (25) feet in height shall be installed along all platted road R-O-Ws with a platted width of thirty two (32) feet or greater. The street lights shall be sized and spaced to provide a minimum sidewalk and pavement illumination of point four (.4) foot-candles. The light fixture shall be designed to direct light away from residences and onto the sidewalk and street and shall comply with Sec. 7.8.B., Outdoor lighting standards.
[Ord. No. 97-14]
 - (2) **Median landscaping.** Median landscaping shall be provided within road R-O-Ws designed with medians which are part of the County's Thoroughfare Plan and other roads adjacent to or penetrating the perimeter of the Planned Development which are designed with a median. These roads shall be landscaped at a minimum, with the following:
 - (a) **Permit.** As required by BCC condition and as stipulated below, the petitioner shall apply for a permit to the Palm Beach County Engineering and Public Works Department to landscape abutting road rights-of-way with median. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall consist of a minimum of one (1) fourteen (14) foot tall native tree for each thirty (30) linear feet of the adjacent median and appropriate ground cover. Trees may be planted singly or in clusters. All landscaping and maintenance shall be subject to the standards as set forth by Palm Beach County Engineering and Public Works Department. All landscape material shall be classified as drought tolerant or very drought tolerant as indicated in the latest South Florida Water Management District Xeriscape Manual.

All planting shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with DRC certification of a preliminary development plan or a final site plan/final subdivision plan.

All required median landscaping, including watering, shall be the perpetual maintenance obligation of the petitioner and its successors, legal heirs or assignees, or duly established Property Owner's Association or Homeowner's Association.

Median landscaping shall be installed as required by BCC conditions and land development permits. If BCC conditions do not state a completion date for median landscaping, the landscaping shall be completed prior to the final release of the performance bonds for the road intended for the median landscaping. Median landscaping for roads within the development or roads which must be constructed as a condition of development, shall be installed concurrent with the construction of the road in which the landscaping will be located.

- (3) **Street trees.** Shade trees a minimum of twelve (12) feet in height with a minimum spread of five (5) and a minimum clear trunk of five (5) feet shall be spaced an average distance of fifty (50) feet or less along both sides of the street within all platted road right of ways of thirty two (32) feet in width or greater. Palm trees may be used as street trees by complying with a minimum spacing requirement of forty (40) feet.
- (4) **Street bike lanes.** Bike lanes may be required within the road right-of-ways which are part of the County's Thoroughfare Plan or within road R-O-Ws which are adjacent to, or penetrate the perimeter of the Planned Development. The location, destination, and design specifications of street bike lanes shall be reviewed for approval by PZB and Engineering and Public Works prior to DRC certification and after approval by the BCC.
- (5) **Underground utilities.** All utilities including telephone, television cable, and electrical systems shall be installed under the ground. Primary facilities providing service to the Planned Development District and high voltage wires may be exempted from this requirement by the Zoning Director. Large transformers shall be placed on the ground and contained within pad mounts, enclosures, or vaults. These utilities shall be landscaped with trees and hedges to provide compatibility and screening from adjacent uses.

Street cross sections commonly used for road construction may not provide sufficient width to accommodate these improvements. Therefore, design modifications to these road section widths shall be made as required and approved by the Engineering Department.

d. Parking and loading. Parking shall comply with Sec. 7.2, (Off-street parking regulations) and the parking and loading requirements of the applicable Planned Development District. If conflicts exist between the parking and loading regulations of each District and the regulations found elsewhere in the ULDC, the parking regulations of this section shall apply to the extent of the conflict. Parking areas shall be designed to accommodate pedestrian access points on the site and encourage the use of pedestrian circulation and a sharing of parking spaces.

e. Garbage and refuse collection.

- (1) **Dumpsters.** Outdoor collection dumpsters shall be provided for garbage and trash removal when individual collection is not made and indoor storage is not provided.
- (2) **Enclosure.** Outdoor collection dumpsters shall not be offensive and shall be enclosed by a fence or wall at least as high as the containers and in no case less than five (5) feet high on at least three (3) sides. A minimum two (2) high hedge, planted a minimum two (2) feet on center shall be planted along the fence or wall. The side of the station not fenced or walled shall be screened with a minimum five (5) feet high gate. Dry storage compactors or similar receptacles located beside loading areas shall be screened from adjacent road R-O-Ws and residential land uses but are not required to install a hedge around the screening.
- (3) **Access.** Access to indoor or outdoor collection dumpsters shall be designed to allow the removal of the dumpster contents in a safe and efficient manner.

17. **Action by the BCC.** Notwithstanding the requirements of Art. 5. Development Review Procedures, the DRC and ZC may recommend, and the BCC may impose, such conditions in a development order that are necessary to accomplish the purposes of the Plan and this Code to prevent or minimize adverse effects upon the public and neighborhoods, and to ensure compatibility, including but not limited to, limitations on size, bulk, and location, standards for landscaping, buffering, lighting, adequate ingress and egress, and other on-site or off-site improvements, duration of the permit, and hours of operation. Conditions are not intended to repeat Code provisions, but may be included if conventional standards are inadequate to protect surrounding land uses, or if additional improvements are needed to facilitate a more compatible transition between different uses. [Ord. No. 01-01]
18. **Reserved.** [Ord. No. 01-29]
19. **Parking requirements and access.** PDDs, excluding MHPDs, RVPDs, and SWPDs, shall comply with Sec. 7.2, Off-street parking and loading regulations, and the parking and loading requirements of this section.
- a. **Residential pod.** Parking space requirements for housing within a residential or mixed-use pod shall comply with Sec. 7.2, Off-street parking and loading regulations.
- b. **Commercial pod or uses within PDDs.** Parking lot requirements for commercial pods and commercial uses within PDDs shall comply with Sec. 7.2, Off-street parking and loading regulations, and the requirements listed below:
- (1) **Calculation rate.** Parking spaces shall be calculated at a rate of one (1) space per two hundred (200 s.f.) square feet of gross floor area. The total parking requirement may be lowered by the use of the commercial parking reduction bonus or the shared parking option listed below.
 - (2) **Adjacent lots.** Parking lot design and circulation shall allow vehicular access between contiguous lots without accessing a street, subject to a recorded cross-access and shared parking agreement with adjacent lot owners approved by PZB.
 - (3) **Maximum parking provided.** The total number of parking spaces provided with a commercial pod shall not exceed the minimum number required to serve the development based upon this section and Sec. 7.2, Off-street parking and loading regulations, unless all provisions of Sec. 7.2.C.8, Planned Development District parking increase, are met.
- c. **Commercial parking reduction bonus.** Commercial pods or uses within PDDs with a total non-residential gross floor area exceeding one hundred fifty thousand (150,000) square feet may reduce the parking calculation ratio rate for general and special permit uses for the amount of non-residential gross floor area above one hundred fifty thousand (150,000) square feet and equal to or less than two hundred thousand (200,000) square feet. This parking calculation rate reduction is limited to non-residential building area and shall be applied only to gross floor area. The gross floor area within the range identified above may be calculated at a reduced ratio of one (1) space per five hundred (500) square feet of gross floor area.
- d. **Shared parking.** Credit toward reducing the minimum number of required parking spaces for a commercial or mixed-use pod may be given for the submittal and approval of a shared parking study conforming to the requirements of Sec. 7.2.C.9, Shared parking.
- e. **Distance.** Parking spaces shall be located within six hundred (600) linear feet of a public entrance or exit of a building. This measurement shall be taken beginning at the perimeter of a parking space and extend along a pedestrian pathway or vehicular paved drive intended for use by pedestrians for entering or exiting the buildings on site from the parking area.

- f. **Location.** A minimum ten (10) percent of the required parking spaces shall be located at the rear or side of each building it is intended to serve.
- g. **Landscape requirements.** Unless otherwise indicated, off-street parking and interior vehicular use areas within a planned development shall be landscaped according to Sec. 7.3, Landscaping and buffering, and development order conditions.
- h. **Conflict.** In the event of conflict between the Sections, the regulations of Sec. 6.8. shall apply to the extent of the conflict.

[Ord. No. 01- 01] [Ord. No. 01- 29]

20. Usable Open Space.

- a. Areas counted towards usable open space requirements shall be a minimum of one thousand five hundred (1,500) square feet in area.
- b. Usable open space shall be provided as a plaza, square, courtyard, or other area approved by the BCC as part of a comprehensive plan amendment or rezoning.

[Ord. No. 97-64] [Ord. No. 98-11] [Ord. No. 99-37]

Amendment History:

[Ord. No. 93-4; February 16, 1993] [Ord. No. 95-8; April 3, 1995] [Ord. No. 95-13; May 1, 1995]
[Ord. No. 95-24; July 24, 1995] [Ord. No. 96-28; September 25, 1996] [Ord. No. 97-14; May 23, 1997]
[Ord. No. 97-63; December 24, 1997] [Ord. No. 97-64; December 24, 1997]
[Ord. No. 98-11; April 30, 1998] [Ord. No. 99-37; October 7, 1999] [Ord. No. 01- 01; January 18, 2001]
[Ord. No. 01- 29; August 3, 2001][Ord. No. 01-100; December 28, 2001]

B. PUD, Residential Planned Unit Development District.

- 1. Purpose and intent.** The purpose of the PUD district is to offer a residential development alternative which provides a complete living environment consisting of a range of living opportunities, recreation and civic uses and a limited amount of commercial uses. Residential PUDs shall correspond to a range of land uses in the Comprehensive Plan.

The intent of the PUD is to promote the design of largely residential living environments which provide enlightened and imaginative approaches to community planning and shelter design. These approaches include but are not limited to:

- a. the preservation of natural features and scenic areas;
 - b. the integration and connection of land uses with perimeter landscape areas which provide vegetation preservation, buffering, and circulation areas;
 - c. the creation of a continuous non-vehicular circulation system;
 - d. the establishment of private civic and or public civic and recreation uses to serve the PUD.
 - e. provide for a limited amount of commercial uses to serve the residents of the PUD.
 - f. provide for efficient use of land and public resources by co-locating harmonious uses to share civic uses and public facilities and services for the residents of Palm Beach County.
 - g. the reduction of land consumption by roads and other impervious surface areas; and,
 - h. the provision for flexible property development regulations to promote innovative and quality site design.
- 2. Applicability.** The requirements of this section, Sec. 6.8.A.2, Applicability and Sec. 1.5, Exemptions: Effect of code on previously approved development orders, shall apply to all PUD districts and PUD special exceptions, whether new or amended, within unincorporated Palm Beach County. In cases of conflict between this section and other sections of the ULDC, the provisions of this section shall apply to the extent of the conflict. [Ord. No. 01-01]
- 3. Previous approvals.** Modifications to previously approved PUD special exceptions shall be consistent with the character of the land uses approved for the area and shall comply with the following regulations.
- a. **Modification of PUD special exceptions.** Requests for modifications to PUD special exceptions shall comply with Sec. 1.5, Exemptions and Effect of Code and Amendments on Previously Approved Development Orders; and,
 - b. **Modification of planned development zoning conditions.** Requests for modifications of planned development zoning conditions shall comply with the application and procedural requirements of Sec. 6.8.A., Planned Development District Regulations. [Ord. No. 01-01]

- c. **Modifications to a Preliminary Development Plan, Master Plan or Site Plan.** Modifications shall comply with the provisions in Sec. 6.8.A.15.b. [Ord. No. 98-11]
- 4. **Application.** The applicant shall provide a Preliminary Development Plan, a Regulating Plan, a Justification Report, and other information as required by PZB for processing a rezoning, rezoning amendment or BCC modification to an existing PUD special exception. These documents shall demonstrate compliance with Sec. 6.8, Planned Development District Regulations, and this section.
 - a. **Preliminary Development Plan.** A PUD shall be governed by a Preliminary Development Plan approved by the BCC which illustrates, in a graphic, written and tabular form, the density, intensity and conceptual design of the PUD. The requirements of a Preliminary Development Plan are found below, and, as specified by the Zoning Director. [Ord. No. 01-01]
 - (1) **Minimum thresholds.** A PUD shall meet the following minimum acreage or minimum number of dwelling units threshold as indicated in Table 6.8-4, below. The minimum thresholds for a PUD may vary according to a particular site's designation on the Comprehensive Plan Land Use Atlas.

**Table 6.8-4
PUD MINIMUM THRESHOLDS**

Land Use Category		Minimum Acreage	Minimum Number Of Dwelling Units
AGR	80/20	40	8
	60/40	250	50
RR 10		40	Not Applicable
LR 1		30	30
LR 2		30	60
LR 3		30	90
MR 5		20	100
HR 8		10	80
HR 12		10	120
HR 18		10	180

[Ord. No. 98-11]

Legend:

Comprehensive Plan Land Use Categories

- AGR - Agricultural Reserve
- RR 10 - Rural Residential 10
- LR 1 - Low Residential 1
- LR 2 - Low Residential 2
- LR 3 - Low Residential 3
- MR 5 - Medium Residential 5
- HR 8 - High Residential 8
- HR 12 - High Residential 12
- HR 18 - High Residential 18

Notes for TABLE 6.8-4

- All PUDs shall comply with either the minimum acreage threshold or the minimum number of dwelling units threshold listed above for the applicable Comprehensive Plan Land Use Category. PUDs may have a gross area less than the minimum acreage threshold listed above by receiving bonus density through a Comprehensive Plan density program. [Ord. No. 98-11]

- PUDs within the AGR or the RR 10 Land Use Category shall comply only the minimum acreage requirement in Table 6.8-4 above
- PUDs within the AGR Land Use Category shall also comply with the special development criteria set forth in this article and in the Comprehensive Plan.
- PUDs may have a gross area less than the minimum acreage threshold listed above by receiving bonus density through a Comprehensive Plan density program. [Ord. No. 98-11]

- (2) **Contiguous addition of land.** Land may be added to a PUD provided the land is contiguous and the resulting PUD meets the intent of Sec. 6.8, Planned Development District Regulations, and this section.
- (3) **Density.** Table 6.8-1, Planned Development District Densities and Corresponding Land Use Categories, indicates the minimum density, standard density, the planned development density, and the land use categories which correspond to a PUD. Additional density requirements are listed in Sec. 6.8.A.3, Residential density and Comprehensive Plan land use categories. [Ord. No. 01-01]
- (4) **Pods.** A PUD allows a limited amount of flexibility in establishing the proper amounts of pods. The land area of pods may vary for each PUD depending upon the findings of Sec. 6.8.B.4.c, Land use justification report, the amount of BCC approved dwelling units, the land use requirements provided in Figure 6.8-4, PUD Mix of Land Uses, and the requirements listed below. [Ord. No. 01-01]
 - (a) **Design intent.** PUDs shall be designed to:
 - (i) be a predominantly residential district;
 - (ii) provide a continuous non-vehicular circulation system for pedestrians and non-motorized vehicles;
 - (iii) provide perimeter landscape areas to connect or buffer land uses within and outside the perimeter of the PUD;
 - (iv) may offer limited commercial uses for the population of the PUD;
 - (v) establish neighborhood character and identity;
 - (vi) preserve the natural environment;
 - (vii) provide incentives for public civic uses to reduce public capital improvements and expenditures by encouraging joint acquisition, development and operation of publicly owned and operated facilities to serve residents of the PUD and Palm Beach County; and,
 - (viii) provide incentives for private civic uses offering services typically provided by the public to reduce public capital improvements and expenditures by allowing joint acquisition, development and operation of facilities to serve residents of the PUD and Palm Beach County.
 - (b) **Land use mix percentages.** The applicant shall provide a mix of land uses by designating pods of a PUD as residential, commercial, civic (private), civic (public), or recreation pod, on the Preliminary Development Plan. The percentages in Figure 6.8-4 indicate the ranges of each pod allowed within a PUD and AGR-PUDs shall also provide for the preservation area as set forth in the Section. [Ord. No. 98-11]
 - (c) **Other land use designations.** The acreage for open space tracts, water management tracts, rights-of-way and perimeter landscape areas shall be provided on the preliminary development plan.

- (d) **Land use percentage calculations.** General land use percentages (Residential, Civic, Commercial and Recreation) shall be calculated based on the gross area of the PUD. Recreation uses, lakes and local roads which are internal to a residential pod rather than a separate pod or tract may be credited toward the minimum sixty (60%) residential land area requirement as identified in Figure 6.8-4.
- (e) **Exceptions to land use mix calculations.**
- (i) **Special Provisions for Civic Pods providing public benefit.** The Board of County Commissioners may permit the land area allocated to public civic uses or private civic uses to be deleted from the gross acreage of the PUD when determining the residential land use percentage. Such reduction may occur if an explicit public benefit is demonstrated meeting the criteria in this subsection.
- The applicant may include with a submittal of a rezoning application a request to exclude the public civic or private civic acreage from the gross acreage of the PUD. The justification statement, required in accordance with Sec. 6.8.B.4.c., shall clearly demonstrate an explicit public benefit and meet the criteria herein. Prior to certification of an application, the Zoning Director may obtain confirmation from the Board of County Commissioners that the justification and proposed mix of land uses meets the applicable criteria. The Board of County Commissioners shall make a finding of fact supported by substantial competent evidence that the criteria has been satisfied.
- (ii) **Evaluation Criteria.** Public civic sites shall meet criteria (i)-(vi) below. Private civic sites shall meet criteria (ii) - (vii) below.
- a) There is a reduced cost to the public for site acquisition, development or operation of civic uses;
 - b) Public civic or private civic uses required to provide services to meet recreational, fire rescue or mass transit concurrency requirements in accordance with Chapter 163, Florida Statutes or accommodate impacts of development on educational facilities such as schools, or regional libraries;
 - c) The proposed civic use shall fulfill a direct service and immediate need, as projected in the County's capital improvement element or, if applicable, further the County's goal to provide adequate primary and secondary education facilities.
 - d) Land uses within the PUD shall be located and designed to be compatible with surrounding land uses both internal and external to the PUD.
 - e) The resulting mix of land uses further the goals to integrate and share facilities, thereby encouraging efficient use of land and reduction in use of public funding sources;
 - f) The residents of the PUD can directly benefit from the location and layout of the civic use and the civic use satisfies the design criteria in Sec. 6.8.A. and 6.8.B.
 - g) Private civic uses which provide education in accordance with Chapter 623, Florida Statutes. [Ord. No. 96-28]
- (b) **Maximum Civic Land Area Percentage.** The maximum percentage of civic pods to gross area of the PUD shall not exceed sixty-five percent (65%).
- (c) **Density calculations.** Density for the PUD may be calculated on the gross acreage of the PUD in accordance with 6.8.A.3.a. of this code. [Ord. No. 01-01]
- (d) **Commercial pod.** PUDs have the option of providing limited commercial service, retail and professional office uses for the PUD's population, if these uses are supported in Land use justification report as provided in Sec. 6.8.B.4.c.
[Ord. No. 01-01]

Figure 6.8-4 PUD MIX OF LAND USES

General pods		Minimum	Maximum
1. Residential		60%	--
Ag. Reserve	80/20	25%	
	60/40	40%	
2. Civic		2%	--
Ag. Reserve		2% of developed area	
3. Commercial		0	per capita based on population
4. Recreation		110 s.f. area/person See Sec. 6.8-B.6.a.(1)	--
5. Preservation	80/20 60/40		

- (5) **Perimeter landscape areas.** Perimeter landscape areas shall be part of a network of connecting open space corridors which comply with Sec. 7.3.F., and the requirements listed below.
- (a) **Required locations.** A perimeter landscape area shall be provided around the entire perimeter of a PUD. A perimeter landscape area shall also be located between incompatible land uses and pods within the PUD. The width, planting requirement, and type of perimeter landscape areas provided within a PUD shall be as determined in Sec. 7.3.F., and below.
- (b) **Type 3 incompatibility buffer.** Commercial land uses, private and public civic land uses excluding parks or recreation areas and agricultural uses shall be buffered from surrounding residential development by a Type 3 incompatibility buffer. A recommendation shall be made by PZB to the BCC as a development order condition as to the type and the location of perimeter landscape areas based on the surrounding land uses. See Sec. 7.3.F.
- (6) **Design criteria.** PUDs shall comply with the following objectives and requirements, in addition to those specified in Sec. 6.8.A.16.
- (a) **Commercial pod.** A commercial pod shall be designed for the convenience and service of the PUD's residents. The architectural design criteria of Sec. 6.6.C., Architectural Compatibility Standards, and the locational criteria of Sec. 6.8.B. shall apply to all non-residential development within a commercial pod. [Ord. No. 01-01]
- (b) **Pedestrian orientation and scale.** PUDs shall be pedestrian oriented and developed at a human scale.
- (i) **Size and shape.** All PUD residential pods over five (5) units per acre shall be limited in size and shape to allow residents to walk along a continuous non-vehicular circulation system to one (1) or more of the following land uses within one thousand three hundred twenty (1,320) feet or less: recreational, civic (public or private) or commercial uses.
- (ii) **Connections.** A PUD's residences, shopping, civic and recreational uses shall be connected by a continuous circulation system. Each residential unit and non-residential land use shall have access to this continuous non-vehicular circulation system.

- (c) **Range of housing.** PUDs in excess of 75 acres and 300 dwelling units shall provide a minimum of two housing types to offer a range of housing opportunities within the development to people of different social and economic backgrounds. The housing types shall include but not be limited to: single family; zero lot line; townhouse; multiple family; or congregate living facility.
- (d) **Circulation system.** PUDs shall be designed with a circulation system based upon a hierarchy of transportation methods, including but not limited to, pedestrian, cyclist, mass transit and automobile. At points of intersection between these circulation systems, the hierarchy shall consider pedestrians as the most important, followed by cyclists, mass transit and automobiles. This system shall be designed to connect and provide access between land uses within the PUD and to link with systems in the surrounding communities by providing:
- (i) Pedestrian and bicycle pathway systems, including but not limited to, sidewalks or pedestrian paths, or bicycle lanes or bicycle paths and driveways; and,
 - (ii) Parking areas for multiple commercial or civic uses (two or more uses) shall be designed to encourage the pedestrian nature of the community by facilitating a reduction in parking through a sharing of spaces.
- (e) **AGR-PUD.** In addition to the design criteria in this subsection, an AGR-PUD shall comply with the special development criteria in the AGR district.
[Ord. No. 99-37] [Ord. 01-01]
- b. **Regulating plan.** All initial Planned Development District rezoning and certain amendments to PUD Districts shall provide a Regulating plan in accordance with Sec. 6.8.A.4., Regulating Plan, including but not limited to the following. [Ord. No. 01-01]
- (1) **Land use mix.** Calculations of the land use mix in accordance with Sec. 6.8.B.4.a.(4) of this Code.
 - (2) **Flexible regulations.** The applicant may request to deviate from certain property development regulations (specifically indicated as flexible regulations) within Table 6.8 - 6, Property Development Regulations.
 - (3) **Street and pathway.** Street and pathway cross-sections and,
 - (4) **AGR-PUD.** A plan locating the development area and all preservation areas shall be submitted and certified as part of each development order for an AGR-PDD. The plan shall show the following: location; boundary; acreage calculations; location; and use designation, and include a copy of the condition of approval.
- See Sec. 6.8.A.4., Regulating plan, for the specific requirements for flexible regulations, transportation programs and street and pathway cross-sections.
[Ord. No. 99-37] [Ord. No. 01-01]
- c. **Land use justification report.** A land use justification report shall be provided to justify and explain the mix of commercial, recreational, public and private civic land uses proposed and describe the methods used to calculate this percentage, including the raw data used (the assumptions made for proposed population counts), the analysis procedures and the resulting land acreage and building square footages. The justification report shall also address the amount, if any, of affordable housing proposed and the following:
- (1) **Land use in relationship to population.** The maximum amount of commercial square footage and land area and the minimum amount of recreational land area or site improvements, shall be calculated based on the projected population of the PUD. See Sec. 6.8.B, below; and,

- (2) **Recreation areas.** PUDs shall designate areas on the Preliminary Development Plan for recreation by providing parks or recreation areas;
- (a) **Recreation report.** A report shall detail the passive and active recreation provided for the population of the PUD and shall be submitted as part of the justification report. This report shall include, but is not limited to:
- (i) the types of passive recreation proposed and a total acreage amount;
 - (ii) the types of active recreation proposed including a list and cost estimation of site improvements and a total acreage amount;
 - (iii) the methodology used to calculate the minimum amount of recreation required based on population and the following:
 - 1) the requirements of Article 17, Park and Recreation standards; and,
 - 2) the requirements of this section.In cases of conflict between the recreation requirements of the sections listed above, the stricter regulation shall apply to the extent of the conflict.
 - (iv) the proposed connections (bike lanes, pedestrian paths, etc.) used to connect land uses and pods.

5. Administration.

- a. **Conditions of approval.** The BCC may impose conditions of approval upon the development order to assure the intent of this section is satisfied and that the public health, safety and welfare are provided, see Sec. 6.8.A.17, Action by BCC.
- b. **Development Review Committee (DRC) approval.** Prior to Zoning Commissions and following approval by the BCC, the Preliminary Development Plan, regulating plan, and justification report shall be submitted for review and certification by the DRC according to Art.5, Development Review Procedures and Sec. 6.8.A.8., Action by Development Review Committee (DRC). [Ord. No. 01-01]
- c. **Phasing controls and platting.** Each PUD shall be subject to the time limitation and review requirements of Sec. 5.8, Compliance with time limitations, and Sec. 6.8.A.13. Phasing controls and platting shall proceed in a reasonably continuous and timely manner complying with these phasing requirements and the requirements listed below. [Ord. No. 01-01]
- (1) **Commercial uses.** No building permit for commercial uses shall be submitted until building permit approval of at least twenty (20) percent or more of the total approved dwelling units for the PUD has been issued unless allowed by development order condition.
 - (2) **Plat requirements.** All land within the Planned Unit Development, including golf courses, shall be platted. All golf courses and open space areas (including but not limited to recreation and water retention) shall be platted prior to Technical Compliance for the last residential, commercial, or civic site plat. [Ord. No. 00-015]
- d. **Property owners association.** Concurrent with the first recorded plat a property owners association shall be formed to manage the common areas and guide the growth of a PUD however the preservation area of an AGR-PUD is not required to be governed by a property owners association. [Ord. No. 98-11]

6. **Land uses.** Land uses are allowed in accordance with Table 6.8-2 (Planned Development District Use Regulations Schedule). This table indicates the general pods and the corresponding land uses, unless otherwise restricted by conditions included in the development order. The proposed land uses and pods shall be subject to the following provisions.
- a. **Pods.** A PUD shall be designated for all areas of the PUD to indicate the land uses proposed within the district.
- (1) **Recreation.** Recreation land uses shall include parks and recreation areas. The size, location and site improvements for recreation areas shall be graphically designated on all PUD Preliminary Development Plans. The minimum amount of recreation area provided within a PUD (a minimum of one hundred and ten (110) gross square feet of lot area per person) shall be based on the total population of the BCC approved Preliminary Development Plan. Recreation areas for previously approved planned developments shall be provided at one hundred and ten (110) gross square feet or lot area per person for the total population of any areas being site planned, except for previously platted pods which have met the recreation requirements of the previous subdivision code. Also, a continuous non-vehicular internal circulation system shall connect land uses and pods within the PUD and shall connect with land uses in the surrounding communities. This circulation system shall include, but not be limited to pedestrian paths or sidewalks, bicycle paths or bicycle lanes and driveways to encourage pedestrian access and non-vehicular circulation.
- (a) **Recreation uses.** Recreational site improvements shall be provided in a PUD according to the requirements of Article 17, Park and Recreation Standards.
- (b) **Neighborhood parks.** In addition to the requirements of Article 17, Park and Recreation Standards, a PUD may provide neighborhood parks which are mostly passive in nature.
- (c) **Parking.** Parking is not required for recreation areas which meet the definition of recreation facility in Sec. 3.2, Definitions, and are less than two (2) acres in size. Other recreation facilities shall provide parking in accordance with Sec. 7.2, Off-street parking and loading.
- (d) **Pedestrian circulation.** All recreation areas and neighborhood parks shall provide a continuous sidewalk or other pedestrian path approved by PZB which connects site improvements (pool, hard surface courts, benches, etc.) to the surrounding PUD's continuous non-vehicular circulation system;
- (e) **Commercial Neighborhood Uses.** A maximum of ten percent (10%), up to a maximum of two thousand (2,000) square feet within a clubhouse or community center may be allocated to personal service uses, as permitted in the CN zoning district provided required parking can be accommodated on site. This square footage may be approved by DRC; any additional square footage shall be subject to approval by the BCC.
- (2) **Civic pod.** The Civic pod is intended to promote a coordinated land planning approach for providing and encouraging publicly and privately owned land uses to serve the community. It should be understood that the civic land use requirements contained herein, shall in no way alter, diminish, or increase those obligatory conditions which were made prior to the adoption of this code.

A minimum of two (2%) percent of the gross area of the PUD (the developable area of an AGR-PUD), shall be designated on the Preliminary Development Plan as either a Public civic pod or a Private civic pod as indicated below.

- (a) **Publicly owned civic land uses.** A portion of a PUD may be required to be conveyed in fee simple title to the BCC for civic purposes in response to an increase in services or other impacts required concurrent with the development of the PUD or by a voluntary commitment by the applicant.

- (i) **Conveyances.** These conveyances shall be in the form as provided by BCC conditions, or as indicated in the development agreement for a project in accordance with Ord. 91-16, "Palm Beach County Development Agreement Ordinance" as may be amended, and shall meet the Facilities Planning, Design and Construction Department's requirements for civic land acquisition. Conveyance of land for civic sites shall not include land utilized for dry or wet retention for land uses located outside of the civic site; or
 - (ii) **Land uses.** Publicly owned civic lots shall consist of land uses which are required to provide services to meet Concurrency requirements such as, but not limited to, regional parks, water treatment facilities and fire stations, and services required to mitigate other impacts of the development to service providers such as, but not limited to, public schools or libraries.
 - (iii) **Service providers.** The civic dedications for service providers shall be mutually agreed upon by the petitioner and the Facilities Planning Design and Construction Department.
 - (iv) **Location.** Civic lot locations shall be mutually agreed upon by the petitioner and the Facilities Planning Design and Construction Department.
 - (v) **Property development regulations.** Civic uses shall comply with the regulations in this section and Table 6.8-6, PUD Property Development Regulations. Publicly owned civic lots may be exempted from certain property development regulations, if the regulation is determined by the Zoning Director to be detrimental to the proper functioning of the civic use.
- (b) **Privately owned civic uses.** Private Civic lots shall consist of land uses which: provide services to the PUD residents or fulfill recreational or educational needs for the residents of Palm Beach County; are customarily privately owned and operated; or are customarily allowed in residential zoning districts, such as but not limited to, private schools or libraries, day care centers, churches, temples, and property owner association meeting areas and resident storage areas for boats, buses, recreational vehicles, etc., see Table 6.8-2, Planned Development Use Regulations Schedule.
- (i) **Land designation option.** A PUD shall provide or may have the option of providing Private Civic uses depending upon the amount of area dedicated for Public Civic uses or a Public Civic equivalent as determined by the Facilities, Planning, Design and Construction Department.
A PUD shall provide Private Civic uses if all of the following circumstances exist:
 - a) less than two (2%) percent of the gross area of the PUD is required as Public Civic uses or equivalent after complying with the Public Civic requirements listed above; and,
 - b) the PUD is approved by the BCC to support a population (2.4 x total dwelling units) of four hundred (400) people or greater.
 - (ii) **Minimum land designation.** At a minimum, the difference in land area between the overall minimum civic land area requirement of two (2%) percent for the PUD and the land area amount of Public Civic or equivalent dedicated above, shall be indicated as Private Civic land area on the Preliminary Development Plan.
- (3) **Residential Pod.** The residential pod is intended to provide dwelling units for residential occupancy. The gross density (of the pod), number of dwelling units, housing type and housing classification shall be indicated for each pod on the Preliminary Development Plan or Master Plan. Pods may contain different housing types and housing classifications, however specific tabular information concerning each housing type and each housing classification (number of dwelling units of each type or classification) shall be indicated on the Preliminary Development Plan or Master Plan for each pod.

- (4) **Optional Residential (OR) pod.** An Optional Residential pods is intended to encourage innovative residential development techniques while providing adequate yards (open space around dwelling units), recreation, privacy, property maintenance, parking, and access to housing. An applicant may request the BCC to add an overlay designation of Optional Residential to any residential area on the Preliminary Development Plan. The permitted density within an (OR) pod shall be in accordance with the density of the underlying residential pod indicated on the Preliminary Development Plan. A Final Site Plan/Final Subdivision Plan of the pod requested for an (OR) land use designation shall be submitted concurrent with the request to designate an (OR) on the Preliminary Development Plan (OR) pods shall comply with the following requirements:
- (a) **(OR) pods.** (OR) pods shall comply with the minimum design specifications indicated in Table 6.8-6, PUD Property Development Regulations;
- (b) **Justification report.** BCC applications for Optional Residential pods include submittal of a justification report which explains how the project will function and shall justify how the living environment resulting from the proposed site design complies with the intent of the Optional Residential pod. Justification reports shall include the following:”
- (i) A written report which details how the proposed site design complies with the intent of the Optional Residential pod; and,
- (ii) Conceptual graphics (site plans, sections, elevations, perspectives, etc.) indicating how the site design functions with regard to: yards (open space around dwelling units), outside living areas, privacy between dwelling units, property maintenance, parking, access to housing, recreation and public health, safety and welfare.
- (c) **Review.** The BCC may approve, approve with site design amendments, or deny the optional residential designation based on compliance with Table 6.8-6, (PUD Property Development Regulations) and the justification report.
- (d) **Variances.** The Optional Residential pod designation is not intended to take the place of a variance. Optional Residential pods shall only be granted for an entire, largely undeveloped, residential pod and shall not be granted on a lot by lot basis.
- (5) **Commercial pod.** The commercial pod is intended to provide land uses, including but not limited to, commercial service, retail, and professional office uses of a community nature to serve the population of the PUD.
- (a) In addition to the criteria for commercial pods for PUDs listed in the following sections, a commercial pod in a PUD approved prior to June 16, 1992 but which has not received site plan approval as of the effective date of this amendment, shall adhere to the following standards.
- (i) Any use exceeding ten thousand (10,000) gross square feet shall be required to obtain a Requested Use approval; however, in no case shall a single use exceed 15,000 gross square feet.
- (ii) A Type 3 landscape buffer, including a six (6) foot masonry wall, shall be required adjacent to residential property. Right of way buffers shall include a minimum two foot (2') high continuous berm in addition to the landscape and buffering requirements of Sec. 7.3.
- (iii) Signs shall be of monument style only and shall be limited to a maximum of ten (10) feet in height with a maximum sign face of eighty (80) square feet per side.
- (iv) Hours of operation shall be from 6 a.m. to 10 p.m.
- (v) Auto repair and gasoline sales shall be prohibited.
- (vi) Outdoor lights must be shielded, oriented and directed away from residential property. Outdoor lighting shall not be higher than thirty feet (30'), unless required by the Palm Beach County security code.

- (vii) Dumpsters, compactors and loading areas shall be setback a minimum of fifty feet (50') from the property line and oriented away from residential areas.
- (viii) Outdoor storage shall be prohibited. [Ord. No. 98-49]
- (a) **Location.** Commercial areas shall be located and designed for the convenience of the PUD's residents. A continuous non-vehicular circulation system shall provide convenient access from the residential housing to the land uses within a commercial pod. Vehicular access to commercial facilities shall not be permitted from an arterial or collector that is not part of the interior circulation system of the PUD. No commercial facility shall maintain frontage, visibility or direct physical access to any arterial or collector bordering or traversing the PUD.
- (6) **Architectural design.** The architectural design criteria of Sec. 6.6.D (Architectural Compatibility Standards) shall apply to all non-residential development within commercially designated areas.
 - (a) **Area calculation.** The maximum area and square footage of the commercial pod shall be based on the following:
 - (i) **Land area.** The maximum commercial land area for a PUD is calculated based on the population of the dwelling units approved on the Preliminary Development Plan by the BCC in relation to the chart below; and,

**TABLE 6.8-5
PUD COMMERCIAL ACREAGE ACREAGE**

Population	Maximum Commercial Acreage	Gross Floor Area*
Less than 1,000	None	None
1,001 to 1,740	One (1) acre	8,759 to 15,225
1,741 to 2,990	Two (2) acres	15,234 to 26,163
2,991 to 4,970	Three (3) acres	26,171 to 43,488
4,971 to 6,970	Five (5) acres	43,496 to 60,988
6,971 to 9,950	Seven (7) acres	60,996 to 87,063
9,951 to 15,000	Ten (10) acres	87,071 to 131,250
15,001 to 26,000	Fifteen (15) acres	131,259 to 228,690

NOTES to TABLE 6.8-5:

* Buildable commercial gross floor area may vary depending upon lot configuration, site design, and compliance with other property development regulations, including but not limited to, vegetation preservation, building setbacks, landscaping and parking.

- The calculation of the maximum commercial lot area and gross commercial floor area for PUDs with a residential population exceeding twenty six thousand (26,000) people shall be determined by PZB on a case by case basis.

- Existing PUD special exception which show an amount of commercial acreage on a previously approved master or site plan, as provided in Sec. 1.5 of this Code, may develop the commercial acreage in compliance with Table 6.8-6, PUD Property Development Regulations.

- (ii) **Building area.** The maximum commercial building area is calculated by multiplying the projected population of the PUD, (dwelling units x 2.4), by the constant (8.75) which equals the total amount of commercial gross square footage permitted for the PUD.
- (b) **Hours of operation.** Commercial uses within three hundred (300) feet of residential housing shall not commence business activities (including delivery and stocking operations) prior to 6:00 a.m. nor continue activities later than 11:00 p.m. Commercial lots greater than three (300) feet from residential housing may be exempt from this hours of operation requirement unless required by a development order condition.

- (7) **Mixed-use pod.** PUDs with a BCC approved contiguous commercial area of five (5) acres or larger may apply to the Development Review Committee to establish a mixed-use pod. The designation of a mixed-use pod in a PUD without the minimum commercial acreage stated above, shall require approval by the BCC. The land uses allowed within the mixed-use pod shall comply with Table 6.8-2, Planned Development Use Regulations Schedule for a MXPDP with a Commercial Low land use designation.
- (8) **AGR-PUD Preservation Area.** Pods supporting a preservation, as defined in this subsection, are intended to support wetlands, other significant open space or bona-fide agricultural uses. In an AGR-PUD, these uses are considered to be the primary use, therefore adjacent residential development should be designed to be compatible with the preservation area and shall not detract from its operation or function.
[Ord. No. 98-11]

b. **Supplementary use standards.** The standards of Sec. 6.4.D (Supplementary Use Regulations) and the standards listed below shall apply within the PUD, unless specifically waived or modified by the terms of the development order for the PUD. Permits for real estate sales offices and sales models, gatehouses, entry features and utilities may be issued prior to recording a final plat but not before a final site plan/final subdivision plan is approved by the Development Review Committee.

- (1) **Residential pods.** Land uses within a residential pod shall comply with the following standards:
 - (a) **Accessory uses and structures.** The following accessory uses in permanent or temporary structures shall be permitted in a PUD according to the following standards.
 - (i) **Permanent structures.**
 - 1) **Real estate sales office, planned development,** means, for the purpose of Section 6.8, an office for the sale and resale of new and existing residential units in a planned development.
 - a) **Permanent.** A permanent real estate sales office is permitted in a commercial pod.
 - b) **Temporary, pod.** A temporary real estate sales office for the sale of only new units shall be permitted in a residential pod or other temporary location approved by the DRC. Sales shall be limited to only new units in the pod. A temporary sales office in a mobile home shall be subject to Section 6.6. (Temporary structures). Sanitary facilities shall be available in the office. A temporary real estate sales office shall be removed from the site prior to the issuance of the CO for the last remaining unit in the pod. Temporary access to the sales office may be permitted, subject to approval by the DRC. The temporary access shall be limited to one year, unless extended by the DRC.
 - c) **Temporary, project.** A temporary real estate sales office for the sale and resale of units in the entire project, or phase of a project, shall be permitted in a private civic pod, commercial pod, or recreation pod, subject to approval by the BCC. A temporary sales office in a mobile home shall be subject to Section 6.6.B., Temporary structures. Sanitary facilities shall be available in the office. A temporary real estate sales office serving an entire project shall only be permitted within a planned development and/or phase consisting of three hundred (300) or more units. Sales shall be limited to only units within the planned development. A temporary real estate sales office shall be removed from the site prior to the issuance of the CO for the last remaining unit in the project or phase, as applicable. Temporary access to the sales office may be permitted, subject to approval by the BCC.

Resale of existing units shall cease when the remaining number of units without a CO in the project or phase, as applicable, reaches the following:

[Ord. No. 01-01]

No. Units in Project or Phase	Units Remaining w/out a CO
1000 or more	20
500-999	16
300-499	12

[Ord. No. 00-015]

- 2) **Sales Model, planned development** means a residential unit used for the sale of only new units within a residential pod of a planned development.
 - a) **General.** A maximum of eight (8) sales models may be constructed prior to platting. Subdivision approval of the sales model lots by the DRC shall be required prior to issuance of a building permit. Sales models shall comply with all applicable property development regulations prior to issuance of a certificate of occupancy (CO). A sales model may be used as a temporary real estate sales office.
 - i) **Parking.** A minimum of two (2) parking spaces per model shall be provided. The parking area shall comply with Section 7.2 (Off-street parking regulations).
 - ii) **Duration.** The use of a residential unit as a sales model shall cease prior to issuance of the CO for the last remaining unit in the pod.
 - c) **Residential pod.** A maximum of eight (8), or twenty (20) percent of the number of units in the pod, whichever is less, shall be permitted as sales models.
 - d) **Model rows.** Planned developments comprised of a total of three hundred (300) or more units may construct a model row for the project.
 - i) **Number.** A maximum of sixteen (16) sales models shall be permitted in the model row. A maximum of one model row shall be permitted for every three (3) pods under development, consisting of a minimum of sixty (60) units each.
 - ii) **Location.** A model row shall be located in a residential pod. The location of the model row shall be designated on the preliminary development plan at the time of BCC approval. Access to the model row shall be from a location approved by the BCC or allowed by the ULDC.
 - iii) **Use.** A model row shall be open to the public for the sale of only new units in the project. The sale or resale of units outside the project shall be prohibited.
- 3) **Noncomplying sales offices.** All real estate sales offices in a planned development which do not comply with this Section shall close within twenty-one (21) months of the effective date of the ordinance amending this Section.
- 4) **Gatehouses.** Gatehouses for internal project security shall be permitted if not in conflict with R-O-W and setback requirements of this Code and the Palm Beach County Thoroughfare Plan.
- 5) **Utilities.** Public or private utilities and accessory buildings and structures shall be permitted, subject to compliance with all applicable rules and regulations governing such facilities.
- (ii) **Temporary structures.** Temporary structures shall be permitted in accordance with Sec. 6.6.B, Temporary structures. [Ord. No. 00-015]

- 7. Property development regulations.** The property development regulations within a PUD shall be as indicated in Table 6.8 - 6, Property Development Regulations, unless otherwise specifically provided on the approved Preliminary Development Plan, in the development order or as listed below. Any of the pods or housing types listed below may apply to use flexible property development regulations for minimum lot dimensions, and side and rear setbacks based on compliance with Sec. 6.8.A.4 Regulating plan.
- a. Residential pods.** Residential pods shall follow the property development regulations as indicated by housing type below.
- (1) **Single family.** Single family development shall be subject to the property development regulations specified in Sec. 6.5, Property Development Regulations for the Residential Single Family (RS) Zoning District.
 - (2) **Multi-family.** Multi-family development shall be subject to the property development regulations specified in Sec. 6.5, Property Development Regulations for the Residential Multi- Family High Density (RH) District.
 - (3) **Zero lot line.** Zero lot line developments shall be subject to the property development regulations specified in Sec. 6.5.B.4, Supplementary Use Regulations-Zero Lot Line development; and,
 - (4) **Townhouse.** Townhouse developments shall be subject to the property development regulations specified in Sec. 6.5.B.3., Property Development Regulations - Townhouse development.
- [Ord. No. 01-01]
- b. Civic (Public and private).** Development within this pod shall be subject to the requirements of Table 6.8 - 6, PUD Property Development Regulations.
- c. Commercial.** Development within this pod shall be subject to the requirements of Table 6.8 - 6, PUD Property Development Regulations.
- d. Mixed-use pod.** Development within this pod shall be subject to the following requirements of Sec. 6.8.D, MXPDP.
- (1) Sec. 6.8-E.1, concerning purpose and intent. The site design and land uses of a Mixed-use pod shall comply with the purpose and intent of the MXPDP district;
 - (2) Sec. 6.8.D.3.a.(4)-(6), for pods, perimeter landscape areas, and design criteria;
 - (3) Sec. 6.8.D.5, (entire section), for land uses; and,
 - (4) Sec. 6.8.D.6 (entire section), for property development regulations.
- [Ord. No. 01-01]
- e. AGR-PUD preservation area pods.** Agricultural uses as allowed by 6.8.B.8. shall comply with the property development regulations specified in Sec. 6.5, Property Development Regulations, Sec. 6.4.D. Supplemental Regulations, and Article 7, Site Development Standards, as applicable. [Ord. No. 98-11]

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**TABLE 6.8-6
PUD PROPERTY DEVELOPMENT REGULATIONS TABLE**

Housing Type Or Pod	Minimum Lot Dimensions*					Minimum Building* Setbacks or Separations			
	Size*	Width* and frontage	Depth *	Maximum FAR	Maximum Building Coverage	Front	Side*	Street	Rear*
Optional Residential	-	-	-	-	-	25' 10' ¹	15'	20'	20'
Civic	Public - 1 ac. Private - 21,500 sf	100'	200'	.35	.30	25'	C - 20' R - 40'	25'	C - 20' R - 40'
Commercial	1 ac.	100'	200'	.25	.20	25'	C - 20' R - 40'	25'	C - 20' R - 40'
Recreation (Sec.7.12) and Neighborhood Parks	4,300 sf	65'	60'	.25	.25	25'	15'	25'	15'

Notes to TABLE 6.8-6:

C = Indicates the building setback if the lot abuts a non-residentially zoned or designated lot.

R = Indicates the building setback if the lot abuts a residentially zoned or designated lot.

***** = Indicates that the property development regulation is flexible and may be modified by complying with Sec. 6.8.A.4.b., Flexible Regulations. Single family, multiple family, townhouse and zero lot line housing may request flexible regulation for minimum lot dimensions and side and rear building setbacks by applying to DRC as described in Sec. 6.8.A.4.b., Flexible regulations.

¹ = Indicates the minimum front yard setback shall be ten (10) feet, provided that the minimum front yard setback for a garage or carport with the entrance facing the front property line shall be twenty-five (25) feet. However, the minimum front yard setback for a garage or carport with the entrance facing the side property line shall be ten (10) feet.

Pb = Indicates the minimum lot size for the Public civic pod.

Pv = Indicates the minimum lot size for the Private civic pod.

1 Building proposed within a Mixed-use pod may use the lesser setback requirement for side interior and rear setbacks if like uses abut, (residential uses abutting residential uses, commercial uses abutting commercial uses, or recreational uses abutting recreational uses).

2 The building setbacks indicated above are based on a maximum building height of thirty five (35) feet. All structures exceeding thirty five (35) feet in height shall provide the applicable setback stated in Table 6.8-6, and an additional setback of one (1) horizontal foot for each one (1) vertical foot of building exceeding thirty five (35) feet in height.

3 For residential development, building setbacks shall be measured from the inside edge of perimeter landscape areas. For non-residential development, building setback shall be measured from the property line. Rear or side setbacks may be reduced pursuant to Sec. 6.5.G.6. Setback reductions.

[Ord. No. 97-14]

- 4 Minimum building setbacks for buildings with a minimum lot size required by the ULDC, other than Townhouses, shall be measured from the lot line. Minimum building setbacks and separations for buildings without a required minimum lot size shall be measured from perimeter property lines, perimeter landscape areas, residential access streets, the proximity of one unit to another and road
- 5 Property development regulations not indicated as flexible may be reduced by an administrative reduction of ten percent (10%) of the stated standards. See Sec. 6.8.A.8.c.
- [Ord. No. 96-28] [Ord. No. 97-14] [Ord. No. 99-37] [Ord. No 01-01]

- f. **Road improvements.** The BCC may condition a PUD to provide certain road improvements within the road R-O-W or elsewhere within the boundaries of a PUD. These improvements may be in addition to the land development improvements required for the subdivision or platting of land and are intended to forward certain goals of the Comprehensive Plan, including but not limited to: assuring the health, safety, and welfare of the public; facilitating and encouraging non-vehicular circulation, implementing the Linked Open Space, Scenic Corridor, and other applicable County programs, and improving the aesthetics of the community. These improvements may include but are not limited to: street lights, street trees and median landscaping; bike lanes; and underground utilities (see Sec.6.8.A.16). [Ord. No 01-01]
- g. **Streets.** Streets serving a residential pod shall reinforce, rather than disrupt, the social integrity of the area. A street hierarchy shall be established which separates higher volume streets, such as arterial and collectors, from local streets or driveways which are internal to and serve residential pods.
[Ord. No 01-01]

8. **Agricultural reserve.** The Agricultural Reserve Planned Unit Residential Development (AGR-PUD) regulations have been created to fulfill requirements of the Agricultural Reserve provisions in the Future Land Use Element of the Comprehensive Plan which establishes the Agricultural Reserve and sets forth the allowable development options therein. The two PUD options which are available for the development of land in the AGR are an 80/20 AGR-PUD and a 60/40 AGR-PUD.

- a. **Purpose and intent.** In order to accommodate low density residential development options in conjunction with preservation of agriculture, wetlands or other significant open space areas, the AGR-PUD is created. It is intended that an AGR-PUD will provide for residential development of land in a manner compatible with agriculture, wetlands or other significant open space and which does not detract from the protection and perpetuation of such uses in the Agricultural Reserve. Notwithstanding these particular purposes, the purpose and intents as contained in Sec. 6.8.A.1. and 6.8.B.1. above, shall also be accommodated in the design and application of the AGR-PUD.

b. **General.**

- (1) **Zoning and Future Land Use Map designations.** At the time that the PUD designation is affixed to the Official Zoning Map pursuant to Sec. 6.8.A.10., a Preservation Area which is not contiguous to the Development Area shall be shown with the designation AGR-PUD/P or, if appropriate, as a Conservation Zone District. A non-contiguous Development Area shall be shown as AGR-PUD/D. When the Development Area and the Preservation area are contiguous, they may be shown in total as an AGR-PUD or with separate designations with the suffix of P or D, as appropriate. Following a designation on the Official Zoning Map, the County shall

- (5) **Edge areas.** Edge areas shall be part of a network of connecting open space corridors which comply with Sec.7.3.F, Perimeter landscape requirements, and the requirements listed below. [Ord. No. 01-01]
- (a) **Buffer incompatible land uses.** The amount of buffering required for an edge area depends upon the compatibility of the surrounding land uses and the design of the land use zones. Sector, workplace, shop front, and civic land use zones shall be buffered from surrounding residential land use zones by spatial separations, dense landscaping, lakes, berms or a combination of these buffering elements. Edge areas which separate land uses which are not incompatible by virtue of their site location and design may require less buffering. A determination shall be made by PZB as to the extent of the buffering required according to the requirements of 7.3; and, [Ord. No. 01-01]
- (b) **Integration of land uses.** The edge areas are not intended to be detrimental to the integration of the TND into the adjacent communities. Buffering requirements depend upon the compatibility of the TND's perimeter land uses with surrounding land uses. Incompatible land uses shall be buffered by wide spatial separations, dense landscaping, lakes, berms, or a combination of these elements. Compatible TND land uses which are projected to function as an urban-infill project by virtue of it's location, may require no or less extensive buffering. A determination shall be made by PZB as to the extent of the buffering required using the criteria listed below:
- (i) **Exceptions.** Edge areas are not required in the following areas:
- a) **Through roads.** The length of the perimeter of civic, shopfront, workplace and sector land uses having frontage and access onto through roads;
 - b) **Water body.** The perimeter of the TND or neighborhood proper abutting a water body with a width of one hundred (100) feet or more; and,
 - c) **BCC.** The BCC may waive or modify edge area requirements if the applicant demonstrates that edge areas will be incompatible or detrimental to the surrounding communities urban design and that the waiver complies with of this section. Edge areas separating multiple neighborhoods within a district shall not be waived.
- (ii) **Standards.** A minimum one hundred (100) feet wide edge area shall be provided around the perimeter of a TND. This buffer shall be provided and shall not be waived in the following circumstances:
- a) **Residential.** If residential housing is located along the perimeter of the TND which is not compatible with the housing directly adjacent and outside the TND. Not compatible shall mean:
 - i) **Building height.** A proposed building height exceeding adjacent building heights by more than two stories, twenty eight (28) feet; or,
 - ii) **Density.** The housing along the perimeter of a proposed neighborhood proper exceeds the density of adjacent existing housing by more than three (3) dwelling units an acre.
 - b) **Nonresidential.** If shopfront, workplace or sector land use zones are located along the perimeter of the TND and do not access and have frontage onto a through street.
 - (iii) **Neighborhood edge areas.** An edge area shall be provided between the neighborhood proper of adjoining neighborhoods. The edge area shall be no less than one-hundred (100) feet in width and shall be considered part of, and shall not be in addition to, the required perimeter buffer surrounding the TND or separating another neighborhood proper.
- (6) **Pedestrian orientation and scale.** TND neighborhoods shall be pedestrian oriented, physically recognizable and developed at a human scale.

Notes to Table 6.8-7:

- Land use percentages are calculated on the gross acreage of the TND District or the neighborhood proper, as indicated above. The neighborhood proper land use percentage calculations shall include the areas of streets, through roads and alleys.
- Shopfront commercial retail use per capita is based upon the standard established by the International City Management Association, "The Practice of Local Government Planning" (Wash., D.C., 1979) which provides that neighborhood shopping centers need a support population of between 5,000 to 40,000 people for a 100,000 square feet retail center (p. 248).
- Neighborhood parks, neighborhood squares and recreation areas which meet the definition of usable open space shall count toward satisfying the minimum usable open space requirement. [Ord. No. 01- 29]
- A minimum of fifty-five (55%) percent of each neighborhood proper shall be designated a residential land use zone.

**TABLE 6.8-8
TND SECTOR LAND USE ZONE
MIX OF LAND USES**

<u>Sector Land Use Zones</u>	<u>Minimum</u>	<u>Maximum</u>	<u>Per Capita</u>
1. Town Center	-	15%	3-6 sf retail/person
2. Employment Center	-	20%	-

Notes to TABLE 6.8-8:

- 1 Sector land use zones shall be supported by a land use justification report explaining how a town center or employment center will diminish land use imbalances within a sector area, Sec. 6.8.C.5.h., Sector Land use, zones. [Ord. No. 01-01]
- 2 The Town Center maximum land use amount of fifteen percent (15%) is calculated by adding the combined total acreage of all shopfront lots within the neighborhood proper, to the total acreage of all Town Center lots proposed for a sector land use zone, and dividing the resulting acreage by the gross acreage of the combined areas of the neighborhood proper and sector land use zone.
- 3 The Employment Center maximum land use amount of twenty percent (20%) is calculated by adding the combined total acreage of all workplace lots within the neighborhood proper to the total acreage of all Employment Center lots proposed for a sector area, and dividing the resulting acreage by the gross acreage of the combined areas of the neighborhood proper and sector area.
- 4 Town center per capita is based upon the standard established by the International City Management Association, "The Practice of Local Government Planning" (Wash., D.C., 1979) which provides, "Community shopping centers, requiring a support area population of 50,000 or more, generally contain 150,000 to 300,000 square feet..." (p. 248).
- 5 Seventy-five percent (75%) of the Town Center commercial shall provide vertical integration of residential and commercial uses.

- b) **TND.** The TND shall meet the minimum allowable mix of land uses for civic, useable open green space and open space/recreation; and,
- c) **Sector land uses.** Sector land uses shall lessen existing imbalances within a sector area for employment, affordable housing, retail or service opportunities, see Sec. 6.8.C, Sector land uses.

**TABLE 6.8-7
TND MIX OF LAND USES**

<u>General Land Use Zones</u>	<u>Minimum</u>	<u>Maximum</u>	<u>Per Capita</u>
<u>TND District</u>			
1. Usable Open Space	5%	-	-
2. Recreation			
a. Edge areas	100' wide	-	-
b. Recreation	see per capita requirement and Sec. 6.8-C.6.b.	-	110 sf area/person
<u>Neighborhood Proper</u>			
1. Residential Land Use Zones	51%	-	-
2. Civic (Private)	2%	-	-
3. Low Density Residential (LDR) (0 - 4 du/ac.)	10%	55%	-
4. Medium Density Residential (MDR) (4.1 - 8 du/ac.)	20%	25%	-
5. High Density (optional) Residential (HDR) (8.1 - 18 du/ac.)	-	20%	-
6. Shopfront Commercial	4%	15%	-
a. Retail Uses	-	see per capita	2.5-20 SF Bldg/Person
b. Other Commercial Uses	-	-	-
7. Workplace	2%	20%	-

[Ord. No. 01- 29]

- (2) **Contiguous land.** Land may be added to a neighborhood proper provided the gross area of any neighborhood does not exceed a maximum of one hundred sixty (160) acres.
- (3) **Density.** Table 6.8-1, Planned Development District Densities and Corresponding Land Use Categories, establishes the minimum density, standard density, the planned development density, the TND bonus density, and the land use categories which correspond to a TND. Additional density requirements are listed in Sec. 6.8-A.3, Residential density and the Comprehensive Plan land use categories and below.
- (c) **TND bonus.** A TND may qualify for a density bonus, in addition to the planned development density. The BCC may grant a TND density bonus of up to two (2) additional units per acre above the maximum density generally allowed for a planned development, see Table 6.8-1, Planned Development District Densities and Corresponding Land Use Categories. In order to qualify for the TND bonus density, the density increase must be: (1) provided for by the applicant through County programs which allow the transfer of density from one site to another or other density increases, or (2) available from the unallocated, Comprehensive Plan population pool of both the incorporated and the unincorporated population. This bonus population shall be correlated to the Capital Improvement Elements adopted by municipalities and County government. The minimum and maximum residential densities for a TND depend upon the underlying land use category, the gross acreage of the site and compliance with the following:
- (v) the performance and density standards of the Land Use Element of the Palm Beach County Comprehensive Plan (mandatory and suggested) shall be met for the total density requested;
- (vi) the TND shall be consistent with and forward the standards (mandatory and suggested) of this section; and,
- (vii) the TND density bonus shall not be considered an entitlement for the approval of a TND district. A TND bonus shall only be granted for exemplary projects that exceed the minimum requirements of the Comprehensive Plan and the ULDC. The BCC has the option of granting standard density, planned development density bonus, a partial TND density bonus, or the maximum TND density bonus.
- (4) **Land use mix.** The TND allows flexibility in establishing the proper mix of uses. Percentages of general land use zones may vary for each TND depending upon the findings of Sec. 6.8.C.3.c, Land use justification report. [Ord. No. 01-01]
- (d) **Design intent.** A TND shall meet the following land use requirements as provided in Table 6.8-7, TND Mix of Land Uses, including:
- (i) being predominantly residential;
- (ii) providing usable open space for recreation and circulation; and, [Ord. No. 01-29]
- (iii) lessening land use imbalances.
- (b) **Land use zones.** The land area of a TND shall be designated on the Preliminary Development Plan as a residential (including average density and dwelling unit count), a shopfront, a workplace, a civic, a sector, or a recreation/open space land use zone. Percentages of these land use zones may vary for each TND depending upon the findings of Sec. 6.8.C.3.c., Land use justification report, the requirements provided in Table 6.8-7, TND Mix of Land Uses, and the requirements listed below: [Ord. No. 01-01]
- i) **Balanced mix of land uses.** A TND shall provide a balanced mix of land uses. These land uses shall be balanced on the following levels:
- a) **Neighborhood proper.** Each neighborhood proper shall meet the minimum allowable mix of land uses for each land use zone and shall satisfy the mandated requirements (meeting hall, neighborhood parks, etc.) for each neighborhood;

C. TND, Traditional Neighborhood Development District.

1. **Purpose and intent.** The purpose and intent of the TND district is to implement the Traditional Neighborhood Development Land Use Category of the Comprehensive Plan and to:
 - a. provide a range of residential, commercial and light industrial land uses;
 - b. lessen existing imbalances in land uses within a specified planning area;
 - c. encourage internal automobile trip capture;
 - d. offer a range of housing opportunities;
 - e. introduce a variety of architectural solutions for current development problems;
 - f. preserve natural features and scenic areas;
 - g. design safe and efficient circulation systems for pedestrians, non-motorized vehicles, and automobiles;
 - h. utilize perimeter landscape and edge areas to connect the various land uses and land use zones within neighborhoods, and the surrounding communities; and,
 - i. establish a neighborhood identity and focus.

2. **Previous approvals.** Modifications to previously approved TND's shall be subject to Sec. 380.06, Fla. Stat. (Substantial deviations) for a Development of Regional Impact and the modification requirements of Sec. 6.8-A., Planned Development District Regulations.

3. **Application.** The applicant shall comply with section 380.06, Fla. Stat. (Development of Regional Impact) and shall provide a Preliminary Development Plan, a regulating plan and a justification report. These documents shall demonstrate compliance with Sec. 6.8-A, Planned Development District Regulations, this section and other requirements as may be required by PZB to process a rezoning or zoning amendment application.
 - a. **Preliminary Development Plan.** A TND shall be governed by a Preliminary Development Plan approved by the BCC which illustrates, in a graphic, written and tabular form, how the TND is designed and phased. The requirements of a Preliminary Development Plan are found below, as specified by the Zoning Director. [Ord. No. 01-01]
 - (1) **Minimum development thresholds.** TNDs shall comply with the following minimum development thresholds:
 - (a) contain a minimum size of one thousand two hundred and eighty (1,280) acres;
 - (b) locate farther than ten (10) miles from other TNDs; and,
 - (c) TND neighborhoods shall:
 - (ii) develop in contiguous lots or tracts;
 - (iii) provide minimum neighborhood proper areas of forty (40) acres; and,
 - (iv) provide maximum neighborhood proper areas of one hundred sixty (160) acres.

Amendment History:

[Ord. No. 93-4; February 16, 1995] [Ord. No. 95-8; April 3, 1995] [Ord. No. 95-13; May 1, 1995] [Ord. No. 96-28; September 25, 1996] [Ord. No. 97-14; May 23, 1997] [Ord. No. 98-11; April 30, 1998] [Ord. No. 98-49; October 28, 1998] [Ord. No. 99-37; October 7, 1999] [Ord. No. 01-01; January 18, 2001]

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- d) lakes, water retention areas, golf courses, and other similar amenities shall be situated within the Development Area to provide a buffer between the residential, civic, and commercial uses of the Development Area and the Preservation Area.
- (iii) **Configuration, Preservation Area.** The Preservation Area for the 60/40 PUD shall be a minimum 150 acres and be contiguous to, but not intrusive into, the Development Area, with the exception of equestrian communities where pasture area may meander, in a contiguous fashion, throughout the residential community. Preservation Areas shall be arranged in a unified whole so as to maximize the purpose, function, and perpetuation of the preservation use. This shall be accomplished, in part, through the following.
- a) **Agriculture.** Agricultural area shall have boundaries which allow for the most efficient agricultural operation. They shall not be encroached upon by a Development Area.
- b) **Wetlands.** The boundary of preserved wetlands shall be determined by the ecological function of the viable wetland area, as determined by the Board of County Commissioners upon recommendations from the Department of Environmental Resources Management and/or the South Florida Water Management District. Wetland areas shall be preserved in the order of performance: adjacent to off-site wetlands; open space; fallow land; or, agricultural land. Primary consideration shall be given to preserve wetland areas adjacent to off-site wetlands.
- (iv) **Buffer for Preservation Areas.** A buffer shall be provided between residential, commercial, and civic land use in the Development Area and Preservation Area to ensure mutual compatibility such that the development does not adversely affect the Preservation Area, including the perpetuation of agriculture uses. This buffer shall be located in the Development Area and adhere to the provisions of subsection 6.8.B.8.c.(3)(a) ii above.
- d. **Special provisions.**
- (1) **Rural service area designation.** The AGR district is situated in the Rural Service Area and thus it may not have the same level of services as provided in the Urban Services Area.
- (2) **AGR-PUD water and sewer service.** All Development Areas of an AGR-PUD shall utilize central water and wastewater service provided by the Palm Beach County Water Utilities Department. Any such water and wastewater service mains shall run within the rights-of-way for the roads listed in Sec. 6.8.B.8.c.(3)(d)(i)(b) above. The use of private and public package treatment facilities is not allowed. The Property Owner shall enter into a Standard Development Agreement with the Palm Beach County Water Utilities Department to reserve system capacity prior to final approval of the AGR-PUD. All required on and off site improvements shall be paid for and installed by the Property Owner in accordance with the Uniform Policies and Procedures Manual of the Palm Beach County Water Utilities Department. However, the above shall not preclude the extension of water and sewer mains in locations other than the cited roadways when necessary for system integrity, e.g., looping of mains. [Ord. No. 01-01]

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(d) Locational and siting requirements. The location of AGR-PUDs shall advance the primary purpose of preserving agriculture in the Agriculture Reserve. The site design of either PUD option shall provide for the separation and buffering of the Development Area and the Preservation Area. These objectives shall be accommodated, in part, through the following.

(i) Locational requirements.

- a) Prohibited locations.** The Development Area for a 60/40 AGR-PUD shall not be situated west of S.R.7 (U.S. 441).
- b) Access and frontage.** All Development Areas shall have frontage, in an amount as required by Sec. 7.3, on either SR-7, SR-806 (Atlantic Ave.), SR-804 (Boynton Beach Boulevard), Clint Moore Road, or on that part of Lyons Road which extends north of Boynton Beach Boulevard. Preservations Areas which are non-contiguous to a Development Area do not have to meet access and frontage requirements and may be situated anywhere within the Agricultural Reserve, provided that they are accessible by R-O-W road easement and accommodate the configuration requirements which follow.

(ii) Siting.

- a) Adjacency.** Development Areas shall be located, to the greatest extent practical, adjacent to existing, planned or projected Development Areas, while Preservation Areas are similarly to be located next to other existing, planned, or projected Preservation Areas.
- b) Contiguity and non-contiguity.** A Development Area shall be situated in only one location and it shall be contiguous within itself. A Development Area and a Preservation Area of the same AGR-PUD shall be contiguous to one another. However, a Preservation Area of a 60/40 AGR-PUD may be located remote from its associated Development Area provided that at least one of the following conditions are met:
 - i)** it is a Preservation Area containing at least 150 acres and otherwise meets the configuration requirements in Section 6; or
 - ii)** it shares at least one common boundary with an existing Preservation Area, or an agricultural area preserved under the PACE program, or a designated wetland which is in public ownership; and which when combined with the adjacent existing area has a land area equal to or greater than 150 acres.
 - iii) Configuration, Development Area.** The Development Area shall be a single, compact, contiguous area which possessed the characteristics listed below. An equestrian community may deviate from these characteristics only to the extent that dedicated pasture land may meander, in a contiguous fashion, throughout the residential area.
 - a)** at least two sides of the Development Area shall share a common boundary with the perimeter of the AGR-PUD.
 - b)** designed as a unified whole within a tightly compact area with continuous common boundaries among the various pods.
 - c)** neither isolated Development Areas nor isolated Preservation Areas shall be created within a contiguous AGR-PUD.

Development Area where said allocation can be accounted for as being rights-of-way for streets, and required on-site water retention areas. In no event shall the Development Area, including rights-of-way, and water retention areas exceed twenty-five percent (25%) of the gross site area of the AGR-PUD.

- (ii) **60/40 formula².** A minimum of sixty percent (60%) of the gross site area shall be retained as the Preservation Area. The remaining land area shall be used for all development, e.g., residential, recreational, civic and commercial pods. There shall not be any credit given which would reduce the size of the Preservation Area for encroachment allowed therein for rights-of-way, water retention, open space, or natural habitat preservation areas which are situated in the Development Area.
 - (b) **Land use, development area.** The Development Area shall contain all the development related pods, residential, recreational, civic, and commercial as described in Section 6.8.B.4.a. Uses allowed within the Development Area are listed in the Use Regulation Schedule, Table 6.8.A-2. The use mix shall be pursuant to Section 6.8.A. [Ord. No 01-01]
 - (c) **Land use, preservation area.** Land use within the preservation area shall be compatible with the nature and intent of the preservation use. Uses allowed within the Preservation. [Ord. No 01-01]
- (3) **Property development regulations.** When general and referenced provisions forth in this subsection (3), the provisions of this subsection shall govern.
- (a) **Development area.**
 - (i) **General.** Uses within the Development Area shall comply with all applicable property development regulations as specified for each use in Section 6.8.A. and 6.8.B.
 - (ii) **Buffer.** A Type 3 compatibility buffer shall be required between the Development Area and all adjacent properties zoned AGR, AP, SA, or AR, whether vacant or supporting an existing agricultural land use. The buffer shall be a minimum 50 feet wide and installed in compliance with Sec. 7.3. Buffer reductions shall not be permitted along the entire perimeter of the Development Area except there may be a fifty percent (50%) reduction in width if: [Ord. No. 01-01]
 - a) the buffer is within a nonresidential pod of the PUD adjacent to a R-O-W greater than fifty (50) feet in width;
 - b) The buffer is adjacent to another platted PUD buffer a minimum of twenty (20) feet in width, with existing landscaping within the buffer; or
 - c) the buffer is adjacent to another PUD with a spatial separation greater than fifty (50) feet in width, e.g., a canal, lake.
 - (b) **Preservation Area - general.** All agricultural uses and accessory structures within the preservation area shall comply with the AGR use regulations. Uses, other than agriculture, shall comply with the property development regulations, as determined by the Zoning Director, which are most closely associated with the nature of the use. Preservation sites, as defined and identified pursuant to the native vegetation set-a-side requirements as specified in Article 9.5, and which are contained in the Development Area shall not be considered as part of the Preservation Area as defined herein.
 - (c) **Minimum land area.** The minimum land area for the AGR-PUD 80/20 option is 40 acres and the minimum land area for the AGR-PUD 60/40 option is 250 acres gross site area.

process a remedial future land use map amendment which shall identify the Development Area and the Preservation Area as AGR/D and AGR/P, respectively. [Ord. No. 01-01]

- (2) **Preliminary Development Plan (PDP), site plan and plat designations.** The PDP, site plan and plat shall depict the Preservation Area as specified below. The plats for the preservation areas shall be recorded simultaneously with the first plat within the Development area.
 - (a) **Contiguous areas.** When the Preservation Area is contiguous to the buildable area, the preservation area shall be shown and designated on the PDP and all applicable site plans and plats at the same scale and in the same detail as is the Development Area.
 - (b) **Non-contiguous areas.** When the Preservation Area is not contiguous to the development Area, as allowed in a 60/40 AGR-PUD, then the preservation area shall be referenced by a location sketch and notes on the master plan and the land shall be described on a boundary plat which limits the land to the intended preservation use(s) and which is duly recorded.
- (3) **Perpetuation of preservation areas.** In addition to showing the Preservation Area on the PUD plan documents as required above, provisions shall be made for establishment of the Preservation Area in perpetuity. After certification, by the DRC, of the PDP or Final Site Plan but prior to recordation of the plat, the Preservation Area shall be established in perpetuity in one of the following manners and in a form acceptable to the Office of the County Attorney.
 - (a) **Dedication and acceptance.** Dedication of the Preservation Area to the Board of County Commissioners and acceptance of the dedication by the BCC.
 - (b) **Recordation of a conservation easement in Agricultural Conservation Easement.**
 - (c) **Restrictive covenant.** Recordation of a restrictive covenant, made in favor of Palm Beach County, stating the basis for and limiting the land to the intended preservation use.

c. AGR-PUD development options.

- (1) **General.** Two residential planned unit development options are provided for in the Agricultural Reserve. The two options are an 80/20 AGR-PUD and a 60/40 AGR-PUD. Each AGR-PUD shall consist of two areas, the Preservation Area and the Development Area. Pods shall be contained within the Development Area.
- (2) **Land uses.**
 - (a) **General.** The maximum residential density for the overall AGR-PUD shall be based on its gross area and calculated at one dwelling unit per acre (1 du/ac). The residential density within the Development Area is not restricted except as necessary to meet development standards and assure compatibility with adjacent land use. All components of development and associated pods shall be located with the Development Area. Land area allocation (acreage) for the Preservation Area and for the Development Area shall be based on the ratio (80/20, 60/40) specified for each development option and as described below.
 - (i) **80/20 formula¹.** A minimum of eighty percent (80%) of the gross site area shall be retained as the Preservation Area, the remaining land area may be used for all development, e.g., residential, recreational, civic, and commercial pods. However, up to an additional five percent (5%) of the gross site area may be allocated to the

¹ Example: Gross site area 50 acres. 50 ac x 80% = 40 acres to be preserved; 50 ac x 20% = 10 acres for development. However, 5% of the gross site area (.05 x 50) or an additional 2.50 acres, if justified, can be added to the development area. Resulting in 12.50 acres for the Development Area; and 37.50 acres for the Preservation Area.

- (a) **Neighborhood size.** Neighborhoods shall be limited in size or shape to allow residents to walk to the neighborhood square within 1,320 feet or less. This requirement shall be met by ninety five (95%) percent of the housing units within each neighborhood proper;
 - (b) **Connections.** A neighborhood's residences, shopping, employment and recreational uses shall be connected by sidewalks or pedestrian paths, bicycle paths or bicycle lanes and driveways and local streets;
 - (c) **Community identity.** The TND shall locate a meeting hall, day care center and neighborhood square within one thousand (1,000) feet of the geographic center of each neighborhood to provide places for social, cultural and religious activities that may create community identity;
 - (d) **Mixed-use.** A neighborhood proper shall provide areas of mixed-use (residential and commercial uses) buildings having vertical integration and shall encourage by design the clustering of living, working, recreational, open space, shopping and civic uses; and
 - (e) **Spatial definition.** A neighborhood shall have defined building setbacks which spatially delineate the local streets and the residential blocks. The property development regulations in the regulating plan shall enforce these spatial requirements.
- (7) **Range of housing.** The TND shall offer a diverse range of housing opportunities so that people of different social and economic backgrounds may live in the same neighborhood:
- (a) **Housing types.** Each neighborhood proper shall offer a range of housing types including, but not limited to:
 - (i) single family;
 - (ii) ZLL;
 - (iii) townhouse;
 - (iv) multiple family; and,
 - (v) outbuildings.
 - (b) **Affordable housing.** Low and very low income housing shall be provided based on the need as identified within the Land Use Justification Report for affordable housing; however, until the completion of the Annual Needs Assessment Report, affordable housing shall comprise no less than twenty (20%) percent of the development's on-site residential units. In addition, all densities exceeding eight (8) du/ac must be designated on the Preliminary Development Plan as low and very low income housing as defined in the Housing Element of the Comprehensive Plan.
 - (i) **Design.** Affordable housing shall comply with the regulating plan and the requirements listed below:
 - a) **Location.** Affordable housing shall be located within 1,320 feet, of a mass transit stop, or a shopfront or workplace use;
 - b) **Vary land use zones.** Be distributed throughout the TND and within each neighborhood proper, including the MDR and HDR land use zones and be encouraged in the LDR land use zone;
 - c) **Vary housing types.** Offer a variety of housing types (i.e. duplexes, townhouses, apartments); and,
 - d) **Vary bedrooms.** Offer housing types with a variety of bedrooms (i.e. 1, 2, 3, etc.);
 - (ii) **Preliminary Development Plan.** The Preliminary Development Plan shall indicate the number and percentage of affordable housing dwelling units provided for each land use zone within each neighborhood proper.
- (8) **Circulation system.** The TND shall be designed with a circulation system based upon a hierarchy of transportation methods. In descending order of importance, the hierarchy shall consider pedestrians as the most important, followed by cyclists, mass transit and automobiles. This system

shall be designed to connect and provide access between different land uses within each neighborhood and the surrounding communities by providing:

- (a) pedestrian and bicycle linkages, including but not limited to, walking paths, or sidewalks and bike trails or bike lanes;
- (b) parking areas designed to encourage the pedestrian nature of the TND. The types of uses proposed and the location and design of buildings and parking areas shall facilitate a reduction in parking requirements through a sharing of parking spaces.

b. Regulating plan. The regulating plan shall provide a comprehensive graphic and written description of the function and development of the TND, the neighborhoods and the major building types including the requirements of Sec. 6.8A.4, Regulating plan, and the following. [Ord. No. 01-29]

- (1) **Supplemental regulations.** Supplemental regulations applicable and unique to a TND shall be developed by the applicant. These detailed regulations shall address design requirements not specifically dictated by this section and certain regulations within the TND which may be modified. Supplemental regulations shall be clearly stated, justified and illustrated in the regulating plan. The regulations are reviewed by the applicable County agencies who provides a recommendation of approval or denial to the Zoning Commission. The Zoning Commission then approves, denies or amends the proposed supplemental regulations.
 - (a) **Flexible regulations.** The applicant may request to deviate from certain property development regulations (specifically indicated as flexible regulations) within Table 6.8 - 9, Property Development Regulations.
- (2) **Low and very-low income housing.** The regulating plan shall contain language which guarantees the affordability of affordable housing. These guarantees may be in the form of a deed restriction on the property and/or a resale addendum to the sales agreement or eligibility requirements for rental property, or other method acceptable to the BCC. These requirements shall be included in the regulating plan and shall provide:
 - (a) **Time limit.** Length of time the units are to remain affordable; however, the minimum length of time is fifteen (15) years. The developer shall guarantee that the household, upon entry to the unit, shall meet the definition of a low or very low income household as defined in the Housing Element of the Comprehensive Plan or other method acceptable to the BCC;
 - (b) **Fee simple housing.** Price ranges of fee simple housing;
 - (c) **Rental housing.** Price ranges of rental housing; and,
 - (d) **Evaluation and distribution.** Process of regulating and screening prospective renters and home owners for awarding dwelling units to the people that qualify based on income criteria and family size.
- (3) **Transportation program.** The applicant shall provide a transportation program which complies with Sec. 6.8.A.4, Regulating plan, and the following: [Ord. No. 01-01]
 - (a) **Internal trip capture.** A traffic study demonstrating the ability to achieve a significant internal trip capture rate of forty (40%) percent or higher concurrent with the buildout of an TND;
 - (b) **Street hierarchy.** A street classification plan establishing a logical hierarchy of streets based upon surrounding land use zones and design speeds. The pedestrian nature of the neighborhoods shall require slower design speeds, however the street cross-section shall be of sufficient width and design to accommodate the projected traffic.

c. Land use justification report. A land use justification report shall be provided to justify and explain the mix of land uses proposed and describe the methods used to calculate the percentage of each land use zone. The justification report shall address the following.

- (1) **Land use.** The amount of land uses proposed, residential and nonresidential, the amount of affordable housing provided, and the effect on land use imbalances in the sector planning area, including:
 - (a) **Housing costs.** Imbalances between employment and housing, including the affordability of housing (housing costs matching job holders ability to pay costs based on salary potentials);
 - (b) **Housing availability.** Existing imbalances in the amount of affordable housing for the surrounding sector; and,
 - (c) **Open space and recreation.** Existing imbalances in the amount of usable open space and recreation. [Ord. No. 01-29]
- (2) **Sector land uses.** A justification report shall be provided for sector land uses which explains how the sector land use zones of town center and workplace will diminish existing land use imbalances within the sector planning area. The analysis shall include the land use requirements listed in Sec.6.8-C.6, Land use zones, and the following:
 - (a) **Nonresidential land uses.** Existing land use imbalances within a sector in the amount of nonresidential land uses to residential land uses; and,
 - (b) **Boundaries.** A map showing the boundaries of the sector area and justification for these boundaries. A sector shall be comprised of census tracts and follow census boundaries. The composition of the tracts may vary, and one or more tracts may be used in a sector; and,
 - (c) **Methodology.** A description of the methodology used to analyze the sector area including the raw data used (the most recent census data shall be used or actual survey data), the analysis procedures and the resulting affordable housing and land use mix recommendations.
- d. **Social activity and recreation areas.** The TND shall designate areas for social activity and active and passive recreation by providing neighborhood squares, neighborhood parks and recreation areas. These activity and recreation areas shall be linked by pedestrian paths or sidewalks, bicycle paths or lanes or usable open space to encourage pedestrian access and non-vehicular circulation. [Ord. No. 01-29]
- (3) **Recreation report.** A recreation report shall detail the passive and active recreation available to the residential population of the TND and the sector planning area and shall be submitted as part of the justification report. This report shall include, but is not limited to:
 - (d) The types of open space provided for the TND as a whole and for each neighborhood proper including:
 - (i) the types of passive recreation proposed and a total acreage amount;
 - (ii) the types of active recreation proposed including a list and cost estimation of site improvements and a total acreage amount;
 - (iii) the methodology used to calculate the minimum amount of recreation required for a TND based on population and the following:
 - a) the requirements of Art. 17., Park and recreation standards; and, [Ord. No. 01-01]
 - b) In cases of conflict between the recreation requirements of the section listed above, the stricter regulation shall apply to the extent of the conflict.
 - iv) The proposed connections (bike lanes, pedestrian paths, sidewalks, etc.) used to connect land uses and land use zones. [Ord. No. 01-01] [Ord. No. 01-29]

4. Administration.

- a. **Conditions of approval.** The BCC may impose conditions of approval upon the development order to assure the intent of this section is satisfied and that the public health, safety and welfare are provided pursuant to Sec. 6.8.A.17, Action by BCC. [Ord. No. 01-01]

- b. **Development Review Committee (DRC).** Following approval by the BCC, the Preliminary Development Plan, regulating plan, and justification report shall be submitted for review and certification by the DRC according to Art. 5, Development Review Procedures, and Sec.6.8.A.8., Development Review Committee approval. [Ord. No. 01-01]
- c. **Phasing controls and platting.** Each TND shall be subject to the time limitation and review requirements of Sec. 5.8, Compliance with time limitations, and Sec. 6.8.A.13, Phasing controls and platting, and proceed in a reasonably continuous and timely manner complying with the phasing schedule listed below.
- (1) **Meeting hall and parks.** The site for a meeting hall and fifty (50%) of the parks proposed for a neighborhood shall be platted in a neighborhood proper prior to the platting of fifty (50%) of the residential lots of a neighborhood. Construction of the neighborhood parks system and a meeting hall shall commence as provided in section C.5.b.& C.5.c. (Open space\recreation use) and (Civic use) of this section. [Ord. No. 96-28] [Ord. No. 01-01]
- d. **Property owners association.** A property owners association shall be formed to manage the common areas and guide the growth of each neighborhood. If the TND consists of multiple neighborhoods, a master property owners association shall be created to manage the project as a whole.
5. **Land use zones.** A TND shall be divided into land use zones indicated on the Preliminary Development Plan as provided in Table 6.8-2, (Planned Development Use Regulations Schedule), and Table 6.8-7, TND Mix of Land Uses, unless otherwise restricted by the conditions included in the final development order and subject to the provisions below.
- a. **Proximity of land uses.**
- (1) Land uses within the same general land use zone may enfront;
- (2) Land uses in different zones shall not enfront, but may abut at rear property lines; and
- (3) Any land use may enfront the civic land use zone.
- b. **Open space/recreation use.** Open space/recreation land uses shall include edge areas, parks, squares and recreation areas. A continuous non-vehicular circulation system shall connect internally between neighborhood proper and externally with surrounding communities.
- (1) **Neighborhood parks.**
- (a) **Minimum area.** A Neighborhood park shall have a minimum area of eight thousand four hundred (8,400) square feet;
- (b) **Six hundred (600) feet requirement.** Each neighborhood shall be distributed so that ninety five (95%) percent of the housing is located within six hundred (600) feet from a park or other recreation area;
- (c) **Paved area.** Not more than ten (10%) percent of a park's lot area shall be paved for parking.
- (d) **Perimeter.** Fifty (50%) percent of the perimeter of the park shall be adjacent to a street R-O-W.
- (2) **Recreation areas.** Recreational uses which tend to generate negative impacts such as noise, bright lights, litter, etc. onto adjacent land uses shall be designed with a perimeter landscape area located between the recreational use and adjacent incompatible land uses and shall be located outside of a neighborhood proper but may be located within the edge areas between neighborhood proper. Recreational uses within one hundred (100) feet of a residential dwelling unit within or without the TND shall provide a perimeter landscape area which complies with the compatibility buffers described in Sec. 7.3.F., Perimeter landscape requirements. [Ord. No. 01-01]

- c. **Civic use.** The Civic land use zone is intended to promote a coordinated land planning approach for providing and encouraging publicly and privately owned land uses to serve the community. It should be understood that the civic land use requirements contained herein, shall in no way alter, diminish, or increase those obligatory conditions which were made prior to the adoption of this code. A minimum of two (2%) percent of the gross area of the TND shall be designated on the Preliminary Development Plan as either Public Civic or Private Civic as indicated below:
- (1) **Publicly owned civic land uses.** A portion of a TND may be required to be conveyed in simple title to the BCC for civic purposes in response to an increase in services or other impacts required concurrent with the development of the TND or by a voluntary commitment by the applicant.
 - (a) **Conveyances.** These conveyances shall be in the form as provided by BCC conditions, and as indicated in the development agreement for a project, as provided in Ord. 91-16, "Palm Beach County Development Agreement Ordinance" as may be amended, and shall meet the Facilities Planning, Design and Construction Department's requirements for civic land acquisition. Conveyance of land for civic sites shall not include land utilized for dry or wet retention for land uses located outside of the civic site.
 - (b) **Land uses.** Publicly owned civic lots shall consist of land uses which are required to provide services to meet Concurrency requirements such as, but not limited to, regional parks, water treatment facilities and fire stations, and services required to mitigate other impacts of the development to service providers such as, but not limited to, public schools or libraries.
 - (c) **Service providers.** The civic dedications for service providers shall be mutually agreed upon by the petitioner and the Facilities Planning Design and Construction Department.
 - (d) **Location.** Civic uses may be located internal or external to a neighborhood proper and the location shall be mutually agreed upon by the petitioner and the Facilities Planning Design and Construction Department.
 - (e) **External civic uses.** Civic uses located external to a neighborhood proper shall comply with the edge buffering requirements for sector land uses.
 - (f) **Property development regulations.** Civic uses shall comply with the regulations in this section and Table 6.8-9, Property Development Regulations. Publicly owned civic lots may also be exempted from a property development, design or Subdivision Planning regulation if the regulation is determined by the Zoning Director to be detrimental to the proper functioning of the civic use.
 - (2) **Privately owned civic land uses.** A minimum of two (2%) percent of the area of each neighborhood proper shall be designated for privately owned civic lots. These civic lots shall consist of land uses which provide services to a neighborhood and are customarily privately owned, operated and allowed in residential zoning districts, such as, but not limited to, day care centers, churches, temples, meeting halls, etc.) see Table 6.8-2, Planned Development District Use Regulation Schedule.
 - (a) **Location.** Private civic lots shall be located adjacent to a neighborhood square or park or on a lot terminating in a street vista;
 - (3) **Neighborhood square.** Every neighborhood shall be provided with a square. The lots surrounding a square shall serve as a focal point for the social life of the neighborhood by providing a neighborhood store, day care center, bus stop (if applicable), and other neighborhood services. A meeting hall shall be constructed within the square's boundaries or fronting the square.
 - (a) **Land use regulations.** The following regulations shall apply to neighborhood squares and land uses fronting the square:

- i) **Central location.** Each neighborhood shall have a neighborhood square which is located within one thousand (1,000) feet of the geographic center of the neighborhood and within a 1,320 feet walk of ninety five (95%) percent of the neighborhood housing;
 - ii) **Size limitations.** The square shall have a minimum lot size of forty three thousand five hundred sixty (43,560) square feet and a maximum size of one hundred forty thousand (140,000) square feet. These minimum and maximum size measurements do not include adjacent street R-O-Ws;
 - iii) **Neighborhood store.** A neighborhood store with a maximum gross floor area of fifteen hundred (1,500) square feet shall be allowed adjacent to one side of the square;
 - iv) **Perimeter.** Squares shall have at least fifty (50%) percent of their perimeter adjacent to street rights-of-way;
 - v) **Through streets.** The square shall be located at the intersection of through streets or other streets which extend beyond the boundaries of the neighborhood proper;
 - vi) **Parking.** Thirty (30%) percent of the neighborhood square may be used for paved parking.
- (b) **Meeting hall.** Every TND shall construct a meeting hall which complies with the following requirements:
- i) **Covenant.** The master developer, his successor or assignee, shall covenant at platting to construct a meeting hall in or fronting the square in each neighborhood;
 - ii) **Construction.** Building shall commence upon the sale or rent of sixty-five (65%) percent of the total lots and units to end users (not sale of lots to a developer for resale);
 - iii) **Gross floor area.** The meeting hall shall contain a room having a gross floor area equivalent to four (4) square feet per residential lot in the neighborhood, or two thousand (2,000) square feet, whichever is greater.
- (c) **Daycare.** A minimum of one (1) civic lot in each neighborhood proper shall be designated for child care.
- (d) **Noncommercial storage area.** The master developer, his successor or assignee shall designate an area for the storage of noncommercially used or operated boats, trucks or recreational vehicles:
- i) **Minimum lot size.** A minimum of one (1) lot, with an area of four thousand two hundred (4,200) square feet or more shall be platted for every neighborhood proper;
 - ii) **Location.** The storage lots may be combined into one area and shall be located within the shopfront, workplace or sector land use zone and shall not abut a residential land use zone along any of the storage area's perimeter; and,
 - iii) **Use.** The use of this storage area is limited to the residents of the TND and shall not be used for commercial purposes.
- d. **Low density residential (LDR) land use zone.** Low density residential land use zones may consist of single family homes, zero lot-line, two unit single family homes, Congregate Living Facilities Type I and customarily allowed accessory uses. This zone is intended to provide areas for single-family housing at a density larger than zero (0) and less than or equal to four (4) dwelling units per acre.
- e. **Medium density residential (MDR) land use zone.** Medium density residential land use zones shall primarily of multiple family buildings with more than two (2) units, including but not limited to: townhomes; apartments; condominiums; etc. and customarily allowed accessory uses. This zone is intended to provide for multiple family and affordable housing at a density greater than four (4) and equal to or less than eight (8) dwelling units per acre.

- f. **High density residential (HDR) land use zone (optional).** High density residential land use zone is an optional zone and is encouraged for TNDs with high underlying land use designations, High Residential eight (HR 8) or higher, on the Comprehensive Plan Land Use Atlas. This land use zone shall consist primarily of multiple family buildings containing apartments, condominiums, or other similar housing types and customarily allowed accessory uses. This zone is intended for a concentrated density of multiple family affordable housing greater than eight (8) and equal to or less than eighteen (18) dwelling units per acre.
- g. **Shopfront and workplace land use zones.** Shopfront and workplace land use zones are intended to provide commercial, professional office and light industrial uses of a community nature to service the surrounding neighborhood proper within the TND.
- (1) **Shopfront.** Shopfront land uses shall consist primarily of retail, professional office and community commercial uses, see Table 6.8-2, Planned Development District Use Regulation Schedule, and shall comply with the following:
- (a) **Residential use.** A minimum of twenty-five (25%) of the gross leasable area of a shopfront building shall be designated for residential use;
 - (b) **Ground floor.** Residential uses are prohibited on the ground floor of a shopfront building; and,
 - (c) **Adjacent shopfront.** Shopfront land uses of adjacent neighborhoods may be located next to each other and designed to function as one commercial land use zone as long as edge area and other buffering and locational criteria may be met.
- (2) **Workplace.** Workplace land uses shall consist of light industrial and professional office uses, see Table 6.8-2, Planned Development District Use Regulation Schedule.
- (3) **Shopfront and workplace.** Shopfront and workplace lots shall comply with the following:
- (a) **Compatibility buffers.** Shopfront and workplace lots shall be separated from residential land use zones and parks at the side or rear lot lines by a compatibility buffer, see Sec. 6.8-A.20.b, Perimeter landscape and edge areas.
 - (b) **Hours of operation.** Shopfront or workplace uses shall not commence business activities (including delivery and stocking operations) prior to 6:00 a.m. nor continue activities later than 11:00 p.m. These operational limitations shall apply to uses in the Town Center and Employment Center sector land use zone unless the uses are three (300) feet or greater from a dwelling unit. Other sector land use zones shall be subject to these regulations as determined by the Zoning Director.
 - (c) **Open storage.** No open storage or placement of any material, refuse equipment or debris shall be permitted in the rear of any structure.
 - (d) **Outdoor speakers.** No outdoor loudspeaker systems shall be permitted.
 - (e) **Roof-top screening.** All roof-top mechanical and electrical equipment shall be screened so as not to be visible from adjacent land uses. The screen shall be opaque and extend from the roof of the building to the full height of the objects being screened.
- h. **Sector land use zones.** Sector land uses shall be specifically requested and justified by the applicant as required by Sec. 6.8.C.3.c.(2), Sector land uses, and approved by the BCC. [Ord. No. 01-01]
- (1) **Town center.** The purpose of the town center is to provide an appropriate place to locate more intensive shopfront uses which are more intensive than is permitted in neighborhood shopfront areas. These uses are intended to serve the TND and the surrounding sector area.
 - (2) **Employment center.** The purpose of the employment center is to provide an appropriate place to locate light industrial or professional office uses which are more intensive than is permitted in a neighborhood workplace area. Employment centers shall provide employment opportunities for the TND and the surrounding sector area.

- (3) **Land uses and locational requirements.**
 - (a) **Through street.** Town centers and employment centers shall be located on the perimeter of a neighborhood proper and separated from the neighborhood by a through street;
 - (b) **Land use mix.** The land use mix for employment centers may consist entirely of professional office or light industrial, or a combination of the above, subject to the finding of the sector analysis justification report;
 - (c) **Residential.** Residential housing is allowed in employment centers only in combination with professional offices. Residential uses shall not be mixed with light industrial uses unless permitted elsewhere in the Unified Land Development Code; and,
 - (d) **Street intersections.** Two (2) or more streets shall connect town or employment uses with adjacent neighborhoods and intersect a through street. The point of intersection of these two connecting streets into a through street shall be a minimum of two hundred (200) feet apart and a maximum of five hundred (500) feet from the neighborhood proper;
 - (1) **Property development regulations.** Sector land uses shall comply with Table 6.8-9, Property Development Regulations. Town center uses shall comply with shopfront, and employment center shall comply with workplace regulations except for maximum lot size, maximum setbacks, maximum lot combinations and maximum percentage of combined lots.
 - (2) **Additional sector land use zones.** Sector land use zones other than town center and employment center may be requested within a TND. These additional sector land use zones shall be graphically indicated on the Preliminary Development Plan and explained and justified in the justification report.
6. **Property development regulations.** The planned development regulations within a TND shall be as listed in Table 6.8-9, Property Development Regulations, for the applicable land use zone, unless otherwise provided in the approved Preliminary Development Plan and the development order.

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**TABLE 6.8-9
TND Property Development Regulations**

Regulation	Open Space/ Recreation	Civic	Low Density Residential
Lot Size in Square Feet	--	4,200 min. none max.	5,500 min.* 8,400 max.
Minimum Lot Width and Frontage	84'	84'	55'*
Minimum Lot Depth	75'	75'	75'
Setbacks: Front Yard	20'	20'	5' min. 20' max.
Street Side Yard	20'	20'	20'
Interior Side Yard	20'	20'	0' and 10' or 5' each side
Rear Yard	20'	20'	20' 5' outbuilding
Maximum Building Height	1 story	3 story	2 story
Maximum Building Coverage	10%	25%*	50%
Maximum Lot Combination	--	--	3
Maximum % Combined Lots	--	--	50%
Outbuilding Permitted	No	No	Yes
Number of Dwelling Units Allowed Per Lot	--	--	1 max.

TABLE 6.8-9 (Continued)
TND Property Development Regulations

Regulation	Medium Density Residential	High Density Residential	Shopfront	Workplace
Lot Size in Square Feet	8,400 min.* 16,800 max	8,400 min.* 16,800 max	4,200 min. 8,400 max.	4,200 min. 8,400 max.
Minimum Lot Width and Frontage	84'*	84'*	42'	42'
Minimum Lot Depth	75'	100'	100'	100'
Setbacks: Front Yard	5' min. 20' max.	20' min. 30' max.	0' min.	0' min.
Street Side Yard	20'	20' min.	0' min.	0' min.
Interior Side Yard	0' and 10' or 7.5' each side	20' min.	0' or greater than 5'	0' or greater than 15'
Rear Yard	20' 5' outbuilding	20' min.	30' min.	30' min.
Maximum Building Height	3 story	4 story*	3 story	4 story
Maximum Building Coverage	50%	50%	50%	50%
Maximum Lot Combination	6	6	5	2
Maximum % Combined Lots	50%	50%	50%	50%
Outbuilding Permitted	Yes	No	No	No
Number of Dwelling Units Allowed Per Lot	3 max.	5	--	--

Notes to TABLE 6.8-9:

* Indicates flexible property development regulations which may deviate from the above stated standards by complying with Sec 6.8.C.3.b.(1), Supplemental regulations. [Ord. No. 01-01]

- a. **Enclosed uses.** Unless otherwise permitted herein, all land uses shall take place entirely within enclosed buildings.
- b. **Building types.** Building types, as well as property development regulations affecting lot design shall meet the requirements of this section and shall further be defined in regulating plan.
- c. **Raised basements.** Raised basements shall not elevate the principal floor more than five (5) feet above the adjacent sidewalk elevation.
- d. **Outbuildings.**
 - (1) **Uses.** Outbuildings shall not exceed two (2) stories in height. The first floor of an outbuilding may be used as a garage, an accessory apartment or as an apartment for the elderly or handicapped, see Sec. 6.4.D.1, Accessory apartments for the elderly and handicapped.

- (2) **Density.** Garage apartments and accessory apartments shall not be considered "dwelling units" for the purpose of calculating maximum allowable density for the TND. However, all housing including these apartments shall satisfy the requirements of the Adequate Public Facilities Ordinance, as may be amended.
 - (3) **Size.** Habitable area in an outbuilding shall not exceed:
 - (a) **Accessory apartment.** In the case of an accessory apartment for the elderly or handicapped, the gross floor area provided in Sec. 6.4.D.1, Accessory apartments for the elderly and handicapped; and, [Ord. No. 01-01]
 - (b) **Garage apartment.** In the case of a garage apartment, five hundred twenty-five (525) square feet of gross floor area.
 - (4) **Parking.** Use of an outbuilding as an apartment shall not increase the minimum on-site parking requirements for a residential lot; and,
 - (5) **Regulating plan.** Property development regulations for outbuildings shall be further restricted in the regulating plan.
- e. **Main entrance.** All buildings, except outbuildings, shall have their main entrance opening to a street or square.
- f. **Permitted encroachments.**
- (1) **Porches.** A porch may encroach a maximum of six (6) feet into front setbacks of fifteen (15) feet or more, excluding corner lots. A porch shall have a minimum depth of six (6) feet and a minimum width of twelve (12) feet. Except for insect screening and supporting columns, a porch shall not be enclosed above three (3) feet measured from the finished floor of the porch.
 - (2) **Roof overhangs.** A perpetual three (3) foot wide maintenance easement shall be provided on a lot adjacent to the property line of an unattached zero lot line building. The easement shall be shown on the plat and incorporated into the Declaration of Restrictive Covenants. Roof overhangs may encroach into the easement up to a maximum of eighteen (18) inches. The roof shall be so designed that water runoff from the zero lot residence shall be diverted from the easement area. With the exception of fences, walls or hedges along the front property line, the maintenance easement shall be kept free of obstructions.
- g. **Windowless building walls.** Building walls placed less than five (5) feet from an interior lot line shall remain windowless. Building walls less than three (3) feet from an interior lot line shall meet the requirements of Sec 6.8.C.6.f.(2) (above), Roof overhangs. [Ord. No. 01-01]
- h. **Colonnades.** Colonnades are encouraged to be used along streets with civic, shopfront or workplace land use. Colonnades may encroach into the street R-O-W up to the edge of the curb. A colonnade shall be a minimum of eight (8) feet in width and have a minimum clear height of ten (10) feet from ground to ceiling.
- i. **Streets and alleys.** The typical design standards for a street, (sidewalks, R-O-W widths, lane widths, landscaping, parking, and turning radius) may deviate from the standard design requirements of Art.8 (Subdivision) by meeting the following requirements and complying with Table 6.8-10, Street Design Standards:
- (1) **Deviations.** The deviations shall be provided in the regulating plan;
 - (2) **Ownership.** The roads shall not be owned or maintained by Palm Beach County, unless a Thoroughfare Plan road;

- (3) **Safety.** The design changes shall not endanger the health, safety, or welfare of the public as determined by the County Engineer.

**TABLE 6.8-10
TND STREET DESIGN STANDARDS**

LAND USE ZONES	STREET R-O-W WIDTH	TRAVEL LANE		MINIMUM CURB RADIUS
		Minimum Number	Minimum Width	
Low Density Residential (LDR)	46' - 50'	2	10'	20'
Medium Density Residential (MDR)	50' - 60'	2	10'	20'
High Density Residential (HDR)	50' - 60'	2	10'	25'
Shopfront	70' - 80'	2	12'	30'
Workplace	71' - 100'	3	11'	30'

Notes to Table 6.8-10:

- Crossing site distance at all intersections shall be in accordance with the minimum requirements of the State of Florida "Manual of Uniform Minimum Standards for the Design, Construction, and Maintenance of Streets and Highways" (FDOT Green Book). Parking and landscaping in the vicinity of all intersections shall be restricted in accordance with the minimum requirements of this Manual.
- Street R-O-W requirements indicate a minimum and a maximum width.
- To establish a range of permitted R-O-W widths.
- Streets serving many blocks, connecting with roads outside of the neighborhood or passing through edge areas, shall not have a road R-O-W less than fifty (50) feet in width.
- Shopfront and Workplace land uses located along a through street shall provide the minimum requirements of this table and may exceed the maximum R-O-W widths.
- The TND street design standards above shall follow the land use with lots having frontage or a side corner to streets. In cases of two or more land uses within apply.

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**TABLE 6.8-11
TND STREETScape DESIGN STANDARDS**

LAND USE ZONES	STREET TREES		MINIMUM SIDEWALK WIDTH	PARALLEL PARKING WIDTH
	Minimum Planting Area	Maximum Avg. Spacing		
Low Density Residential (LDR)	8' x 23' = 184 sq. ft.	50'	5'	8' one side
Medium Density Residential (MDR)	8' x 23' = 184 sq. ft.	50'	7'	8'
High Density Residential (HDR)	8' x 23' = 184 sq. ft.	50'	7'	8'
Shopfront	5' x 8' = 40 sq. ft.	40' or 30'	10'	8'
Workplace	5' x 8' = 40 sq. ft.	40' or 30'	7'	8'

Notes to TABLE 6.8-11:

- 1 Crossing site distance at all intersections shall be in accordance with the minimum requirements of the State of Florida "Manual of Uniform Minimum Standards for the Design, Construction, and Maintenance of Streets and Highways" (FDOT Green Book). Parking and landscaping in the vicinity of all intersections shall be restricted in accordance with the minimum requirements of this Manual.
- 2 "One side" in the chart above indicates that on-street parallel parking shall be provided on one side of the street. Land use zones other than LDR shall provide parallel parking on both sides of the street.
- 3 Minimum landscape planting areas shall be planted with street trees, xeric shrubs and ground covers as provided in Sec. 6.8-C.6.1., Landscape requirements.
- 4 Minimum landscape planting areas may be provided between parallel parking spaces but are not required to be continuous in nature.

[Ord. No. 01-01]

- (4) **Street classification plan.** The street classification plan provided as part of the regulating plan shall incorporate the following general design standards:
 - (a) **Street vistas.** The Preliminary Development Plan shall designate publicly and privately owned civic lots and the general location of a civic building at the terminus of street vistas for all major internal streets, including through streets.
 - (b) **Street connections.** A grid street pattern is encouraged within a TND, therefore cul-de-sacs are not permitted on streets. The maximum length of the circumference of a block shall not exceed one thousand three hundred fifty (1,350) linear feet.
 - (c) **Alleys.** A continuous network of alleys shall connect the rear of lots in all land use zones except the Low Density Residential (LDR) land use zone (Alleys are optional for the low density residential land use zone).

**TABLE 6.8 - 12
ALLEY DESIGN STANDARDS**

ALLEY TYPE	ALLEY WIDTH	TRAVEL LANE		MINIMUM CURB RADIUS	MINIMUM PLANTING AREA
		Minimum Number	Minimum Width		
Residential Alley	24'	1	8'	25'	16'
Commercial Alley	30'	2	10'	25'	10'

Notes to TABLE 6.8-12:

- Residential alleys shall provide access to residential land use zones and commercial alleys shall provide access to all other land use zones. In case of an alley serving residential and non-residential land use zones, a commercial alley shall be provided.
- A clear area of sixteen (16) feet and a clear area of twenty (20) feet, respectively, shall be maintained within residential and commercial alleys to allow unobstructed two-way traffic.
- Residential alleys shall provide eight (8) feet of planting area on both sides of the travel lane. Measuring from the edge of pavement, the first four (4) feet of the planting area on both sides of the travel lane shall be sodded and maintained free of obstructions.
- Commercial alleys shall provide five (5) feet of planting area on both sides of the travel lanes, or if adjacent to a residential land use zone, shall provide ten (10) feet of planting area on the side of the travel land opposite the non-residential uses.

- (5) **Through streets.** Streets serving a neighborhood proper shall reinforce, rather than upset, the social and economic integrity of the community. The street classification system of the regulating plan shall identify and separate higher volume streets, such as arterial and collectors, from streets and alleys which are internal to and serve the neighborhood proper.
 - (a) **Road improvements.** Street trees, bike lanes or paths, and other designated improvements shall be provided on roads indicated as Scenic Corridors, see Sec. 6.8.A.16.c., Road improvements. [Ord. No. 01-01]
 - i) **Thoroughfare map.** Street cross sections commonly used for roads shown on the County Thoroughfare Protection Plan Map do not provide sufficient width to accommodate street trees and bike lanes. Design modifications to these section widths shall be made as required by the Engineering Department;
 - ii) **Location.** A through street shall provide primary access to or border a neighborhood proper, but shall not pass through or divide it; and,
 - iii) **Design.** Through streets bordering or connecting a neighborhood shall provide:
 - a) **Sidewalk.** A sidewalk of not less than six (6) feet in width;
 - b) **Trees.** Shade trees spaced an average distance of fifty (50) feet or less apart on both sides of the street.
 - c) **Bike lanes.** Bike lanes meeting the design standards as established by the Zoning Division and approved by the Engineering Department.

j. Utilities and street lighting.

- (1) **Utilities.** Public utilities shall be constructed underground or along an alley to the rear of a lot.
- (2) **Light standards.** Street lights shall be between eight (8) and fourteen (14) feet in height and equipped with incandescent or metal halide light bulbs. Street lights shall be installed on both sides of streets at no more than one hundred (100) foot intervals. This measurement shall be taken parallel to and along the street. Street lighting for roads indicated on the County Thoroughfare Plan Protection Map shall conform with the requirements of the County Engineer.

k. Parking requirements and access. TNDs shall comply with Sec. 7.2, Off-street parking and loading regulations, Sec. 6.8.A.19, parking requirements and access, and the parking and loading requirements of this section. [Ord. No. 01-01]

- (1) **On-street parking.** The on-street parking spaces immediately abutting a lot shall count toward satisfying:
 - (a) **Visitor.** Minimum visitor parking requirements for residential lots;
 - (b) **Outbuildings.** Parking spaces for outbuildings; and
 - (c) **Other.** Minimum parking requirements for shopfront, workplace, civic and sector land uses.
- (2) **Off-street parking requirements and location.** TNDs shall comply with Sec. 7.2, Off-street parking and loading regulations, Sec. 6.8.A.19, parking requirements and access, and the parking and loading requirements of this section.
 - (a) **Location.** Parking lots shall be located at the rear or side of buildings and shall be buffered from view from adjacent streets by streetwalls or streetedges. Parking spaces shall be located within easy walking distance, three hundred (300) linear feet, of a public entrance or exit of a building. This measurement shall be taken beginning at the perimeter of a parking space and extend along a pedestrian pathway or vehicular paved drive intended for use by pedestrians for entering or exiting the buildings on site from the parking area. (These location requirements shall not apply to grass parking areas or public schools.) [Ord. No. 01-01]
 - (b) **Streetwall.** Land use zones requiring streetwalls to buffer parking lots:
 - (i) Civic;
 - (ii) Shopfront;
 - (iii) Workplace; and,
 - (iv) Sector.
 - (c) **Streetedge.** Land use zones requiring streetedges to buffer parking lots:
 - (i) Open space/recreation;
 - (ii) Low density residential;
 - (iii) Medium density residential; and
 - (iv) High density residential.
- (3) **Individual land use zones.**
 - (a) **Civic use.**
 - (i) **Grass parking.** Parking lots on civic tracts shall be graded, compacted and landscaped, but may be left unpaved, so long as the site receives DRC approval for grass parking by complying with Sec. 7.2, Off-street parking and loading regulations. [Ord. No. 01-01]
 - (ii) **Access.** Parking lot access may be through the frontage, side or rear of the lot.
 - (b) **Low density.**
 - (i) **Access.** Parking spaces may be accessed through the frontage or rear of a lot; and

- ii) **Typical planting requirements.** The inside of a streetwall shall be landscaped with shade trees located between the parking and the wall and the outside with hedges or shrubs. Trees shall be planted at a maximum of thirty (30) feet on center and four (4) feet from the edge of the R-O-W on that portion of the exterior of the streetwall not used as an accessway. Additional minimum planting requirements and plant sizes are found in Sec. 7.3, (Landscaping and buffering) or as otherwise shown in the regulating plan.
- (b) **Streetedge.** A buffer used to define and continue the frontage line along the unbuilt portion of a lot. A streetedge shall have a height of between three (3) feet and five (5) feet and be located on and along the frontage line. It shall consist of a wall, fence, hedge or other suitable materials which meet the standards of the landscape code. A streetedge shall provide no less than fifty (50%) percent opacity.

Amendment History:

[Ord. No. 93-4] [Ord. No. 93-4; February 16, 1993] [Ord. No. 96-28; September 25, 1996]
[Ord. No. 99-37; October 7, 1999] [Ord. No. 01-01; January 18, 2001] [Ord. No. 01-29; August 3, 2001]

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D. MXPDP, Mixed-Use Planned Development District.

1. **Purpose and intent.** The purpose of the MXPDP district is twofold: 1. Promote the design of mixed-use developments for land which has a commercial designation on the Land Use Atlas, see Table 6.8-1, Planned Development District Densities and Corresponding Land Use Categories or a commercial pod designation within a PUD or PIPD; and, 2. Provide for the compatible integration of residential uses and commercial uses into a unified development.

The intent of the MXPDP is to provide for the compatible development and integration of nonresidential uses and residential uses with enlightened and imaginative approaches to community planning, including but not limited to:

- a. the use of vertical or horizontal integration with residential and commercial uses;
 - b. the selection of land uses which encourages internal automobile trip capture and compatibility with residential uses;
 - c. the design of a site development plan which provides for the compatible cohabitation of residential and commercial uses;
 - d. the use of flexible property development regulations;
 - e. the design of safe and efficient circulation systems for pedestrians, bicycles, and automobiles;
 - f. the utilization of multiple family homes to provide a transition area between commercial uses and adjacent residential development; and,
 - g. the incorporation of into the site development plan to connect, buffer and define the various land uses and pods within a MXPDP.
2. **Applicability.** The requirements of this section, Sec. 6.8-A.2, shall apply to all MXPDPs, whether new or amended, within unincorporated Palm Beach County, in accordance with Sec. 1.5. In cases of conflict between this section and other sections of the ULDC, the provisions of this section shall apply to the extent of the conflict.
 - a. **Previous approvals.** Modifications to previously approved mixed-use special exceptions shall comply with the requirements listed above
 3. **Application.** The applicant shall provide a Preliminary Development Plan, a regulating plan, and a justification report. These documents shall comply with Sec. 6.8-A, Planned Development District Regulations, this section, and the requirements listed in the rezoning application form as may be required by PZB to process a Planned Development rezoning or zoning amendment application.
 - a. **Preliminary Development Plan.** A MXPDP shall be governed by a Preliminary Development Plan approved by the BCC which illustrates, in a graphic, written and tabular form, the intensity (gross floor area) and the conceptual design of a MXPDP. The requirements of a Preliminary Development Plan are found below, as specified by the Zoning Director. [Ord. No. 01-01]

- (1) **Development thresholds.** The minimum district size or gross floor area required for a MXPDP may vary according to the district's Comprehensive Plan land use category as indicated in the Table 6.8-13, MXPDP Minimum Thresholds, and the requirements of Sec.6.8-A.2.a.(1), Thresholds. [Ord. No. 99-37]

**TABLE 6.8 - 13
MXPDP MINIMUM THRESHOLDS**

Land Use Category	Minimum Gross Floor Area	Minimum Acreage
Commercial Low Office	20,001	3.01
Commercial Low	20,001	3.01
Commercial High Office	50,001	10.01
Commercial High	50,001	10.01

- (2) **Contiguous land.** MXPDPs shall be developed on contiguous lots or tracts.
- (3) **Density.** The Standard Density and Planned Development Density for a MXPDP shall be as indicated on the Comprehensive Plan Land Use Atlas. In cases where an underlying residential density is not indicated for a commercial land use designation, the Planning, Zoning and Building shall assign a density based upon the residential densities surrounding the proposed MXPDP. See Sec. 6.8-A.3, Residential density and land use categories, for additional density requirements.
- (4) **Pods.** The entire land area of a MXPDP shall be designated as a Mixed-use pod. Land uses shall be grouped into this Mixed-use pod as indicated in Table 6.8-14, MXPDP Mix of Land Uses; and, the standards listed below: [Ord. No. 99-37]
 - (a) **Design intent.** The design of the MXPDP shall comply with the requirements of Sec. 6.8.A.16, Design Objectives, in addition to the following design criteria: [Ord. No. 01- 29]
 - (i) **Land use integration.** The design of a mixed-use pod shall provide for the vertical or horizontal integration of residential and commercial uses. At a minimum, vertical or horizontal integration of land uses shall include streetscape elements (trees, shrubs, benches, etc.) and usable open spaces within a continuous non-vehicular circulation system to provide a transition area between commercial and residential land uses and to encourage non-vehicular circulation. [Ord. No. 01- 29]
 - (ii) **Non-vehicular circulation and internal trip capture.** A continuous non-vehicular circulation system for pedestrians shall be designed and constructed within a MXPDP which provides for safe, efficient, and desirable circulation. MXPDPs shall demonstrate the ability to achieve an internal trip capture concurrent with the build-out of the project, see Sec. 6.8.D.3.b.(2), Transportation program; [Ord. No. 01-01]
 - (iii) **Mix of land uses.** The applicant shall propose a mix of land uses which provide commercial service uses for the MXPDP population and the surrounding communities;
 - (iv) **Recreation.** Recreational opportunities shall be provided to meet the needs of the residential population of a MXPDP in accordance with Article 17, Park and recreation standards and this section;
 - (v) **MXPDPs adjacent to residential land uses.** MXPDPs shall be designed to create a transitional land use area to separate non residential land uses from residential land uses located outside of the MXPDP and to separate intensive residential housing from less intensive residential housing. These transitional land use areas may vary in width based on the adjacent housing type or residential land use category. A transitional land use area is

- required for portions of a MXPDP which are adjacent to land with a residential land use category on the Comprehensive Plan Land Use Atlas.
- a) **Single-family.** MXPDPs adjacent to existing single-family housing or land with a Land Use Atlas designation of medium residential five (MR5) or less shall only provide residential land uses which do not exceed three (3) stories or thirty five (35) feet in height within one hundred (100) feet of the common boundary of the MXPDP and these external residential land uses.
 - b) **Multiple family or institutional.** MXPDPs adjacent to existing multiple family housing or institutional land uses or land with a Land Use Atlas designation of high residential eight (HR8) or higher shall only provide residential land uses within one hundred (100) feet of the common boundary of the MXPDP and the adjacent external residential land uses.
- (vi) The number of free standing commercial buildings (out parcels or lease parcels) with vehicular circulation on four (4) sides of the building shall be limited according to the Comprehensive Plan land use category based upon the following requirements:
- a) **Commercial Low Office and Commercial Low - One (1)** free standing commercial building with circulation on four (4) sides of the building shall be permitted within a MXPDP;
 - b) **Commercial - Two (2)** free standing commercial buildings with circulation on four (4) sides shall be permitted within a MXPDP; and,
 - c) **Commercial High Office and Commercial High - Three (3)** free standing commercial buildings are permitted within a MXPDP.
- (vii) **Architectural design standards.** MXPDPs, shall comply with the architectural design standards of Sec. 6.6.C (Supplementary Regulations--Architectural Compatibility Standards).

**TABLE 6.8 - 14
MXPDP MIX OF LAND USES**

<u>Pod</u>	<u>Minimum</u>	<u>Maximum</u>
1. Mixed-use	100%	—
a. Residential	50%	75%
b. Commercial	See Sec. 6.8.D.5.a.(2).(b)	50%
c. Recreation	110 s.f. area/person	—

Notes to Table 6.8-14:

Minimum and maximum land use percentages indicated above for residential and commercial land uses are calculated by dividing the total gross floor area of a specific land use type (either residential or commercial) by the total gross floor area (residential and commercial) of the MXPDP.

- (5) **Perimeter landscape areas.** Perimeter landscape areas shall be part of a network of connecting open space corridors which comply with Sec. 7.3.F., Perimeter landscape requirements, and the requirements listed below: [Ord. No. 01-01]
- (a) **Required locations.** A perimeter landscape area shall be provided around the entire perimeter of a MXPDP. These landscape areas shall also be located between incompatible land uses. The width, planting requirements, and type of perimeter landscape area shall be provided as determined in Sec. 7.3.F. [Ord. No. 01-01]
- (b) **Type (3) perimeter landscape area.** A type (3) perimeter landscape buffer is required to buffer incompatible land uses within the interior and along the perimeter of the MXPDP. The portion of a perimeter landscape buffer required to be a type (3) depends upon the compatibility of the surrounding land uses and the design of the MXPDP. Residential land uses located outside of a MXPDP shall be buffered from adjacent commercial or other nonresidential development. MXPDPs with residential areas which are not incompatible with adjacent land uses by virtue of site location and design may require less buffering. A recommendation shall be made by PZB to the BCC in the form of a development order condition as to the location and type of perimeter landscape area required for the MXPDP.
- (6) **Design criteria.** MXPDPs shall comply with Sec. 6.8.A.16, Design objectives, and the following:
- (a) **Pedestrian orientation and scale.** MXPDPs shall be pedestrian oriented, physically recognizable and developed at a human scale:
- (i) **MXPDP design.** A MXPDP shall be designed to allow residents to walk to commercial and recreational land uses within 1,320 feet or less. This requirement shall be met by one hundred (100%) percent of the dwelling units; and,
- (ii) **Connections.** All land uses within a MXPDP shall be connected by a continuous non-vehicular circulation system. This system shall be designed with streetscape elements and open spaces to create shade from the sun, visual amenities, and a pedestrian oriented environment; and, [Ord. No. 01-29]
- (b) **Circulation system.** A MXPDP shall be designed with a circulation system based upon a hierarchy of transportation methods. In descending order of importance, the hierarchy shall consider pedestrians as the most important, followed by cyclists, mass transit and automobiles. This system shall be designed to connect and provide access between land uses within the MXPDP and adjacent land uses within the surrounding communities, by complying with Sec. 6.8-E.6.b.(5), Parking requirements and access, and the following:
- (i) **Designation.** A MXPDP shall be designed with a pedestrian and bicycle circulation system; and,
- (ii) **Parking areas.** Parking areas shall be designed to encourage the pedestrian nature of the MXPDP. The types of uses proposed and the location and design of buildings and parking areas shall facilitate a reduction in parking requirements through a sharing of parking spaces.
- b. **Regulating plan.** The regulating plan shall provide a comprehensive graphic and written description of the function and development of the MXPDP by complying with Sec. 6.8.A.8.c., Regulating Plan and including but not limited to:
- (1) **Flexible regulations.** The applicant may request to deviate from certain property development regulations (specifically indicated as flexible regulations) within Table 6.8-21, MXPDP Minimum Setbacks.

- (2) **Transportation program.** The applicant shall provide a transportation program which includes a traffic study demonstrating the ability of the MXPDP to achieve a significant internal trip capture rate concurrent with the build-out of the district; and,
 - (3) **Street and pathway cross-sections.** The applicant shall provide street and pathway cross-sections.
- c. **Land use justification report.** A land use justification report shall be provided to justify and explain the amount of commercial, residential and recreational land uses proposed and describe the methods used to calculate these percentages, including the raw data used (the assumptions made for proposed population counts and employment projections), the analysis procedures and the resulting land use mix recommendations based on projected income levels, housing types, etc. The justification report shall also address the amount, if any, of affordable housing proposed and the following:
- (1) **Commercial pod.** The applicant shall document the breakdown of commercial uses proposed including the amount of commercial service land uses proposed in respect to the population of the MXPDP, (expressed in terms of gross square footage per person). Commercial uses within a MXPDP shall provide, but shall not be limited to, commercial service uses for the residential population of the development;
 - (2) **Recreation areas.** A MXPDP shall be designed with areas designated for usable open space and recreation based on the residential population of the MXPDP. [Ord. No. 01-29]
 - (a) **Recreation report.** A written report shall be submitted as part of the justification report which describes the passive and active recreation available to the residential population of the MXPDP. This report shall include, but is not limited to:
 - (i) The types of passive recreation proposed and a total acreage amount;
 - (ii) The types of active recreation proposed including a list and a cost estimation of the site improvements and a total acreage amount;
 - (iii) The methodology used to calculate the minimum amount of recreation required based on population and the following:
 - a) the requirements of Art. 17, Park and Recreation Standards, and,
 - b) the requirements of this section.In cases of conflict between the recreation requirements of the sections listed above, the stricter regulation shall apply to the extent of the conflict.
 - (iv) The proposed connections (bike lanes, pedestrian paths, etc.) used to connect the land uses.

4. Administration.

- a. **Conditions of approval.** The Development Review Committee and the Zoning Commission may recommend, and the BCC may impose conditions of approval upon the development order to Sec. 6.8.A.17, Action by BCC. [Ord. No. 01-01]
- b. **Development Review Committee (DRC).** Prior to Zoning Commission and following approval by the BCC, the Preliminary Development Plan, elevations or perspectives, regulating plan, and justification report shall be submitted for review and certification by the DRC according to Art. 5, Development Review Procedures and Sec. 6.8-A.14., Action of DRC. Changes to previously approved MXPDPs which exceed the limits of the DRC, shall comply with the modification options contained in Sec. 6.8-A, Planned Development District Regulations,

- c. **Phasing controls and platting.** Each MXP shall be subject to the time limitation and review requirements of Sec. 5.8, Compliance with time limitations, and Sec. 6.8.A.13. Phasing controls and platting, and proceed in a reasonably continuous and timely manner with the MXP development order and the requirements listed below. [Ord. No. 01-01]
- (1) **Recreation areas.** The platting of recreation areas within a MXP shall conform to the requirements of Article 17, Park and Recreation Standards.
- d. **Property owners association.** A property owners association shall be formed to manage the common areas within a MXP concurrent with the recording of the first plat.
5. **Land uses.** Table 6.8-2, (Planned Development District Use Regulations Schedule) indicates the pods and the corresponding land uses allowed within a MXP unless otherwise restricted by conditions included in the development order. MXP land uses are subject to the following provisions:
- a. **Pods.** The entire MXP shall be designated as a Mixed-use pod and shall graphically indicate the location and amount of the following land uses on the Preliminary Development Plan:
- (1) **Recreation.** Recreational land uses shall include passive recreation areas, and active recreation areas. A minimum of one hundred and ten (110) square feet of gross lot area per person (based on the total approved population of the BCC approved dwelling units) for recreational purposes shall be designated on the Preliminary Development Plan. Also, a continuous non-vehicular circulation system shall be indicated to connect the land uses within a MXP. This circulation system may include, but is not limited to, pedestrian paths or sidewalks and bicycle paths or lanes to encourage pedestrian access and non-vehicular circulation. The recreation facilities required by this section are intended for the sole use of the residents and guests of the MXP.;
- (a) **Recreation threshold.** MXPs shall provide the minimum amount of recreation to comply with Article 17, Park and Recreation Standards, and the standards listed below;
- (i) **Optional recreation.** MXPs with a population equal to or less than seventy seven (77) people, (dwelling units x 2.4 = population) shall not be required to provide on site recreational facilities but shall comply with recreation options offered in Article 17, Park and Recreation Standards.
- (ii) **Minimum area.** MXPs with a population larger than seventy seven (77) people shall provide a recreation area equal to one hundred ten (110) square feet of lot area per person and shall comply with the requirement of Article 17, Park and Recreation Standards;
- (b) **Neighborhood parks.** In addition to the requirements of Article 17, Park and Recreation Standards, a MXP may provide neighborhood parks which are mostly passive in nature. If a neighborhood park is proposed, the following design standards shall apply:
- (i) **Minimum area.** A Neighborhood park shall have a minimum area of eight thousand four hundred (8,400) square feet and a minimum lot width and depth of sixty (60) feet;
- (c) **Parking.** Parking spaces are not required for recreation areas within a MXP. However, if parking is provided, a maximum of ten (10%) percent of a recreation area shall be paved for parking.
- (d) **Pedestrian system.** All recreation facilities shall provide a continuous sidewalk or other pedestrian path approved by PZB. This path shall connect the recreational site Improvements (pool, hard surface courts, benches, etc.) to the surrounding MXP continuous non-vehicular circulation system.

- (2) **Mixed-use pod.** This pod is intended to provide residential uses and commercial land uses which are horizontally or vertically integrated into one development, see Table 6.8- 19, MXPDP Mix of Land Uses;
 - (a) **Residential use.** Residential uses within a MXPDP shall be regulated by maximum density and maximum residential gross floor area. A minimum of fifty (50%) percent of the gross floor area on the Preliminary Development Plan shall be designated for residential uses and shall comply with Table 6.8-2, Planned Development District Use Regulations Schedule under the PUD heading for the residential pod; and,
 - (b) **Commercial use.** The minimum required commercial building area is calculated by multiplying the projected population of the MXPDP, (dwelling units X 2.4), by the constant (8.75) which equals the minimum amount of commercial gross square footage required for a MXPDP.
 - (i) **Hours of operation.** Commercial and mixed-use pods shall not commence business activities (including delivery and stocking operations) prior to 6:00 a.m. nor continue activities later than 11:00 p.m. These operational limitations shall apply to all nonresidential land uses within three hundred (300) feet from a dwelling unit.
 - (ii) **Open storage.** No open storage or placement of any material, refuse equipment or debris shall be permitted in the rear of any structure.
 - (iii) **Outdoor speakers.** No outdoor loudspeaker systems shall be permitted.
 - (iv) **Rooftop screening.** All roof-top mechanical and electrical equipment shall be screened so as not to be visible from adjacent land uses. The screen shall be opaque and extend from the roof of the building to a minimum of six (6) inches above the height of the object intended for screening.
6. **Property development regulations.** The property development regulations within a MXPDP shall be as indicated in Table 6.8-15, MXPDP Minimum Dimensions and Building Intensity and Table 6.8-16, MXPDP Minimum Setbacks, for the applicable pod, unless otherwise provided in the approved Preliminary Development Plan or in the MXPDP development order. [Ord. No. 99-37]

**TABLE 6.8 -15
MXPDP MINIMUM DIMENSIONS AND BUILDING INTENSITY**

Land Use Category	Minimum District Dimensions			Maximum FAR	Maximum Building Coverage
	Frontage	Width	Depth		
Commercial Low Office and Commercial Low	100'	100'	150'	.45	.30
Commercial High Office and Commercial High	300'	300'	300'	.85	.40

NOTES to Table 6.8-15:

-Maximum FAR (floor area to lot area ratio) shall include the gross floor area of all buildings (residential and commercial) within the MXPDP including parking garages) and shall be calculated on the net area of the MXPDP. The net area of a MXPDP shall be calculated by subtracting the areas used for parking (spaces, aisles and roads) from the gross area of the MXPDP.

**TABLE 6.8-16
MXPDP MINIMUM SETBACKS**

Land Use Type	Minimum Building Setbacks (ft.) and Separations			
	Front	Side*	Street	Rear*
Residential - Commercial (vertically integrated)	25'	40' - R 15' - C	25'	40' - R 25' - C
Commercial (horizontal integration)	25'	40' - R 15' - C	25'	50' - R 20' - C

NOTES to TABLE 6.8-16:

C - Abutting non-residentially zoned lot.

R - Abutting residentially zoned lot.

* Indicates that the regulation is flexible and may be modified by complying with Sec. 6.8.A.4., Regulating Plan.

- Setbacks shall be measured from perimeter property lines, perimeter landscape areas, canal rights of way, residential access streets and road rights of way.
- Separations shall apply to the proximity of one building (residential to residential, commercial to commercial) to another.
- Recreation buildings and other structures allowed within a MXPDP which are not considered accessory structures or residential uses shall comply with the setback and separation requirements of this section.
- The building setbacks indicated above are based on a maximum building height of thirty five (35) feet. All structures exceeding thirty five (35) in height shall provide the applicable setback stated in Table 6.8-21, above, and an additional setback of one (1) horizontal foot for each one (1) vertical foot of building exceeding thirty five (35) feet in height.
- Horizontally integrated residential land uses shall comply with Sec. 6.5, Property Development Regulations, for the RM-Residential Multiple Family District and Sec. 6.4, Use regulations and Definitions, for the applicable housing type.
- Residential building setbacks and separations shall be measured from the inside edge of all perimeter landscape areas and from the proximity of one building to another. Commercial buildings and vertically integrated building setbacks and separations shall be measured from perimeter property lines and the proximity of one building to another.

[Ord. No. 01-01]

- Residential uses.** Residential land uses shall comply with the following requirements and property development regulations of Sec. 6.8-B, PUD:
 - Sec. 6.8.B.6.b.(1)(a), residential accessory uses and structures; and, **[Ord. No. 01-01]**
 - Sec. 6.8-B.7 (entire section), property development regulations.
- Commercial uses.** Commercial uses shall comply with the regulations in Table 6.8-15, MXPDP Minimum Dimensions and Building Intensity and Table 6.8-16, MXPDP Minimum Setbacks and the requirements of this section. **[Ord. No. 01-01]**

c. **Road improvements.** The BCC may condition a MXPDP to provide certain road improvements within the road right of way or elsewhere within a MXPDP, in addition to the land development improvements required for the subdivision or platting of land. These conditional improvements are intended to forward certain goals of the Plan such as: assuring the public health, safety and welfare; facilitating non-vehicular circulation; implementing the linked Open Space, Scenic Corridor and other applicable County programs; and improving the neighborhood aesthetics. These conditional right-of-way improvements may include, but are not limited to street lighting, median landscaping, street trees, underground utilities, and bike lanes. See Sec. 6.8.A.16.c, Road improvements. **[Ord. No. 01-01]**

d. **Parking requirements and location.** MXPDPs shall comply with Sec. 7.2, Off-street parking and loading regulations, Sec. 6.8.A.19., parking requirements and access, and the parking and loading requirements below.

(1) **Location.** A minimum of twenty five (25%) percent of parking shall be located within the side or rear setback of a building.

(2) **Parking agreements.** Property owners within a MXPDP shall record cross-access and shared-parking agreements with adjacent lot owners if required by PZB.

[Ord. No. 01-01]

e. **Landscape requirements.** A MXPDP shall be landscaped according to Sec. 7.3 (Landscaping and buffering), this section, the conditions on the development order or final site plan/final subdivision plan and the regulating plan.

[Ord. No. 93-4] [Ord. No. 99-37]

Amendment History:

[Ord. No. 93-4; February 16, 1995] [Ord. No. 99-37; October 7, 1999] [Ord. No. 01- 01; January 18, 2001]

[Ord. No. 01- 29; August 3, 2001]

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E. MUPD, Multiple Use Planned Development

1. **Purpose and intent.** The purpose of the MUPD district is twofold: 1. to promote the design of unified, multiple use developments for land which has a rural residential 10, commercial, industrial, or commercial recreation designation on the Land Use Atlas, see Table 6.8-1, Planned Development District Densities and Corresponding Land Use Categories; and, 2. to provide for the efficient use of land by the integration of multiple uses within a single development.

The intent of the MUPD is to provide for the development of multiple nonresidential uses with enlightened and imaginative approaches to community planning, including but not limited to:

- a. allowing flexibility of certain property development regulations;
 - b. applying certain property development regulations to the entire MUPD rather than individual lots, such as but not limited to:
 - (1) access;
 - (2) parking;
 - (3) lot size and dimensions;
 - (4) lot frontage; and,
 - (5) landscaping.
 - c. Designing for architectural compatibility between land uses for buildings and signage.
2. **Applicability.** The requirements of this section shall apply to all MUPDs, whether new or amended, within unincorporated Palm Beach County and shall comply with Sec. 6.8-2, and in accordance with Sec. 1.5., In cases of conflict between this section and other sections of the ULDC, the provisions of this section shall apply to the extent of the conflict.
 3. **Previous approvals.** Modifications to previously approved Planned Neighborhood Commercial Developments, Planned General Commercial Development, Large-scale community or regional shopping centers (thirty thousand (30,000) square feet or fifty thousand (50,000) square feet of total floor area or more), Planned Office Business Park, and Planned Industrial Development special exceptions shall be consistent with the character of the land uses approved for the area and shall comply with the following regulations: [Ord. No. 99-37]
 - a. **Modifications of special exceptions.** Applications for modifications to the special exceptions listed above shall comply with Sec. 1.5, Exemptions: Effect of code and amendments on previously approved development orders; and,
 - b. **Modifications of Planned Developments.** Applications for modification of Planned Developments shall comply with the application and procedural requirements of Sec. 6.8-A, Planned Development Regulations.
 4. **Application.** The applicant shall provide a Preliminary Development Plan, and a regulating plan. These documents shall demonstrate compliance with Sec. 6.8-A, Planned Development District Regulations, this section, the requirements listed in the rezoning application form and other requirements, as may be required by PZB to process a rezoning or zoning amendment application.

a. **Preliminary Development Plan.** A MUPD shall be governed by a Preliminary Development Plan approved by the BCC which illustrates, in a graphic, written and tabular form, how the MUPD is designed and phased. The requirements of a Preliminary Development Plan are found below and as specified by the Zoning Director. [Ord. No. 01- 01]

(1) **Minimum development thresholds.** The minimum development thresholds of minimum lot area and minimum building square footage for a MUPD may vary according to the MUPDs Comprehensive Plan land use category as indicated in Table 6.8-17, MUPD Minimum Development Thresholds. [Ord. No. 97-14]

**TABLE 6.8-17
MUPD MINIMUM DEVELOPMENT THRESHOLDS**

Land Use Category	Minimum Gross Floor Area	Minimum Acreage
RR 10	50,001	15.00
Commercial Low Office	20,001	3.01
Commercial Low	20,001	3.01
Commercial High Office	50,001	10.01
Commercial High	50,001	10.01
Industrial	100,001	20.01
Commercial Recreation	100,001	10.01

- (2) **Contiguous land.** MUPDs shall be developed on contiguous lots or tracts.
- (3) **Future Land Use Atlas.** MUPDs correspond to the land use categories indicated in Table 6.8-1, Planned Development District Densities and Corresponding Land Use Categories.
- (4) **Design intent.** The design of the MUPD shall comply with the requirements of Sec. 6.8.A.16, Design Objectives, in addition to the following design criteria: [Ord. No. 01- 01]
 - (a) **Non-vehicular circulation system.** A continuous circulation system for pedestrians and bicycles shall connect all of the land uses within a MUPD to encourage non-vehicular circulation; and, at a minimum, shall include streetscape elements (trees, shrubs, benches, etc.) and usable open space. [Ord. No. 01- 29]
 - (b) **The number of free standing commercial buildings with vehicular circulation on four (4) sides of the building shall be limited according to the Comprehensive Plan land use category based upon the following requirements:**
 - i) Rural Residential 10 or 20 - One (1) free standing commercial building is permitted within a MUPD;
 - ii) Commercial Low Office and Commercial Low - One (1) free standing commercial building is permitted within a MUPD;
 - iii) Commercial High Office and Commercial High - Three (3) free standing commercial buildings are permitted within a MUPD;
 - iv) Industrial - Two (2) free standing commercial buildings are permitted within a MUPD; and,
 - v) Commercial Recreation - Three (3) free standing commercial buildings are permitted within a MUPD.
 - (c) **Architectural design standards.** MUPD submittals for development order approvals, especially building permits, shall comply with the architectural design standards of Sec. 6.6.C (Supplementary Regulations Architectural Compatibility Standards).

- (5) **Perimeter landscape areas.** Perimeter landscape areas shall comply with Sec. 7.3.F., Perimeter landscape requirements and the requirements listed below: [Ord. No. 01- 01]
- (a) **Required locations.** A perimeter landscape area shall be provided around the entire perimeter of a MUPD. The width, planting requirements, and type of perimeter landscape areas provided around a MUPD shall be as determined in Sec. 6.8-A.22.b, and below.
- (b) **Type (3) perimeter landscape area.** A type (3) perimeter landscape area is required to buffer incompatible land uses outside the MUPD. The portion of a perimeter landscape area required to be a type (3) depends upon the compatibility of the surrounding land uses and the design of the MUPD. Adjacent residential land uses shall be buffered from a MUPD by a type (3) perimeter landscape area. MUPDs adjacent to nonresidential land uses which are not incompatible may require less buffering. A recommendation shall be made by PZB to the BCC as a development order condition as to the location and planting requirements of perimeter landscape areas required for the MUPD. [Ord. No. 99-37]
- (6) **Pedestrian orientation and scale.** MUPDs shall be pedestrian oriented, and developed at a human scale.
- (a) **Connections.** Land uses shall be connected by pedestrian paths or sidewalks, and bicycle paths or bicycle lanes; and,
- (b) **Pedestrian and bicycle accessory facilities.** MUPDs shall provide facilities for seating, bicycle parking, etc. to encourage non-vehicular on-site circulation.
- (7) **Circulation system.** MUPDs shall be designed with a circulation system based upon a hierarchy of transportation methods. In descending order of importance, the hierarchy shall consider pedestrians as the most important, followed by cyclists, mass transit and automobiles. This system shall be designed to connect and provide access between land uses within the MUPD and directly adjacent to the MUPD. MUPDs shall comply with Sec. 7.2.C., Off-street parking, and the types of uses proposed and the location and design of buildings and parking areas shall facilitate a reduction in parking requirements through a sharing of parking spaces. [Ord. No. 01- 01]
- b. **Regulating plan.** The regulating plan shall provide a comprehensive graphic and written description of the function and development of the MUPD, including but not limited to flexible property development regulations, a transportation program, and street and pathway cross-sections. See Sec. 6.8-A.4, Regulating plan, for additional requirements. [Ord. No. 01- 01]
- (1) **Flexible regulations.** The developer may request to deviate from certain property development regulations (specifically indicated as flexible regulations) within Table 6.8 -18, MUPD Property Development Regulations. [Ord. No. 97-14]

5. Administration.

- a. **Conditions of approval.** The DRC and the ZC may recommend, and the BCC may impose conditions of approval upon the development order according to Sec. 6.8-A.17., Action by BCC. [Ord. No. 01- 01]
- b. **Development Review Committee (DRC).** Following approval by the Board of County Commissioners, the Preliminary Development Plan and regulating plan shall be submitted for review and certification by the DRC according to Art. 5, Development Review Procedures and Sec. 6.8-A.14., Action by DRC. Changes to previously approved MUPDs which exceed the limits of the DRC shall comply with the modification options contained in Sec. 6.8-A, Planned Development District Regulations, or Sec. 5.7, Variances.

- c. Phasing controls and platting.** Each MUPD shall be subject to the time limitation and review requirements of Sec. 5.8., Compliance with time limitations, and Sec. 6.8.A.13., Phasing controls and platting and shall proceed in a reasonably continuous and timely manner. [Ord. No. 01- 01]
- d. Property owners association.** A property owners association shall be formed to manage the common areas concurrent with the recording of the first plat with the Clerk of the Court.
- 6. Land uses.** Table 6.8-2 (Planned Development District Use Regulations Schedule) indicates the pods and the corresponding land uses unless otherwise restricted by conditions included in the development order.
- a. Pods.** MUPDs shall provide one of the following pods depending upon the project's Comprehensive Plan land use category.
- (1) **Commercial pod.** A commercial pod is intended to provide service, retail and professional office uses, see Table 6.8-2, Planned Development District Use Regulation Schedule.
 - (2) **Industrial pod.** An industrial pod is intended to provide light industrial uses, see Table 6.8-2, Planned Development District Use Regulation Schedule.
 - (3) **Commercial recreation pod.** A commercial recreation pod is intended to provide multiple recreational uses, see Table 6.8-2, Planned Development District Use Regulation Schedule.
 - (4) **Commercial agricultural.** A commercial agricultural pod is intended to provide multiple agricultural support uses, see Table 6.8-2, Planned Development District Use Regulation Schedule.
- b. Supplemental use regulations.** All land uses within a MUPD shall comply with the requirements listed below unless specifically allowed by condition within the development order.
- (1) **Open storage.** No open storage or placement of any material, refuse equipment or debris shall be permitted in the rear of any structure.
 - (2) **Outdoor speakers.** No outdoor loudspeaker systems shall be permitted.
 - (3) **Roof-top screening.** All roof-top mechanical and electrical equipment shall be screened so as not to be visible from adjacent land uses. The screen shall be opaque and extend from the roof of the building to the full height of the objects being screened.
- 7. Property development regulations.** The property development regulations within a MUPD shall be as indicated in Table 6.8-18, (Property Development Regulations) for the applicable pod; unless otherwise specifically provided in the approved Preliminary Development Plan or in the MUPD development order. The following shall apply.
- a. maximum 20% deviation from the minimum district dimensions only; and
 - b. the deviation shall only be allowed if the proposed MUPD includes the recombination of two (2) or more parcels of land.
- [Ord. No. 97-14] [Ord. No. 97-64] [Ord. No. 99-37]

**TABLE 6.8-18
MUPD PROPERTY DEVELOPMENT REGULATIONS**

Land Use Atlas Designation	Minimum District Dimensions			Maximum FAR	Maximum Building Coverage	Minimum Building Setbacks (ft.)			
	Size	Width	Depth			Front	Side*	Street	Rear*
Commercial Low	3 ac.	200'	250'	.35	.25	25'	C - 15' R - 30'	25'	C- 20' R - 30'
Commercial High/ Institutional	5 ac.	300'	300'	.50	.30	30'	C - 15' R - 30'	30'	C- 20' R - 30'
Commercial Low Office	3 ac.	200'	250'	.35	.25	25'	C - 15' R - 30'	25'	C- 20' R - 30'
Commercial High Office	5 ac.	300'	300'	.50	.30	30'	C - 15' R - 30'	30'	C- 20' R - 30'
Industrial	5 ac.	300'	300'	.45	.45	30'	C - 15' R - 40'	30'	C- 20' R - 40'
Commercial Recreation	5 ac.	300'	300'	.50	.30	30'	C - 15' R - 40'	30'	C- 20' R - 40'
Rural Residential 10	10 ac. or 20 ac.	300'	300'	.15	.10	50'	C - 50' R- 100'	50'	C- 50' R-100'

NOTES to TABLE 6.8-18:

C - Indicates the building setback if the lot abuts a non-residentially zoned or designated lot.

R - Indicates the building setback if the lot abuts a residentially zoned or designated lot.

* Indicates that the property development regulation is flexible and may be modified by complying with Sec. 6.8.B.4.b, Regulating plan.

1 The building setbacks indicated above are based on a maximum building height of thirty-five (35) feet. All structures exceeding thirty-five (35) feet in height shall provide the applicable setback stated in Table 6.8-18, MUPD Property Development Regulations, and an additional setback of one (1) horizontal foot for each one (1) vertical foot of building exceeding thirty-five (35) feet in height.

2 Building setbacks shall be measured from the perimeter property lines.

[Ord. No. 01- 01]

c. **Road improvements.** The BCC may condition a MUPD to provide certain road improvements within the road right of way, in addition to the land development improvements required for the subdivision or platting of land. These conditional improvements are intended to forward certain goals of the Plan such as: assuring the public health, safety and welfare; facilitating non-vehicular circulation; implementing the linked Open Space, Scenic Corridor and other applicable County programs; and improving the neighborhood aesthetics. These conditional road improvements may include, but are not limited to street lighting, median landscaping, street trees, underground utilities, and bike lanes. See Sec. 6.8.A.16.c, Road improvements. [Ord. No. 01- 01]

d. **Parking requirements and access.** MUPDs shall comply with Sec. 7.2, Off-street parking and loading regulations, Sec. 6.8.A.19, parking requirements and access, and the parking and loading requirements below. [Ord. No. 01- 01]

- (1) **Parking agreements.** Property owners within a MUPD shall record cross-access and shared-parking agreements with adjacent lot owners if sanctioned by PZB; and,
- e. **Landscape requirements.** A MUPD shall be landscaped according to Sec. 7.3, Landscaping and buffering, the requirements of this section, the conditions on the development order or final site plan/final subdivision plan, and the regulating plan.

Amendment History:

[Ord. No. 93-4; February 16, 1993] [Ord. No. 95-24; July 24, 1995] [Ord. No. 97-14; May 23, 1997]
[Ord. No. 97-64; December 24, 1997] [Ord. No. 99-37; October 7, 1999] [Ord. No. 01-01; January 18, 2001]

F. PIPD, Planned Industrial Park Development.

- 1. Purpose and intent.** The purpose of a PIPD is to offer an industrial development alternative which: provides employment opportunities; and, encourages internal automobile trip capture by offering justifiable amounts of commercial and residential uses.

The intent of the PIPD is to promote the design of planned industrial developments which provide enlightened and imaginative approaches to community planning and site design. These approaches, include but are not limited to:

- a. The preservation of natural features, scenic areas and native vegetation;
 - b. The promotion of efficient and economical industrial land use districts;
 - c. The encouragement of industrial linkages by process, product, or service;
 - d. The provision of on-site essential services for industries, employees, and clients;
 - e. The protection of nearby existing and future non-industrial land uses and activities;
 - f. The arrangement of buildings and land use intensities, as they relate to surrounding land uses to minimize and mitigate negative impacts;
 - g. The location of the PIPD near convenient access to transportation facilities such as interstate highways, major trucking routes, shipping and/or railroad lines; and,
 - h. The encouragement of industrial expansion to the County's economic base through new investment.
- 2. Applicability.** The requirements of this section, Sec. 6.8-A.2, and Sec. 1.5, shall apply to all PIPDs, whether new or amended, within unincorporated Palm Beach County. In cases of conflict between this section and other sections of the ULDC, the provisions of this section shall apply to the extent of the conflict.
- 3. Previous approvals.** Modifications to previously approved PIPDs shall comply be consistent with the character of the land uses approved for the area and shall comply with the requirements of Sec. 1.5, and the applicability section above.
- 4. Application.** The applicant shall provide a Preliminary Development Plan, a regulating plan and a justification report. These documents shall demonstrate compliance with Sec. 6.8, Planned Development District, this section and other information as may be required by PZB to process a rezoning or zoning amendment.
- a. **Preliminary Development Plan.** A PIPD shall be governed by a Preliminary Development Plan approved by the BCC which illustrates, in a graphic, written and tabular form, how the PIPD is designed and phased. The requirements of a Preliminary Development Plan are found below and as specified by the Zoning Director. [Ord. No. 01- 01]

- (1) Development threshold.** The minimum area for a PIPD shall be fifty (50) acres.

- (2) **Contiguous land.** PIPDs shall be developed in contiguous lots or tracts. Land may be added to a PIPD provided the land is contiguous and the resulting project meets the intent of Sec. 6.8, Planned Development District Regulations and this section.
- (3) **Density.** The minimum development density, standard development density and planned development density for a PIPD shall be the underlying residential land use category as indicated on the Comprehensive Plan Land Use Atlas. Parcels of land with an industrial land use category and no underlying residential land use category shall be assigned a residential land use category by the Planning Division. The Planning Division shall base the assignment of a residential land use category upon the density of the land surrounding the proposed PIPD. Sec. 6.8-A.3, Residential density and land use categories, contains additional density and land use requirements.
- (4) **Pods.** PIPDs are allowed limited flexibility in establishing the proper mix of uses. Land uses shall be grouped into pods which limit and define the types of uses within a specific area of a PIPD, see Sec.6.8-G.5, Use regulations. The amount and type of each pod may vary depending upon: the results of Sec. 6.8-G.4.c, Land use justification report; the requirements of Table 6.8-19, PIPD Mix of Land Uses; and the standards listed below: **[Ord. No. 01-01]**
- (a) **Design intent.** The design of the PIPD shall comply with the requirements of Sec. 6.8.A.16, Design objectives, in addition to the following: **[Ord. No. 01-01]**
- i) **Industrial land uses.** A PIPD shall be a predominantly industrial development;
 - ii) **Perimeter landscape areas.** Perimeter landscape areas shall accommodate native vegetation preservation and protection and provide, buffering and green areas, see Sec. 7.3.F, Perimeter landscape requirements; **[Ord. No. 01-01]**
 - iii) **Sector planning area (optional).** PIPDs have the option of providing limited commercial and residential uses subject to the complying with the following requirements:
 - a) **PIPD district.** The amount of residential and commercial uses shall be based on the amount of jobs created (work force) by the industrial uses within the PIPD and the availability of the types of housing needed for the projected work force.
 - b) **Land use balance.** The amount of residential and commercial uses proposed shall be based on lessening land use imbalances within a sector area, including but not limited to, employment, affordable housing, and retail or commercial service uses, see Sec. 6.8.F.6.a.(3), Sector land uses; **[Ord. No. 01-01]**
 - c) **Commercial land uses.** Commercial land uses may be proposed singularly (without a residential pod) based on the needs of the projected work force or in conjunction with a residential pod based on the needs of the projected work force and the residential population;
 - d) **Internal trip capture.** PIPDs with commercial, mixed-use, or residential pods shall demonstrate the ability to achieve a significant internal trip capture concurrent with the build-out of the PIPD;
 - e) **Mix of land uses.** PIPDs shall provide a balanced mix of land uses to provide for the needs of the PIPD's residential population (if proposed) and the projected work force;
 - f) **Recreation.** PIPDs with a residential population shall provide recreation to meet the needs of the residential population (see Sec. 6.8-G.6.a.); and,
 - g) **Transitional land uses.** Housing or recreational land uses shall be located between the PIPD and adjacent residential uses outside of the PIPD, as determined by PZB to provide a transitional area between on-site nonresidential uses and adjacent residential land uses.
- (5) **Land use mix.** Table 6.8 - 19, PIPD Mix of Land Uses, indicates the range of each pod required for a PIPD. **[Ord. No. 97-14]**

**TABLE 6.8-19
PIPD MIX OF LAND USES**

<u>Pods</u>	<u>Minimum</u>	<u>Maximum</u>
1. Industrial	55%	100%
a. Light	20%	100% *
b. General	--	50% *
2. Commercial	--	[see Sec. 6.8-G.6.(4)(b)]
3. Residential	--	20% [see Sec. 6.8-G.6.(4)(a)]
4. Recreation	110 s.f. area/person	-- [see Sec. 6.8-G.6.a.(1)]

* Percent of total Industrial land uses

- (6) **Perimeter landscape areas.** Perimeter landscape areas shall be part of a network of connecting open space corridors which comply with Sec. 7.3.F., Perimeter landscape requirements, and the requirements listed below: [Ord. No. 01-01]
- (a) **Required locations.** A perimeter landscape area shall be provided around the entire perimeter of a PIPD. If general or light industrial uses abut the perimeter of the PIPD, a minimum twenty five (25) feet wide Type (3) perimeter landscape area shall be provided. Landscape areas shall also be located between incompatible land uses and pods. The width, planting requirement, and type of perimeter landscape areas provided within or around a PIPD shall be as determined in Sec. 6.8-A.22.b, and below:
- (b) **Type (3) perimeter landscape area.** A Type 3 perimeter incompatibility buffer is required to buffer incompatible pods and land uses. The portion of a perimeter landscape buffer required to be a Type 3 buffer depends upon the compatibility of the surrounding land uses and the design of the pods. Commercial and industrial land uses shall be buffered from surrounding residential development. A recommendation shall be made by PZB to the BCC as a development order condition as to the type and the location of perimeter landscape areas based on the surrounding land uses, Sec. 7.3.F, the proposed site design, and Tables 7.3-4 Width of R-O-W Buffer, 7.3-5 Incompatibility Buffer Types, and 7.3-5A, Minimum Required Incompatibility Buffers. [Ord. No. 01-01]
- (7) **Pedestrian orientation and scale.** PIPDs with residential or commercial sector pod shall be pedestrian oriented, and developed at a human scale. Sector pods shall comply with the following design standards:
- (a) **Size and shape.** PIPD sector areas with a residential pod shall be limited in size and shape to allow residents to walk from residential to commercial service uses within 1,320 feet or less. This requirement shall be met by ninety five (95%) percent of the housing units within the PIPD;
- (b) **Connections.** A PIPD's residences, shopping, employment and recreational uses shall be connected by a continuous non-vehicular circulation system.

- (8) **Parking areas.** PIPDs with commercial, mixed-use, or residential land uses shall design the buildings and parking areas within these pods to facilitate a reduction in parking through a sharing of spaces. Also, parking areas within sector pods shall be designed to encourage the pedestrian nature of the PIPD.
- b. **Regulating plan.** The regulating plan shall provide a comprehensive graphic and written description of the function and development of the PIPD, including but not limited to flexible property development regulations, a transportation program, and street and pathway cross-sections. See Sec. 6.8.A.7.e., Regulating plan, for additional requirements. [Ord. No. 97-14]
- (1) **Flexible regulations.** The applicant may request to deviate from certain property development regulations (specifically indicated as flexible regulations) within Table 6.8 - 22, PIPD Minimum Building Setbacks or Separations. [Ord. No. 97-14]
- (2) **Transportation program.** The applicant shall provide a transportation program which complies with Sec. 6.8.A.4, Regulating plan, and the following: [Ord. No. 01- 01]
- (a) **Circulation system.** The PIPD shall be designed with a circulation system based upon a hierarchy of transportation methods. In descending order of importance, the hierarchy shall consider pedestrians as the most important, followed by cyclists, mass transit and automobiles. This system shall be designed to connect and provide access between different land uses within and outside the PIPD.
- (b) **Internal trip capture.** If sector land uses are proposed, the traffic study shall include information demonstrating the ability of the PIPD to achieve a significant internal trip capture rate concurrent with the build-out of the PIPD. A minimum internal trip capture rate may be conditioned by the BCC by a development order condition;
- c. **Land use justification report.** PIPDs with sector land uses shall provide a land use justification report to justify and explain the amounts of these uses and recreational land uses proposed and describe the methods used to calculate the proposed land use amounts, including the raw data used (the assumptions made for proposed population counts and projected employment) and the analysis procedures. The justification report shall also address the amount, if any, of affordable housing proposed and the following.
- (1) **Commercial pod.** The Land use justification report shall state the amount (acreage and gross floor area) of commercial land uses proposed. The amount of commercial uses within a PIPD shall be based upon the residential population and the work force of the PIPD;
- (2) **Boundaries.** A map showing the boundaries of the PIPD sector planning area and justification for these boundaries. A sector shall be comprised of census tracts and follow census boundaries. The composition of the tracts may vary, and one or more tracts may be used in a sector; and,
- (3) **Recreation.** PIPDs with a residential population (dwelling units x 2.4) greater than seventy seven (77) people shall designate a recreation area based on the population of the PIPD .
- (a) **Recreation report.** A written report shall be submitted as part of the justification report which describes the passive and active recreation proposed for the PIPD. This report shall include, but is not limited to:
- i) The types of passive recreation areas and a total acreage amount;
- ii) The types of active recreation areas, including a list of proposed site improvements, estimated costs, and a total acreage amount;
- iii) The methodology used to calculate the minimum amount of recreation required based on the residential population of the PIPD and the following:
- a) The requirements of Art. 17, Park and Recreation Standards; and, [Ord. No. 01- 01]

- b) The requirements of this section.
In cases of conflict between the recreation requirements of the sections listed above, the stricter regulation shall apply to the extent of the conflict.
- iv) The linkages (bike lanes, pedestrian paths, etc.) used to connect the recreation areas with housing.

5. Administration.

- a. **Conditions of approval.** The BCC may impose conditions of approval upon the development order to assure the intent of this section is satisfied and that the public health, safety and welfare are provided, see Sec. 6.8.A.17. Action by BCC. [Ord. No. 01-01]
 - a. **Development Review Committee (DRC).** Following approval by the BCC, the Preliminary Development Plan, regulating plan, and justification report shall be submitted for review and certification by the DRC according to Art. 5, Development Review Procedures, and Sec. 6.8-A. Changes to previously approved PIPDs which exceed the limits of the DRC shall comply with the modification options contained in Sec. 6.8-A, Planned Development District Regulations.
 - b. **Phasing controls and platting.** PIPD shall be subject to the time limitation and review requirements of Sec. 5.8., Compliance with time limitations and Sec. 6.8.A.13, Phasing controls and platting and shall proceed in a reasonably continuous and timely manner. See Art. 17, Park and Recreation Standards, for recreation phasing requirements. [Ord. No. 01-01]
 - c. **Property owners association.** A property owners association shall be formed to manage the common areas concurrent with the recording of the first plat with the Clerk of the Circuit Court.
6. **Use regulations.** Table 6.8-2, (Planned Development District Use Regulations Schedule) indicates the pods and the corresponding land uses unless otherwise restricted by conditions included in the development order. PIPD land uses are subject to the following provisions:

- a. **Pods.** The PIPD shall be divided into the following pods to indicate the proposed land uses.
 - (1) **Recreation (if a residential pod is proposed).** PIPDs with a residential sector pod shall provide recreational land uses based on the population of the PIPD.
 - (a) **Recreation area.** PIPDs shall provide the minimum amount of recreation to comply with Art. 17, Park and Recreation standards, Table 6.8-19, PIPD Mix Of Land Uses, and this section. These recreation areas shall be connected to residential housing by a continuous non-vehicular circulation system which shall include but is not limited to, pedestrian paths or sidewalks and bicycle paths or bicycle lanes and driveways to encourage pedestrian access and other non-vehicular circulation. The recreation requirements of this section are intended for use by the residents of a PIPD and their guests; [Ord. No. 01-01]
 - i) **Minimum area.** PIPDs of seventy seven (77) people or more shall provide recreation areas in accordance with Art. 17;
 - ii) **Location.** Recreation areas shall be located so that ninety five (95%) percent of the housing is located within a distance of six hundred (600) feet;
 - iii) **Parking.** Parking is not required for recreational uses. However, if parking is proposed, a maximum of ten (10%) percent of the gross lot area of a recreation site shall be paved for parking.
 - (2) **Industrial pod.** An industrial pod is intended to provide areas for light industrial and general industrial uses, see Table 6.8-2, Planned Development District Use Regulation Schedule.

- (3) **Sector land uses.** Sector land uses shall be specifically requested and justified by the applicant as required by Sec. 6.8-G.4.c, Land use justification report and approved by the BCC.
- (a) **Residential pod.** A residential pod is intended to provide areas for residential housing to aid in accommodating the work force of a PIPD. A Residential pod within a PIPD shall comply with the following regulations:
- i) **Table 6.8-2, Planned Development District Use Regulations Schedule.** Land uses within a residential pod shall comply with the requirements of Table 6.8-2 under the PUD heading for the residential pod.
 - ii) **Residential uses.** A residential pod shall comply with the following regulations of Sec. 6.8-B, PUD:
 - a) Sec. 6.8.B.1, the purpose and intent section of the PUD (except for the civic requirement);
 - b) Sec. 6.8.B.6.a.(3), and (4), residential pods shall be designated by the Preliminary Development Plan as one or more of the following residential pod types: low density, medium density or high density. Also, a PIPD residential pod may request an optional residential pod designation; and,
 - c) Sec. 6.8-B.6.b.(1)(a), residential accessory uses and structures.
- [Ord. No. 01- 01]**
- (b) **Commercial pod.** A commercial pod is intended to provide commercial service, retail and professional office uses to serve the needs of the population and work force within a PIPD. A commercial pod within a PIPD shall comply with the following regulations:
- i) **Location.** Commercial pods shall be located and designed for the convenience of the PIPD's residents and work force. Commercial pods shall not have vehicular access from an arterial or collector that is not part of the interior circulation system of the PIPD. No commercial facility shall maintain direct physical access to any arterial or collector bordering or traversing the PIPD.
 - ii) **Non-vehicular circulation.** A continuous network of pedestrian and bicycle paths, and driveways shall provide convenient access from each residential dwelling unit to the commercial and mixed-use pods. This path network may include, but is not limited to, sidewalks or bike paths along streets, paths within perimeter landscape areas, and driveways connecting dwelling units with parking areas or sidewalks.
 - iii) **Architectural design.** The architectural design criteria of Sec. 6.6.C (Architectural Compatibility Standards) shall apply to all development within sector pods.
 - iv) **Area calculation.** The maximum lot area and gross floor area of the commercial pod shall be based on the following:
 - a) **Lot area.** The maximum commercial lot area for a PIPD shall be calculated based on the population of the dwelling units approved on the Preliminary Development Plan by the BCC, and the population of the projected work force as described in the chart below.

**TABLE 6.8-20
PIPD COMMERCIAL ACREAGE**

Population\Work force	Maximum Commercial Acreage	Gross Floor Area*
Less than 1,000	None	None
1,001 to 1,740	One (1) acre	8,759 to 15,225
1,741 to 2,990	Two (2) acres	15,234 to 26,163
2,991 to 4,970	Three (3) acres	26,171 to 43,488
4,971 to 6,970	Five (5) acres	43,496 to 60,988
6,971 to 9,950	Seven (7) acres	60,996 to 87,063
9,951 to 15,000	Ten (10) acres	87,071 to 131,250
15,001 to 26,000	Fifteen (15) acres	131,259 to 228,690

NOTES to Table 6.8-20:

* Buildable commercial gross floor area may vary depending upon lot configuration, site design, and compliance with other property development regulations, including but not limited to, vegetation preservation, building setbacks, landscaping and parking.

-The calculation of the maximum commercial lot area and gross commercial floor area for PIPDs with a population, and work force exceeding twenty six thousand (26,000) people, shall be determined by PZB on a case by case basis.

- b) **Building area.** The maximum commercial building area is calculated by multiplying the projected population of the PIPD and the existing population of the planning sector area, (dwelling units x 2.4), by the constant (8.75) which equals the total amount of commercial gross floor area permitted for that population. To determine the maximum commercial gross floor area for the PIPD, the total building gross floor area of the existing commercial land uses within the sector pod must be subtracted from the total above.
- v) **Commercial development requirements.** A commercial pod shall comply with the following regulations of Sec. 6.8-F, MUPD.
 - a) **Table 6.8-2, Planned Development District Use Regulations Schedule.** Land uses within a commercial pod shall comply with the requirements of Table 6.8-2, Planned Development District Use Regulations Schedule, under the MUPD heading for the commercial (C) or commercial high (CH) land use category;
 - b) Sec. 6.8.E.1, the purpose and intent section of the MUPD; and, [Ord. No. 01- 01]
 - c) Sec. 6.8.E.4.a.(5),(6) and (7), the perimeter landscape areas, pedestrian orientation and scale, and circulation systems of a MUPD. [Ord. No. 01- 01]
- (c) **Mixed-use pod.** A mixed-use pod is intended to provide residential and commercial land uses integrated vertically into one building or horizontally into groups of buildings. PIPDs with a BCC approval for a contiguous commercial area greater than the development threshold below, may apply to the DRC to redesignate a mixed-use pod on the Preliminary

Development Plan. The designation of a mixed-use pod on the Preliminary Development Plan without the minimum commercial acreage or the minimum gross floor area threshold below, shall require approval by the BCC. A mixed-use pod within a PIPD shall comply with the following regulations:

- i) **Table 6.8-2, Planned Development District Use Regulations Schedule.** Land uses within a mixed-use pods shall comply with the requirements of Table 6.8-2, under the commercial land use category of the MXPDP, Mixed-use planned development district heading.
 - ii) **Development thresholds.** A Mixed-use pod shall have a minimum land area equal to or larger than five and one tenth (5.01) acres or shall have a minimum gross floor area equal to or larger than fifty thousand and one (50,001) square feet.
 - iii) **Mixed-use development regulations.** A mixed-use pod shall comply with the following requirements of Sec. 6.8.D., MXPDP:
 - a) Sec. 6.8.D.1, for purpose and intent. The site design and land uses of a mixed-use pod shall comply with the purpose and intent of the MXPDP district.
 - b) Sec. 6.8.D.3.a.(4)-(6) for pods, perimeter landscape areas, and design criteria; and,
 - c) Sec. 6.8.D.5 (entire section), for land uses.
- [Ord. No. 01- 01]
- (d) **Design and land use standards.** Commercial and mixed-use land uses shall comply with Sec. 6.8.A.16, Design objectives and the following standards:
 - [Ord. No. 01- 01]
 - i) **Hours of operation.** Commercial and mixed use pods within three hundred (300) feet of a dwelling unit shall not commence business activities (including delivery and stocking operations) prior to 6:00 a.m. nor continue activities later than 11:00 p.m. These operational limitations shall not apply to non-residential land uses which are greater than three hundred (300) feet from a dwelling unit.
 - ii) **Open storage.** No open storage or placement of any material, refuse equipment or debris shall be permitted in the rear of any structure.
 - iii) **Outdoor speakers.** No outdoor loudspeaker systems shall be permitted; and,
 - iv) **Roof-top screening.** All roof-top mechanical and electrical equipment shall be screened so as not to be visible from adjacent land uses. The screen shall be opaque and extend from the roof of the building to the full height of the objects being screened.
7. **Property development regulations.** The property development regulations within a PIPD shall be as indicated in Table 6.8-21, PIPD Minimum Dimension and Maximum Intensity Regulations, and Table 6.8-22, Minimum Building Setbacks or Separations, for the applicable pod, unless otherwise specifically provided in the approved Preliminary Development Plan or in the PIPD development order. [Ord. No. 97-14]
[Ord. No. 01- 01]
- a. **Residential pods.** Residential pods within a PIPD shall comply with Sec. 6.8.B.7 (entire section), property development regulations of the PUD District.
 - b. **Commercial pods.** Commercial pods within a PIPD shall comply with Sec. 6.8.E.7, (entire section), property development regulations of the MUPD District. [Ord. No. 01- 01]

c. **Mixed-use pods.** Mixed-use pods within a PIPD shall comply with Sec. 6.8.D.6 (entire section), property development regulations of the MXP District. [Ord. No. 01- 01]

d. **Supplemental development standards.** Industrial pod shall comply with the following requirements:

- (1) **Screening of outdoor storage areas.** Outside storage areas shall be effectively screened from collector and arterial roads and adjacent property by walls, fences, or landscaping. Screening intended to protect adjacent property owners from negative on-site activities may be waived, by a written request from the abutting property owner(s). All landscaping used for this purpose must meet the provisions of the Sec. 7.3 (Landscaping and Buffering), as well as the following:
 - (a) Stored merchandise in light industrial areas shall not protrude above the height of the screening and shall not be visible from streets.
 - (b) Walls or fences shall be a minimum of six (6) feet in height.
 - (c) Storage areas shall not be located within required front setbacks or yards adjacent to residential areas.
 - (d) No motor vehicle or trailer shall be stored in an abandoned or neglected state or used for storage on any lot or parcel in the development unless it is within a completely enclosed building.

**TABLE 6.8-21
PIPD MINIMUM DIMENSION AND MAXIMUM INTENSITY REGULATIONS**

Land Use Zones	Minimum Lot Dimensions	Max. FAR			Maximum Building Cover
		Size	Width and Frontage	Depth	
General Industrial	2 acres	200'	200'	45%	30%
Light Industrial	1 acre	100'	200'	45%	30%

**TABLE 6.8-22
PIPD MINIMUM SETBACKS OR SEPARATIONS**

Land Use Zones	Minimum Building Setbacks (ft.) and Separations			
	Front	Side*	Street	Rear*
General Industrial	25'	40'- R 20'- C	25'	40'- R 20'- C
Light Industrial	25'	40'- R 15'- C	25'	40'- R 15'- C

Notes to TABLE 6.8-22:

- * Indicates that the regulation is flexible and may be modified by complying with Sec. 6.8.A.4., Regulating Plan.
- C -Indicates the required building setback for land uses abutting a non-residential zoning district, a civic, mixed-use, commercial, or industrial pod, or a recreation area.
- R -Indicates the required building setback for land uses abutting a residential zoning district or a residential pod.

Notes to TABLE 6.8-22 (cont'd)

1. Land uses which abut a lake, canal, or preserve area which is greater than or equal to forty (40) foot in width along the boundary of the land use, may substitute a twenty (20) foot side interior or rear setback if a forty (40) foot setback is required.
2. The building setbacks indicated above are based on a maximum building height of thirty five (35) feet. All structures exceeding thirty five (35) feet in height shall provide the applicable setback stated in Table 6.8-22 and an additional setback of one (1) horizontal foot for each one (1) vertical foot of building exceeding thirty five (35) feet in height.
3. Building setbacks and separations shall be measured from the perimeter property lines and from the property lines (if the lot does not abut the perimeter of the PIPD). The setbacks for sector land uses shall be measured as indicated in the respective property development regulation charts.

[Ord. No. 01- 01]

e. **R-O-W improvements.** The BCC may condition a PIPD to provide certain improvements within the road R-O-W. These improvements may be in addition to the land development improvements required for the subdivision or platting of land and are intended to forward certain goals of the Comprehensive Plan including but not limited to: assuring the health, safety and welfare of the public; facilitating and encouraging non-vehicular circulation, implementing the Linked Open Space, Scenic Corridor and other applicable County programs, and improving the aesthetics of the community. The improvements may include but are not limited to: street lights; street trees and median landscaping; bike lanes; and underground utilities (see Sec. 6-8-A.16.c, Road improvements). [Ord. No. 01- 01]

f. **Parking requirements and access.** PIPDs shall comply with Sec. 7.2, Off-street parking and loading regulations, the requirements of the individual pods (see Sec. 6.8.F.6., Use regulations), and Sec. 6.8.A.19., Parking Requirements and Access. [Ord. No. 01- 01]

g. **Landscape requirements.** A PIPD shall be landscaped according to Sec. 7.3, (Landscaping and buffering), this section, the conditions on the development order, the Final Site Plan/Final Subdivision plan and the regulating plan.

[Ord. No. 93-4] [Ord. No. 97-14] [Ord. No. 99-37]

Amendment History:

[Ord. No. 93-4; February 16, 1993] [Ord. No. 97-14; May 23, 1997] [Ord. No. 99-37; October 7, 1999]
[Ord. No. 01-01; January 18, 2001]

G. MHPD, Mobile Home Planned Development District.

1. **Purpose and intent.** The purpose of the MHPD district is to offer a mobile home residential development alternative which: 1. Allows a limited amount of commercial uses; and, 2. Corresponds to a range of residential land use designations on the Land Use Atlas.

The intent of the MHPD is to promote the efficient design of mobile home communities which provide enlightened and imaginative approaches to community planning and, accommodate the housing needs of those residents who prefer mobile home living and of those who desire an economic alternative to conventional dwellings. These approaches, include but are not limited to:

- a. the preservation of natural features and scenic areas;
 - b. the reduction of land consumption by roads;
 - c. the creation of a continuous non-vehicular circulation systems;
 - d. the designation of perimeter landscape areas which provide preservation, buffering, and circulation areas; and,
 - e. the establishment of neighborhood commercial service uses and recreation areas.
2. **Applicability.** The requirements of this section and Sec. 6.8-A.2, Applicability, shall apply to all MHPDs, Mobile Home Rental Park special exceptions, Mobile Home Condominium Park special exceptions, and Mobile Home conditional uses, whether new or amended, within unincorporated Palm Beach County, in accordance with Sec. 1.5. In cases of conflict between this section and other sections of the ULDC, the provisions of this section shall apply to the extent of the conflict.
 3. **Previous Approvals.** Modifications to previously approved mobile home park special exceptions or conditional uses shall comply with the requirements of Sec. 1.5, Sec. 6.8-A.2, and this section. Modifications to mobile home park special exceptions or conditional uses which were approved under ordinances other than Ordinance No. 73-2, as amended, that do not require further BCC or DRC approval to development, shall be permitted to develop according to the regulations in place at the time of the approval. This provision shall not authorize any new mobile home or attached accessory structure to violate the required building separation of the Palm Beach County Fire Code. All new development shall comply with the intent and requirements of the Comprehensive Plan, Sec. 1.5., Sec. 6.8-A. and this section.
 4. **Application.** The applicant shall provide a Preliminary Development Plan, a regulating plan, and a justification report. These documents shall demonstrate compliance with Sec. 6.8, Planned Development District Regulations, this section and other information as required by PZB for processing a rezoning or rezoning amendment.
 - a. **Preliminary Development Plan.** A MHPD shall be governed by a Preliminary Development Plan approved by the BCC which illustrates, in a graphic, written and tabular form, how the MHPD is designed and phased. The requirements of a Preliminary Development Plan are found below and as specified by the Zoning Director. [Ord. No. 01- 01]

- (1) **Development threshold.** The minimum size in gross land area for a MHPD is nine (9) acres.
- (2) **Contiguous land.** MHPDs shall be developed in contiguous lots or tracts. Land may be added to a MHPD provided the land is contiguous and the resulting MHPD meets the intent of Sec. 6.8, Planned Development District Regulations, and this section.
- (3) **Density.** Table 6.8-1, Planned Development District Densities and Corresponding Land Use Categories, indicates the minimum density, the standard density, the planned development density, and the land use categories which correspond to a MHPD. Sec. 6-8.A.3, Residential density and land use categories, lists additional density requirements for MHPDs.
- (4) **Pods.** The MHPD allows a limited amount of flexibility in establishing the proper amounts of pods. Land uses shall be grouped into pods which define the types of uses within a specific area of a MHPD, see Sec. 6.8-G.6, Use regulations. Percentages of pods may vary for each MHPD depending upon the findings of Sec. 6.8.B.4.c, Land use justification report, the land use requirements provided in Table 6.8-23, MHPD Mix of Land Uses and the requirements listed below.
 - (c) **Design intent.** The design of a MHPD shall comply with the requirements of Sec. 6.8.A.16, Design objectives, and the following: **[Ord. No. 01- 01]**
 - i) an MHPD shall be predominantly residential;
 - ii) an MHPD shall provide a continuous non-vehicular circulation system for pedestrians and non-motorized vehicles;
 - iii) an MHPD shall provide perimeter landscape areas to preserve native vegetation, buffer incompatible land uses, and provide green space; and,
 - iv) an MHPD may offer limited commercial uses to serve the population of the MHPD.
 - (d) **Commercial pod.** MHPDs have the option of providing limited commercial service, retail and professional office uses, if these uses are supported by Sec. 6.8.B.4.c, Land use justification report.
 - (e) **Mix of land uses.** The land area of a MHPD shall be designated as residential, commercial, civic or recreation on the Preliminary Development Plan. The pod percentages in Table 6.8-23, below, and the land use justification report indicate the area of the MHPD which specific land uses may occupy. **[Ord. No. 01- 01]**

**TABLE 6.8-23
MHPD MIX OF LAND USES.**

<u>General pods</u>	<u>Minimum</u>	<u>Maximum</u>
1. Residential	60%	—
2. Civic	2% [see Sec. 6.8-H.6.(2)]	—
3. Commercial	0	[see Sec. 6.8-H.6.(3)]
4. Recreation	110 s.f. area/person [see Sec. 6.8-H.6.(1)]	—

NOTE to TABLE 6.8-23:

- General land use percentages (Residential, Civic, Commercial and Recreation) shall be calculated based on the gross area of the MHPD. Recreation uses which are internal to a residential pod rather than a separate recreational pod may be credited toward the minimum land area requirement of sixty (60%) percent for residential pods.
- (5) **Perimeter landscape areas.** Perimeter landscape areas shall be part of a network of connecting open space corridors which comply with Sec. 7.3.F., Perimeter landscape requirements, and the requirements listed below: [Ord. No. 01-01]
 - (f) **Required locations.** A perimeter landscape area shall be provided around the entire perimeter of a MHPD. These landscape areas shall also be located between incompatible land uses and pods. The width, planting requirement, and type of perimeter landscape areas provided within a MHPD shall be as determined in Sec 7.3.F, Perimeter landscape requirements, and below. [Ord. No. 01-01]
 - (g) **Type 3 incompatibility buffer.** A type (3) incompatibility landscape buffer is required to buffer incompatible pods and land uses. The portion of a perimeter landscape buffer required to be a Type (3) depends upon the compatibility of the surrounding land uses and the design of the pods. Commercial and private civic land uses shall be buffered from surrounding residential development. A recommendation shall be made by PZB to the BCC as a development order condition as to the type and the location of perimeter landscape areas based on the surrounding land uses, Sec. 7.3.F., the proposed site design, and Tables 7.3-4, Width or R-O-W Buffer, 7.3-5, Incompatibility Buffer Types, and 7.3-5A, Minimum Required Incompatibility Buffers. [Ord. No. 01-01]
- (6) **Pedestrian orientation and scale.** MHPDs shall be pedestrian oriented, physically recognizable and developed at a human scale.
 - (h) **Connections.** A MHPD's residences, shopping, civic and recreational uses shall be connected by a continuous non-vehicular circulation system;
 - (i) **Community identity.** The MHPD shall locate a recreational, civic, or commercial land use within a minimum of six hundred (600) feet of ninety five (95%) percent of the housing. These land uses are intended to provide places for social, cultural and recreational activities that can provide needed services, encourage non-vehicular circulation, and create community identity; and,
- (7) **Circulation system.** MHPDs shall be designed with a circulation system based upon a hierarchy of transportation methods, including but not limited to, pedestrian, cyclists, mass transit and automobile. At points of intersection between these circulation systems, the hierarchy shall consider pedestrians as the most important, followed by cyclists, mass transit and automobiles. This system shall be designed to connect and provide access between land uses within the MHPD and to link with systems in the surrounding communities by providing:
 - (a) pedestrian and bicycle pathway systems, including but not limited to, walking paths, or sidewalks and bike trails or bike lanes; and,
 - (b) parking areas which are designed to encourage the pedestrian nature of the community by encouraging a sharing of parking spaces between land uses.
- (8) **Final Site Plan/ Final Subdivision Plan.** MHPDs shall indicate on a Final Site Plan/Final Subdivision the proposed site design and lot or condominium unit configurations for approval by the DRC. This requirement applies to MHPDs regardless of the type of ownership (rental, condominium, etc). All lots or units regardless of type of ownership shall comply with Table 6.8-25, MHPD Property Development Regulations. The Final Site Plan/Final Subdivision Plan shall indicate: [Ord. No. 01-01]

- (a) the site design and configuration of the mobile home lots or condominium units, non-residential and recreational areas;
 - (b) the typical lot or condominium unit dimensions proposed to support a mobile home. The plan shall indicate the buildable area on each lot or condominium unit and shall identify the potential for accessory structures, patios or carports in conjunction with a mobile home; and,
 - (c) circulation system; and
 - (d) other applicable regulations as required in Art. 8, Subdivision.
- b. **Regulating plan.** The regulating plan shall provide a comprehensive graphic and written description of the function and development of the MHPD, including but not limited to flexible property development regulations, a transportation program, and street and pathway cross-sections. See Sec. 6.8.A.4., Regulating plan. [Ord. No. 01-01]
- (1) **Flexible regulations.** The developer may request to deviate from certain property development regulations (specifically indicated as flexible regulations) within Table 6.8-25, MHPD Property Development Regulations as required in Sec. 6.8-A.4, Regulating plan; and,
 - (2) **Transportation program.** The applicant shall provide a transportation program which complies with Sec. 6.8.A.4., Regulating plan. [Ord. No. 01-01]
- c. **Land use justification report.** A land use justification report shall be provided to justify and explain the amount of commercial and recreational land uses proposed and describe the methods used to calculate this percentage, including the raw data used (the assumptions made for proposed population counts), the analysis procedures and the resulting land use mix recommendations based on projected income levels, housing types, etc. The justification report shall also address the amount, if any, of affordable housing proposed and the following.
- (1) **Land use in relationship to population.** The per capita ratio of commercial gross floor area and land area and recreational land area shall be based on the BCC approved population of a MHPD.
 - (2) **Recreation areas.** MHPDs shall designate areas for recreation by providing passive parks, or active recreation areas;
 - (a) **Recreation report.** The report shall detail the passive and active recreation available to the population of the MHPD and shall be submitted as part of the justification report. This report shall include, but is not limited to:
 - i) The types of passive recreation proposed and a total acreage amount;
 - ii) The types of active recreation proposed including a list and cost estimation of site improvements and a total acreage amount;
 - iii) The methodology used to calculate the minimum amount of recreation required based on population and the following:
 - a) An equivalent to the requirements of Art. 17, Park and Recreation Standards for recreational land area and site improvements; and, [Ord. No. 01-01]
 - b) The requirements of this section.
In cases of conflict between recreation requirements of these sections, the more strict of the regulations shall apply to the extent of the conflict.
 - iv) The proposed connections (bike lanes, pedestrian paths, visual sight lines, etc.) used to connect land uses and pods.

5. Administration.

a. Conditions of approval. The BCC may impose conditions of approval upon the development order to assure the intent of this section is satisfied and that the public health, safety and welfare are provided. The conditions shall implement specific design amendments or site improvements to enforce Code regulations which are generally addressed.

(1) **Development Review Committee (DRC).** The Preliminary Development Plan and regulating plan shall be reviewed and certified according to Art. 5, Development Review Sec. 6.8.A.8, Action by DRC. Changes to previously approved MHPDs which exceed the limits of the DRC shall comply with the modification options contained in Sec. 6.8.A, Planned Development District Regulations, or Sec. 5.7, Variances. [Ord. No. 01-01]

(a) **Modifications to a Preliminary Development Plan.** Modifications to a previously approved Preliminary Development Plan shall be as permitted in Sec. 6.8.A.8., Action by DRC, and Art. 5, Development Review Procedures. [Ord. No. 01-01]

(b) **Modifications to a regulating plan.** Modifications to a previously approved regulating plan shall be as permitted in Sec. 6.8.-A.12., Amendment to Preliminary Development Plan. [Ord. No. 01-01]

b. Phasing controls and platting. Each MHPD shall be subject to the time limitation and review requirements of Sec. 5.8., Compliance with time limitations, and Sec. 6.8.A.13, Phasing controls and platting, and shall proceed in a reasonably continuous and timely manner. In cases of conflict between regulations, the requirements of this section shall apply to the extent of the conflict. [Ord. No. 01-01]

(1) **Recreation areas and parks.** See Art 17., Park and recreation standards, for phasing and platting requirements for recreation areas. [Ord. No. 01-01]

(2) **Commercial uses.** No building permit for commercial uses shall be submitted until certificates of occupancies of at least twenty (20) percent or more of the total approved dwelling units for the MHPD has been issued.

c. Property owners association. A property owners association shall be formed to manage the common areas and guide the growth of a MHPD concurrent with the recording of the first plat with the Clerk of the Circuit Court.

6. Use regulations. Table 6.8-2, (Planned Development District Use Regulations Schedule) indicates the land uses allowed within a MHPD unless otherwise restricted by the development order conditions. Land uses within a MHPD shall be subject to the following provisions.

a. Pods. A MHPD district shall be divided into pods which indicate the proposed land uses.

(1) **Recreation.** All MHPDs shall graphically designate on the Preliminary Development Plan the size (in square feet) and the location of recreation areas. Recreation land uses shall include parks and recreation areas. A continuous non-vehicular circulation system shall connect internally between land uses and pods and externally with surrounding land uses.

(a) **Recreation.** On site recreation shall be provided at a minimum of one hundred ten (110) square feet of lot area per person based on the total number of mobile home lots or condominium units approved by the BCC (total dwelling units x 2.4 = population). The phasing, location, and site improvements of recreation areas shall comply with the requirements of this section and Art. 17, Park and recreation standards. [Ord. No. 01-01]

- (b) **Neighborhood parks.** A MHPD may provide neighborhood parks which are mostly passive in nature in addition to the minimum recreational land area requirements of Art. 17, Parks and Recreation standards, by complying with the following requirements: [Ord. No. 01-01]
- (i) **Minimum area.** A Neighborhood park shall have a minimum area of eight thousand four hundred (8,400) square feet and a minimum lot width and depth of sixty (60) feet;
 - (ii) **Parking.** Parking is not required for recreation areas or parks. However, if parking is provided, not more than ten (10%) percent of the gross area of a recreational lot shall be paved for parking; and,
 - (iii) **Non-vehicular circulation.** A continuous sidewalk or other pedestrian path approved by PZB shall connect all recreational site improvements (pool, hard surface courts, recreation buildings, etc) to the continuous non-vehicular circulation system of the MHPD. Also, a continuous network of pedestrian and bicycle paths, and driveways shall provide convenient access from the mobile homes to the recreational, civic and commercial land uses. This path network may include, but is not limited to, sidewalks or bike paths along streets, paths within perimeter landscape areas, and driveways connecting dwelling units with parking areas or sidewalks.
- (2) **Civic use.** MHPDs with a gross land area equal to or larger than fifty (50) acres shall dedicate or designate a minimum of two (2%) percent of the gross area of the MHPD as public or private civic. The Civic pod is intended to promote a coordinated land planning approach for providing and encouraging publicly and privately owned land uses to serve the community. It should be understood that the civic land use requirements contained herein, shall in no way alter, diminish, or increase those obligatory conditions which were made prior to the adoption of this Code. A minimum of two (2%) percent of the gross area of the MHPD shall be designated on the Preliminary Development Plan as either Public Civic or Private Civic as indicated below:
- (a) **Publicly owned civic land uses.** A portion of a MHPD may be required to be conveyed in simple title for civic purposes to the BCC or other service providers in response to an increase in services or other impacts required for the MHPD or by a voluntary commitment by the applicant.
 - i) **Conveyance.** These conveyances shall be in the form as provided by BCC conditions, and as indicated in the development agreement for a project in accordance with Ord. 91-16, "Palm Beach County Development Agreement Ordinance" as may be amended, and shall meet the Facilities Planning, Design and Construction Department's requirements for civic land acquisition. Conveyance of land for civic sites shall not include land utilized for dry or wet retention for land uses located outside of the civic site.
 - ii) **Land uses.** Publicly owned civic lots shall consist of land uses which are required to provide services to meet concurrency requirements such as, but not limited to, regional parks, water treatment facilities and fire stations, and services required to mitigate other impacts of the development to service providers such as, but not limited to, public schools or libraries.
 - iii) **Service providers.** The civic dedications for service providers shall be mutually agreed upon by the petitioner and the Facilities Planning Design and Construction Department.
 - iv) **Location.** Civic lot locations shall be mutually agreed upon by the petitioner and the Facilities Planning Design and Construction Department.
 - v) **Perimeter landscape areas.** Civic uses shall comply with the perimeter landscape requirements for commercial land uses.

- vi) **Property development regulations.** Civic uses shall comply with the regulations in this section and Table 6.8-30, MHPD Property Development Regulations. Publicly owned civic lots may be exempted from certain property development regulations, if the regulation is determined by the Zoning Director to be detrimental to the proper functioning of the civic use.
- (b) **Privately owned civic land uses.** Private civic lots shall consist of land uses which: provide services to the MHPD residents; are customarily privately owned and operated; and are customarily allowed in residential zoning districts, such as but not limited to, day care centers, churches, temples and property owner meeting halls, see Table 6.8-2, Planned Development District Use Regulations Schedule.
- i) **Land designation option.** A MHPD shall provide or may have the option of providing private civic uses depending upon the amount of area dedicated for public civic uses or a public civic equivalent as determined by the Facilities, Planning, Design and Construction Department.
A MHPD shall provide private civic uses if all of the following circumstances exist:
- a) Less than two (2%) percent of the gross area of the MHPD is dedicated as public civic uses or equivalent after complying with the public civic requirements listed above; and,
- b) The MHPD is approved by the BCC to support a population (2.4 x total dwelling units) of four hundred (400) people or greater.
- ii) **Minimum land designation.** The difference in land area between the overall minimum civic land area requirement of two (2%) percent for the MHPD and the land area amount of public civic or equivalent dedicated above, shall be indicated as private civic land area on the on the Preliminary Development Plan.
- a) If a commercial pod is proposed for a MHPD, private civic lots shall be located adjacent to the commercial pod.
- (3) **Commercial pod.** MHPDs may establish a limited amount of neighborhood oriented commercial development. This commercial pod shall be designed to provide for the convenience of the residents and shall be based on the population of the MHPD.
- (a) **Location.** Commercial pods shall be located and designed for the convenience of the MHPD's residents to encourage internal vehicular trips and be internal to the MHPD. Vehicular access to commercial facilities shall not be permitted from an arterial or collector that is not part of the interior circulation system of the MHPD. No commercial facility shall maintain frontage or direct physical access to any arterial or collector bordering the MHPD. Commercial pods shall comply with a minimum setback of three hundred (300) from the perimeter of the MHPD.
- (b) **Architectural design.** The architectural design criteria of Sec. 6.6.C (Architectural Compatibility Standards) shall apply to all nonresidential development within commercial pods.
- (c) **Land area.** The maximum commercial land area for a MHPD is calculated based on the population of the mobile home lots or condominium units approved on the Preliminary Development Plan by the BCC as described in the chart below; and,
- i) **Building area.** The maximum commercial building area is calculated by multiplying the projected population of the MHPD, (dwelling units x 2.4), by the constant (8.75) which equals the total amount of commercial gross square footage permitted for the MHPD.

(This space intentionally left blank.)

**TABLE 6.8-24
MHPD COMMERCIAL ACREAGE**

Population	Maximum Commercial Acreage	Gross Floor Area* Commercial Square Footage*
Less than 1,000	None	None
1,001 to 1,740	One (1) acre	8,759 to 15,225
1,741 to 2,990	Two (2) acres	15,234 to 26,163
2,991 to 4,970	Three (3) acres	26,171 to 43,488
4,971 to 6,970	Five (5) acres	43,496 to 60,988
6,971 to 9,950	Seven (7) acres	60,996 to 87,063
9,951 to 15,000	Ten (10) acres	87,071 to 131,250
15,001 to 26,000	Fifteen (15) acres	131,259 to 228,690

- * Buildable commercial square footage may vary depending upon lot configuration, site design, and compliance with other property development regulations, including but not limited to, vegetation preservation, landscaping and parking.
- Buildable commercial gross floor area may vary depending upon lot configuration, site design, and compliance with other property development regulations, including but not limited to, vegetation preservation, building setbacks, landscaping, and parking.
 - The calculation of the maximum commercial lot area and gross commercial floor area for PUDs with a residential population exceeding twenty six thousand (26,000) people shall be determined by PZB on a case by case basis.
- (d) **Supplementary use standards.** The standards of Sec. 6.4.D (Supplementary Use Regulations) and the standards listed below shall apply within the commercial pod unless specifically waived or modified by the terms of the development order for the MHPD.
- i) **Hours of operation.** Commercial uses shall not commence business activities (including delivery and stocking operations) prior to 6:00 a.m. nor continue activities later than 11:00 p.m.
 - ii) **Enclosed uses.** All uses, other than incidental storage of merchandise, shall be operated entirely within enclosed buildings, with the exceptions listed in Sec. 6.5.J., District specific regulations for the CN, CLO and CC districts and convenience store with gas sales. [Ord. No. 01-01]
 - iii) **Open storage.** Outdoor storage of merchandise shall be permitted only when incidental to the commercial use located on the premises, subject to the following standards.
 - a) The storage area shall not be located in any of the required setbacks or yards.
 - b) The storage area shall be completely screened from adjacent road rights of way and mobile homes, and views outside the MHPD.
 - c) The stored merchandise shall not protrude above the height of the screening walls, fences or buildings. No open storage or placement of any material, refuse equipment or debris shall be permitted unless in area designated on a Subdivision Plan which has been approved by PZB.
 - iv) **Outdoor speakers.** No outdoor loudspeaker systems shall be permitted within three hundred (300) feet of residential housing.

- v) **Architectural treatment.** Similar architectural character and treatment shall be provided on all sides of buildings; and,
- vi) **Roof-top screening.** All roof-top mechanical and electrical equipment shall be screened so as not to be visible from adjacent land uses. The screen shall be opaque and extend from the roof of the building to a minimum of six (6) inches above the height of the object intended for screening.

7. **Property development regulations.** The property development regulations within a MHPD district shall be as indicated in Table 6.8 - 25, MHPD Property Development Regulations, unless otherwise specifically provided in the approved Preliminary Development Plan, in the development order or as listed below.

[Ord. No. 97-14]

**TABLE 6.8-25
MHPD PROPERTY DEVELOPMENT REGULATIONS**

POD	Minimum Lot, Lease Lot or Condo. Unit Dimensions				Maximum Building Coverage	Minimum Building Setbacks or Separations			
	Size	Width	Depth	Corner		Front	Street	Side*	Rear*
Mobile Home	4,200	40'	70'	55'	50%	20'	20'	5'	10'
Recreational	--	--	--	--	10%	25'	25'	20' C 40' R	20' C 40' R
Civic	1 ac.	100'	200'	35'	.30	25'	25'	20' C 40' R	20' C 40' R
Commercial	1 ac.	100'	200'	25'	.20	25'	25'	20' C 40' R	20' C 40' R

Notes to TABLE 6.8-25:

C - Indicates the required building setback for land uses abutting a non-residential zoning district, a civic, commercial, or recreation pod.

R - Indicates the required building setback for land uses abutting a residential zoning district or a residential pod.

***** Indicates that the regulation is flexible and may be modified by complying with Sec. 6.8.A.4, Regulating plan.

- 1 Land uses which abut a lake, canal, or preserve area which is greater than or equal to forty (40) feet in width along the boundary of the land use, may substitute a twenty (20) feet side interior or rear setback if a forty (40) feet setback is required.
- 2 The building setbacks indicated above are based on a minimum building height of thirty five (35) feet. All structures exceeding thirty five (35) in height shall provide an additional setback of one (1) horizontal foot for each one (1) vertical foot of the portion of the building exceeding the thirty five (35) feet maximum height. This setback is in addition to the minimum setback requirement above.
- 3 Setbacks shall be measured from the inside edge of perimeter landscape areas and internal road R-O-Ws for recreation, civic and commercial uses. Setbacks shall be measured from individual lot lines, rental lines and from condominium lines.

[Ord. No. 01- 01]

- a. **Required improvements.** MHPDs shall comply with the required site improvements for single family homes listed in Art. 8, Subdivision, including but not limited to:
- (1) The County Engineer shall approve the site improvement implementation schedule and all construction plans prior to construction;
 - (2) The site improvement plans shall coincide with the approved Preliminary Development Plan;
 - (3) The following improvements shall be provided as required in Art. 8, Subdivision for single family homes:
 - (a) bridges;
 - (b) grading;
 - (c) drainage;
 - (d) fire hydrants;
 - (e) monuments;
 - (f) central water system;
 - (g) sanitary sewers;
 - (h) streets; and,
 - (i) street markers.
- b. **Road improvements.** The BCC may condition a MHPD to provide certain road improvements within the road R-O-W, in addition to the land development improvements required above and for the subdivision or platting of land. These improvements are intended to forward goals of the Comprehensive Plan such as, but not limited to: assuring the public health, safety, and welfare; facilitating and encouraging non-vehicular circulation; implementing the Linked Open Space, Scenic Corridor and other applicable County programs; and improving the aesthetics of the community. These improvements may include, but shall not be limited to: street lighting; street trees and median landscaping; underground utilities; and bike lanes (see Sec. 6.8.A.16.c., Road improvements). [Ord. No. 01- 01]
- c. **Accessory uses and structures.** Accessory uses in permanent and temporary structures shall be allowed or required under the following conditions for the following uses.
- (1) **Permanent structures.**
 - (a) **Emergency Structure.** Each MHPD development shall include a permanent structure adequate to serve as an emergency shelter designed to accommodate the anticipated population of the MHPD based upon a standard of forty (40) square feet for each person. Such structure shall contain sanitary facilities in an amount needed to accommodate the population as determined by the Palm Beach County Building Official.
 - (b) **Office.** A permanent office building may be allowed in an area designated for commercial use on the Preliminary Development Plan and subject to the property development regulations of Table 6.8-25, MHPD Property Development Regulations, for commercial uses. [Ord. No. 01- 01]
 - (c) **Gatehouses.** Permanent gatehouses may be allowed for internal project security purposes, if properly shown on the Final Site Plan/Final Subdivision Plan and not in conflict with right-of-way and setback requirements of this Code and the Palm Beach County Thoroughfare Plan.
 - (d) **Utility services.** Utility buildings and structures may be allowed if indicated on the Final Site Plan/Final Subdivision Plan.
 - (2) **Temporary structures.** Temporary structures and facilities may be allowed under the following conditions for the following uses subject to Sec. 6.4 and the requirements listed below.

- (a) **Temporary Construction trailer.** Use of a temporary construction trailer shall be limited to storage and on site office work. The facility is not to be inhabited overnight;
 - (b) **Security quarters mobile home.** A mobile home shall be permitted as security quarters for overnight habitation;
 - (c) **Rental models.** Rental models may be allowed if placed on the site pursuant to the preliminary development plan and all applicable codes and ordinances. The number of rental models shall not exceed eight (8) in number, and shall not be connected to water and sewer facilities. One (1) of the rental models may be used for a temporary office if sanitary facilities are approved by the appropriate governmental agencies; and,
 - (d) **Mobile home rental office.** A mobile home may be used as a rental office.
- (3) **Accessory mobile home structures.** The total combined area of all additions to mobile homes, except carports, that are authorized as permitted accessory structures, shall not exceed the gross area of the mobile home itself and shall comply with the maximum building coverage requirements. [Ord. No. 93-4]

Amendment History:

[Ord. No. 93-4; February 16, 1993] [Ord. No. 97-14; May 23, 1997] [Ord. No. 01- 01; January 18, 2001]

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H. RVPD, Recreational Vehicle Park Planned Development District.

1. **Purpose and intent.** The purpose of the RVPD district is twofold: 1. Promote the design of unified, recreational use developments for land which has a commercial, industrial or commercial recreation designation on the Land Use Atlas, see Table 6.8-1, Planned Development District Densities and Corresponding Land Use Categories.

The intent of the RVPD is to provide for the development of recreational vehicle parks which offer limited habitation on site (no permanent residence) and which provide enlightened and imaginative approaches to community planning, including but not limited to:

- a. Providing a tourist oriented, park-like environment; and,
 - b. Locating near an established recreational resource to allow convenient access for tourists.
2. **Applicability.** The requirements of this section, Sec. 6.8-A.2., and Sec. 1.5 shall apply to all RVPDs, whether new or amended, within unincorporated Palm Beach County. In cases of conflict between this section and other sections of the ULDC, the provisions of this section shall apply to the extent of the conflict.
 3. **Previous approvals.** Modifications to recreational vehicle park special exceptions shall comply with Sec. 1.5, Exemptions: Effect of code and amendments on previously approved development orders, the requirements of Sec. 6.8, Planned Development District Regulations, and this section.
 4. **Applications.** The applicant shall provide a Preliminary Development Plan, a regulating plan, and a justification report. These documents shall demonstrate compliance with Sec. 6.8-A, Planned Development District Regulations, this section, the requirements listed in the rezoning application form and other requirements, as may be required by PZB to process a rezoning or zoning amendment application.
 - a. **Preliminary Development Plan.** A RVPD shall be governed by a Preliminary Development Plan approved by the BCC which illustrates, in a graphic, written and tabular form, how the RVPD is designed and phased. The requirements of a Preliminary Development Plan are found below and as specified by the Zoning Director. [Ord. No. 01-01]
 - (1) **Minimum development threshold.** RVPDs shall have a minimum size of twenty (20) acres.
 - (2) **Contiguous land.** RVPDs shall be developed in contiguous lots or tracts.
 - (3) **Maximum number of vehicles.** A RVPD shall not exceed a gross density of twelve (12) recreational vehicles per gross acre.
 - (4) **Design intent.** The design of the RVPD shall comply with the requirements of Sec. 6.8.A.16., Design Objectives. [Ord. No. 01-01]
 - (5) **Recreation.** Recreational uses shall be provided within the RVPD based on population of the recreational vehicle lots proposed on the Preliminary Development Plan.
 - (6) **Perimeter landscape areas.** Perimeter landscape areas shall be part of a network of connecting open space corridors which comply with Sec. 7.3.F, Perimeter landscape requirements, and the requirements listed below: [Ord. No. 01-01]
 - (a) **Required locations.** A minimum twenty-five (25) feet wide landscape area shall be provided around the perimeter of a RVPD and connect the recreational vehicle spaces with the Park Headquarters, restrooms and other land uses which service the residents.

- (b) **Type (3) perimeter landscape area.** A type (3) perimeter landscape buffer is required to buffer incompatible uses outside of the RVPD. The portion of a perimeter landscape buffer required to be a type (3) depends upon the compatibility of the surrounding land uses and their design. Adjacent residential land uses shall be buffered from a RVPD by a type (3) perimeter landscape area. RVPDs adjacent to nonresidential land uses which are not incompatible by virtue of the site location or design may require less buffering. A recommendation shall be made by PZB to the BCC as a development order condition as to the type and location of the buffering required.
- (7) **Pedestrian orientation and circulation.** RVPDs shall be pedestrian oriented, physically designed at a human scale, and provide a circulation system based upon a hierarchy of transportation methods. In descending order of importance, the hierarchy shall consider pedestrians as the most important, followed by cyclists, mass transit and automobiles. This system shall be designed to connect and provide access between land use within the RVPD and adjacent land uses within the surrounding communities by the use of a continuous non-vehicular circulation system.
- b. **Regulating plan.** The regulating plan shall provide a comprehensive graphic and written description of the function and development of the RVPD, including but not limited to flexible property development regulations, a transportation program, and street and pathway cross-sections according to the requirements of Sec. 6.8.A.4, Regulating plan. [Ord. No. 01-01]
- c. **Land use justification report.** A land use justification report shall be provided to justify and explain the amount of recreational uses proposed for the RVPD.
- (1) **Recreation areas.** RVPDs shall designate areas for recreation by providing parks, usable open space or recreation areas. These areas shall be connected by pedestrian paths or sidewalks, or bicycle
- (2) **Recreation report.** The report shall detail the passive and active recreation proposed based on the projected population of the RVPD and shall be submitted as a recreation report. This report shall include, but is not limited to:
- (a) The types of passive recreation proposed and a total acreage amount;
- (b) The types of active recreation proposed including a list and cost estimation of site improvements and a total acreage amount; and,
- (c) The methodology used to calculate the minimum amount of recreation required based on the population of the RVPD (total number of recreational vehicular lots x 2.4) and the following:
- (i) The requirements of Art. 17, Park and recreation standards; and [Ord. No. 01-01]
- (ii) The requirements of this section.
- In cases of conflict between the recreation requirements of these sections, the more strict regulation shall apply to the extent of the conflict.
- (d) The proposed connections (bike lanes, pedestrian paths, etc.) used to connect the recreational vehicle spaces with the park headquarters and outside land uses.

5. Administration.

- a. **Phasing controls and platting.** Each RVPD shall be subject to the time limitation and review requirements of Section 5.8 Compliance with time limitations and Section 6.8.A.13., Phasing controls and platting, and shall proceed in a reasonably continuous and timely manner. [Ord. No. 01-01]

6. **Use regulations.** Table 6.8-2 (Planned Development District Use Regulations Schedule) indicates the land uses allowed within a RVPD unless otherwise restricted by conditions included in the development order. Uses other than recreational vehicles and accessory recreational facilities shall be located in a park headquarters subject to the provisions of this section.
- a. **Pods.** The entire RVPD shall be designated as a Recreational vehicle pod.
- (1) **Recreational use.** All RVPDs shall designate on a Preliminary Development Plan the minimum area and location of one hundred and ten (110) square feet of gross lot area per person (based on 2.4 people per recreational vehicle lot) for recreational purposes. Also, a continuous non-vehicular circulation system shall be provided to connect internally with recreation areas, park headquarters, and recreational vehicle lots and externally with surrounding land uses which may serve the tourists.
- (a) **Recreational uses.** Recreational site improvements and activities shall be provided based on an equivalent of the calculations rates used to determine recreation site improvements in Art. 17, Park and recreation standards. [Ord. No. 01-01]
- (b) **Neighborhood parks.** In addition to the requirements for recreation listed above, a RVPD may provide neighborhood parks which are mostly passive in nature. If a neighborhood park is proposed, the following design standards shall apply:
- (i) **Minimum area.** A Neighborhood park shall have a minimum area of eight thousand four hundred (8,400) square feet and a minimum lot width and depth of sixty (60) feet;
- (c) **Parking.** Parking is not required for recreation areas or parks. However, if parking is provided, not more than ten (10%) percent of the gross area of a recreation lot shall be paved for parking.
- (d) **Minimum improvements.** All recreation areas and neighborhood parks shall provide a continuous sidewalk or other pedestrian path approved by PZB which connects site improvements (pool, hard surface courts, benches, etc.) to the surrounding RVPD's continuous non-vehicular circulation system;
- (2) **Recreational vehicle pod.** The recreational vehicle pod on the Preliminary Development Plan shall indicate the vehicle rental spaces with a note explaining that these spaces are for temporary habitation and are not for permanent residency, and the park headquarters.
- (a) **Time limitations.** No person shall reside or be permitted to reside in any RVPD for more than ninety (90) consecutive days, and not more than one hundred eighty (180) total days in any one-year period, commencing from the initial date of occupancy.
- (b) **Record keeping.** RVPD owners and operators shall keep the following records:
- (i) The make, model, and year of each recreational vehicle used for residing in the RVPD;
- (ii) The dates of occupancy of each recreational vehicle used for residing in the RVPD;
- (iii) The names and permanent addresses of the recreational vehicle occupants.
- (c) **Permanent structures or additions.** Permanent structures or additions accessory to the recreational vehicle including but not limited to screen rooms, carports, or utility sheds shall be prohibited.
- (d) **Mobility.** The mobility of the recreational vehicle shall be maintained at all times.
7. **Property development regulations.** The property development regulations within a RVPD shall be as indicated in Table 6.8-26, RVPD Minimum Dimensions and Building Intensity, and Table 6.8-27, RVPD Minimum Setbacks, unless otherwise specifically provided in the approved Preliminary Development Plan or in the development order.
[Ord. No. 97-14]

**TABLE 6.8 26
RVPD MINIMUM DIMENSIONS AND BUILDING INTENSITY**

Land Use	Minimum Dimensions			Maximum Height	Maximum Building Coverage
	Size	Width	Depth		
RV Parking Space	1,500 s.f.	20'	40'	--	--
Park Headquarters	1 ac. - min. 2 ac. - max.	100'	200'	25'	.25

(This space intentionally left blank.)

**TABLE 6.8 27
RVPD MINIMUM SETBACKS**

Land Use Type	Minimum Building Setbacks (ft.) and Separations			
	Front	Side*	Street	Rear*
Park Headquarters and accessory buildings	25'	C - 15' R - 40'	25'	C - 20' R - 40'

NOTES to TABLE 6.8-27:

C - Abutting non-residentially zoned lot.

R - Abutting residentially zoned lot.

* Indicates that the regulation is flexible and may be modified by complying with Sec. 6.8.A.4., Regulating Plan. [Ord. No. 99-37] [Ord. No. 01-01]

1 Setbacks shall be measured from the inside edge of perimeter landscape areas.

2 Recreation buildings shall comply with the building setbacks required for the Park Headquarters.

- a. **Road improvements.** The Board of County Commissioners may condition a RVPD to provide certain road improvements within the road right of way, in addition to the land development improvements required for the subdivision or platting of land. These conditional improvements are intended to forward certain goals of the Comprehensive Plan such as: assuring the public health, safety and welfare; facilitating non-vehicular circulation; implementing the linked Open Space, Scenic Corridor and other applicable County programs; and improving the neighborhood aesthetics. These conditional road improvements may include, but are not limited to street lighting, median landscaping, street trees, underground utilities, and bike lanes. See Sec. 6.8.A.16.c., Road improvements. [Ord. No. 01-01]
- b. **Parking requirements and access.** RVPDs shall comply with Sec. 7.2, Off-street parking regulations, and the following: [Ord. No. 01-01]
 - (1) A minimum of one (1) parking space for each recreational vehicle;
 - (2) Parking for uses other than recreational vehicles shall be determined by Sec. 7.2, Off-street parking regulations; and, [Ord. No. 01-01]
 - (3) Parking of vehicles in areas not designed or designated for parking is prohibited.
- c. **Landscape requirements.** Unless otherwise indicated, a RVPD shall be landscaped according to Sec. 7.3, Landscape and Buffering, the requirements of this section and the regulating plan. [Ord. No. 01-01]
 - (1) **Minimum trees.** A minimum of one (1) tree for each fifteen hundred (1,500) square feet of gross lot area shall be provided within all RVPDs. Trees required for perimeter landscape areas shall not count toward this minimum tree requirement. Trees shall be spaced throughout the RVPD and shall be clustered around recreation areas and between recreational vehicle spaces.

- d. **Design criteria.** All RVPDs shall comply with the following objectives and requirements, in addition to those specified in Sec. 6.8.A.16., Design Objectives. [Ord. No. 01-01]
- (1) **Park headquarters.** The park headquarters shall be located within the interior of the RVPD and shall be designed for the convenience of the project residents. No headquarters facility shall maintain frontage or direct physical access on any arterial or collector bordering or traversing a RVPD.
 - (a) **Operating hours.** No commercial service shall commence business activities (including delivery and stocking operations) prior to 6:00 AM nor continue activities later than 11:00 PM except as otherwise provided in this Code.
 - (b) **Outdoor storage.** Outdoor storage of merchandise shall be permitted only when incidental to the campground use located on the same premises provided that:
 - (i) The storage area shall not be located in any of the required setbacks or yards
 - (ii) The stored merchandise shall not protrude above the height of the enclosing walls or buildings.
 - (2) **Accessory uses and structures.** Accessory uses in permanent and temporary structures shall be permitted according to the following standards.
 - (a) **Permanent structures.** Permanent structures and facilities shall be allowed under the following conditions for the following uses.
 - (i) **Gatehouses.** Permanent gatehouses may be allowed for internal project security purposes, if properly shown on the Final Subdivision Plan/plat and not in conflict with right-of-way and setback requirements of this Code and the Palm Beach County Thoroughfare Plan.
 - (ii) **Utility services.** Utility buildings and structures may be allowed if properly shown on the Final Subdivision Plan/plat and in compliance with all applicable rules and regulations governing such facilities.
 - (iii) **Camping Cabin.** A camping cabin may be permitted in existing or future recreational vehicle spaces provided it complies with all regulations contained in Sec.6.4.D. and Sec.6.8.H. of the Code.
 - (b) **Temporary structures.** Temporary structures and facilities shall comply with Sec. 6.4, and may be allowed under the following conditions for the following uses:
 - (i) **Construction trailer.** Use of a construction trailer shall be limited to storage and on-site office work. The facility is not to be inhabited overnight or connect to water or sewer facilities.
 - (ii) **Security quarters mobile home.** A mobile home may be used as security quarters for overnight habitation subject to a special permit.

Amendment History:

[Ord. No. 93-4; February 16, 1995] [Ord. No. 95-8; April 3, 1995] [Ord. No. 97-14; May 23, 1997]
 [Ord. No. 99-37; October 7, 1999] [Ord. No. 01-01; January 18, 2001] [Ord. No. 01-29; August 3, 2001]

I. SWPD, Solid Waste Disposal Planned Development District.

1. **Purpose and intent.** The purpose of the SWPD district is twofold: 1. Regulate the placement of developments designed to store, process, transfer or dispose of solid waste in any land use category, see Table 6.8-1, Planned Development District Densities and Corresponding Land Use Categories; and, 2. Permit only those land uses which are consistent with the County-wide Solid Waste Management Plan.

The intent of the SWPD is to ensure the development of solid waste facilities which mitigate negative impacts and incorporate enlightened and imaginative approaches to community planning, including but not limited to:

- a. The protection of the public health, safety and welfare regarding air, noise and water pollution;
 - b. The prevention of the use of the land as an uncontrolled receptacle for improperly treated wastes;
 - c. The conservation of the value of land, buildings and resources;
 - d. The protection of the character and maintenance of the stability of residential, agricultural, business and industrial areas;
 - e. The provision of the appropriate and best use of land;
 - f. The provision for preservation, protection, development and conservation of the natural resources of land, water and air;
 - g. The provision for convenience of traffic and circulation of people and goods;
 - h. The enhancement of the environment; and,
 - i. The recovery of resources that have the potential of further use.
2. **Exemptions.** The disposal of non-putrescible solid waste material for grade improvement done in conjunction with a building permit, and the storage of non-putrescible materials for future use, shall be exempted from the requirements of this section.
3. **Applicability.** The requirements of this section, Sec. 1.5, and Sec. 6.8-A.2, shall apply to all SWPD districts and sanitary landfill, resource recovery facility, or incinerator special exceptions, whether new or amended, within unincorporated Palm Beach County. Prior to the development of a sanitary landfill, resource recovery facility or incinerator, a development order shall be approved pursuant to the procedures and standards of this section.
4. **Effect on previous approvals.** Modifications to previously approved sanitary landfills, resource recovery facilities, volume reduction plants and incinerators approved under Ordinance 77-8 shall comply with the requirements of Sec. 1.5, Exemptions: Effect of code and amendments on previously approved development orders, Sec. 6.8-A.2, Applicability, and this section. Sanitary landfills, resource recovery facilities, volume reduction plants and incinerators approved under Ordinance 77-8 and not in compliance with this section shall not be considered nonconforming uses under the provisions of this Code.

5. **Application requirements.** The applicant shall provide a Preliminary Development Plan, and a justification report. These documents shall demonstrate compliance with Sec. 6.8-A, Planned Development District Regulations, this section, the requirements listed in the rezoning application form and other requirements, as may be required by PZB to process a rezoning or zoning amendment application.

a. **Preliminary Development Plan.** A SWPD shall be governed by a Preliminary Development Plan approved by the BCC which illustrates, in a graphic, written and tabular form, how the SWPD is designed and phased. The requirements of a Preliminary Development Plan are found below and as specified by the Zoning Director. [Ord. No. 01- 01]

(1) **Contiguous land.** SWPDs shall be developed in contiguous lots or tracts.

b. **Additional requirements.** In addition to a Preliminary Development Plan, SWPDs proposing sanitary landfills or incinerators shall provide the following.

(1) **Compatibility analysis.** A compatibility analysis less than one (1) year old that describes the impact of the proposed facility on the surrounding area, as follows:

(a) The surrounding area is defined by the following distances, expressed in miles of radius.

**TABLE 6.8-28
SWPD COMPATIBILITY ANALYSIS**

Type of Facility	Impact on Public Services	Impact on Development Patterns	Impact on Natural Environment
Landfill, Class I, II	.50 mile	.50 mile	.25 mile
Landfill, Class III	.125 mile	.125 mile	.125 mile
Incinerator	1.5 miles	1.5 miles	.25 miles

(b) The review of public services shall address the impact of the proposed facility on fire and emergency services; water, electric and sewer service; the entire transportation system used to access the site; and proposed and existing schools, civic and park uses.

(c) The review of impacts on development patterns shall identify proposed or existing commercial uses and all lands platted, zoned or used for residential development.

(d) The environmental analysis shall review the impact of the proposed sanitary landfill on endangered or threatened species, air quality, noting direction of the prevailing wind, animal and vegetative habitats, and surface and groundwater quality, and noting any land within the 100-year flood zone.

- (1) **Access.** A graphic illustration and narrative analysis of year-round access routes to the site.
- (2) **Surface water.** A graphic illustration showing location of any class I surface water (as defined by the Florida Department of Environmental Resources) within three thousand (3,000) feet of the site.
- (3) **Sanitary landfill type.** An explanation of the type of sanitary landfill proposed. The explanation shall describe the method of operation of the landfill, including sequence of filling, areas to be landfilled, special waste areas, limitations on types of waste that may be disposed of, gas control devices, and leachate collection and disposal method.
- (4) **Construction schedule.** The proposed date that land alteration will commence, the projected date of completion and plans for completed use.
- (5) **Volume.** An explanation of the quantity of waste to be received, expressed in cubic yards per day or tons per day.
- (6) **Operating hours.** A statement specifying hours of operation.

- (7) **Minimum distance requirements.** For the purpose of this section and except as provided in subsections g. and h. below ("Fencing and screening, buffer and setbacks"), minimum distance requirements shall be measured by drawing a straight line between the closest property line of the proposed landfill, incinerator or resource recovery facility to the nearest point on an adjacent property line. The area defined as the buffer shall not be included in the distance requirement.

c. Location standards.

- (1) **Sanitary landfill.** No sanitary landfill shall be located closer than two hundred (200) feet of any body of water (except canals used to lower on-site water tables, borrow pits and other bodies of water contained completely within the sanitary landfill site) or on the watershed of any surface public water supply where leachate or runoff may result in violation of city, county, state or federal laws and regulations concerning the pollution of ground or surface waters.
- (2) **Siting distances.** Sanitary landfills and incinerators shall be sited to be separated from land zoned or used or platted and used for residential dwellings, and designated conservation areas, as follows.

**TABLE 6.8-29
SWPD SITING REQUIREMENTS**

Type of Facility	Residential Development	State or Federal Designated Conservation Area
Landfill, Class I, II	.50 mile	.25 mile
Landfill, Class III	.125 mile	.125 mile
Incinerator	1.5 miles	.25 miles

- (1) **Surface water.** No sanitary landfill shall be located within three thousand (3,000) feet of class I surface water, as defined by the Florida Department of Environmental Regulation.
 - (2) **Fire station service.** A class I sanitary landfill and incinerator shall be located within five (5) miles of a full-service fire station. The assurance of adequate on-site fire/rescue capability may exempt certain landfills or incinerators from this requirement.
 - (3) **Land use compatibility.** A sanitary landfill or incinerator shall only be sited where compatible with adjacent land use as determined by the Board of County Commissioners through review of the compatibility analysis.
 - (4) **Minimum lot size.** The minimum lot size for any solid waste disposal site containing a class I sanitary landfill shall be three hundred twenty (320) acres.
- d. Spatial buffer and setbacks.** A buffer shall be required around the perimeter of a class I sanitary landfill or incinerator, as follows.
- (1) **Disposal.** The disposal of solid waste or ash may not take place closer than three hundred (300) feet from any property line; and,
 - (2) **Incinerator.** No part of any incinerator or its attached buildings or structures shall be located within eight hundred (800) feet of any property line.

e. **Perimeter landscape areas.** Perimeter landscape areas shall form a perimeter buffer of vegetation which complies with Sec. 7.3.F, Perimeter landscape requirements, and the requirements listed below:

[Ord. No. 01- 01]

- (1) **Preserve or mitigate natural areas.** Perimeter landscape areas shall be designed in conjunction with Sec. 9.5, Vegetation Protection and Preservation. The preservation or mitigation of wetlands and other native, non-invasive plant species and buffering incompatible land uses are the primary purpose of perimeter landscape areas.
- (2) **Required locations.** All SWPDs shall provide a perimeter landscape area around the entire perimeter of the district. A minimum, fifty (50) feet wide perimeter landscape area shall be provided around the perimeter of a sanitary landfill, resource recovery facility, or incinerator. SWPDs without these uses shall provide landscape buffers in accordance with Sec. 7.3 (Landscape and Buffering). A recommendation shall be made to the BCC as a development order condition as to the perimeter landscape type and the planting requirements within the perimeter landscape area. [Ord. No. 99-37]
- (3) **Buffer adjacent land uses.** Adjacent land uses to SWPDs with landfills or incinerators shall be buffered by spatial separations, dense landscaping, lakes, berms or a combination of these buffering elements. SWPDs without landfills or incinerators shall buffer adjacent land uses according to their compatibility by virtue of the SWPD's site location and design. A determination shall be made by PZB as to the extent of the buffering required.

6. **Property development regulations.** The property development regulations within a SWPD shall be as indicated in Table 6.8-30, SWPD Minimum Dimensions and Building Intensity, and Table 6.8-31, SWPD Minimum Building Setbacks, the regulations below, and the regulations provided in the approved Preliminary Development Plan and the development order. [Ord. No. 01- 01]

**TABLE 6.8-30
SWPD MINIMUM DIMENSIONS AND BUILDING INTENSITY**

Land Use	Minimum Dimensions			Maximum Height	Maximum Building Coverage
	Size	Width and Frontage	Depth		
Sanitary landfill	320 ac. - Min.	1000'	1000'	--	--
Other SWPD Land Uses	1 ac. - Min.	100'	200'	35'	.35

**TABLE 6.8-31
SWPD MINIMUM BUILDING SETBACKS**

Land Use	Minimum Building Setbacks (ft.)			
	Front	Side	Street	Rear
Incinerator	800'	800'	800'	800'
Other SWPD Land Uses	25'	C - 15' or R - 40'	25'	C - 20' or R - 40'

NOTES to Table 6.8-31:

C - Indicates the building setback if the lot abuts a non-residentially zoned or designated lot.

R - Indicates the building setback if the lot abuts a residentially zoned or designated lot.

-The building setbacks indicated above are based on a maximum building height of thirty five (35) feet. All structures exceeding thirty five (35) feet in height shall provide the applicable setback stated in Table 6.8-36, and an additional setback of one (1) horizontal foot for each one (1) vertical foot of building exceeding thirty five (35) feet in height.

-Building setbacks shall be measured from the perimeter lot lines.

- a. **Fencing and screening.** Where deemed necessary to protect the general public, safety fences of up to a height of six (6) feet shall be required. Such screening shall be of at least seventy-five (75) percent opaqueness to protect neighboring property from potential loss of use or diminution of land value or use.
- b. **Access.** An access road, negotiable by loaded collection vehicles, shall be provided to the entrance of the facility.
 - (1) Access shall be restricted to specific entrances with gates that can be locked at all times and that carry official notice that only authorized persons are allowed on the site.
 - (2) The route to access the site shall be only via approved expressway, arterial or collector streets. No access shall be through local or residential streets.
- c. **Drainage.** All drainage facilities shall be approved by the County Engineering Department and all other appropriate governmental agencies.
- d. **Untreated surface water.** In no case shall untreated surface water runoff be permitted to discharge directly into lakes, streams, drainage canals, or navigable waterways other than into or through approved on-site containment areas.
- e. **Wellfield protection.** Sanitary landfills shall meet the guidelines of Sec. 9.3, Wellfield protection.
[Ord. No. 01- 01]
- f. **Flood areas.** The location of landfills in flood-prone areas shall be governed by the provisions of chapter 17-7, F.A.C.
- g. **Performance standards.** The operation of these facilities shall conform to all rules and regulations of all governmental agencies having appropriate jurisdiction and to Sec. 7.8.A., Performance Standards.
[Ord. No. 01- 01]
- h. **Reclamation.** All sanitary landfills and open air resource recovery facilities shall submit a reclamation plan indicating proposed final elevations, ground covers, and proposed uses of the property. Reclamation of land used for the operation of sanitary landfills shall be as required by chapter 17-701, F.A.C.
- i. **Surety.** Rehabilitation and reclamation approved surety shall be posted in the amount of two thousand five hundred dollars (\$2,500) per acre for the total acreage included in the development application, unless bonded in phases. The surety shall:

- (3) run to the BCC;
 - (4) be in a form satisfactory and acceptable to the BCC and the County Attorney;
 - (5) specify the time for completion of rehabilitation and reclamation.
 - (6) one half (½) of the surety shall be released upon the submission to and approval of all the following by the Development Review Committee:
 - (a) written certification by an engineer registered in the State of Florida that all performance guarantees have been satisfied.
 - (b) a certified "as built" drawing.
 - (7) In the event that rehabilitation and reclamation is to be conducted in phases, the following additional requirements shall apply.
 - (a) A phasing plan is to be submitted indicating the acreage of each phase, proposed duration of landfill usage and rehabilitation of each phase.
 - (b) The Development Review Committee must approve the phasing plan.
 - (c) Reclamation surety and rehabilitation for specific phases shall not be released until rehabilitation has been completed in accordance with the approved rehabilitation plan and certified in writing by an engineer registered in the State of Florida.
 - (d) Upon commencement of rehabilitation of the initial phase the next phase may commence upon written authorization by the Department. The applicable surety must be on file prior to authorization by the Department for the commencement of excavation on any subsequent phase.
- f. **Record of landfill use.** Within one (1) year after the adoption of the rezoning or rezoning amendment resolution, a record showing that the property was used for a Resource Recovery and Management Facility shall be filed in the public records of Palm Beach County, Florida, to provide public notice in the chain of title that the subject premises has been used as a landfill site.

Amendment History:

[Ord. 01-01; January 18, 2001] [Ord. No. 93-4; February 16, 1993] [Ord. No. 99-37; October 7, 1999]

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SEC. 6.9 VOLUNTARY DENSITY BONUS.

A. Purpose and intent. The purpose and intent of the Voluntary Density Bonus (VDB) is as follows:

1. The VDB accommodates provisions for the development of housing affordable to very low and low income households in fulfillment of Policy 1.1-f of the Housing Element of the Comprehensive Plan. For the purposes of this ordinance Affordable Housing is defined as Group A: households with incomes of 50% or less of the median adjusted gross income for households within the County; and Group B: households with incomes greater than 50% but less than or equal to 80% of the median adjusted gross income for households within the County. The development of affordable housing is accomplished by providing for an increase in permitted density (a density bonus) in exchange for the construction of affordable housing on site or off-site; or a payment in-lieu-of construction of Group A units into the Housing Trust Fund; or a combination of construction and an in-lieu payment.
2. The VDB addresses an equitable geographic distribution of affordable housing in accordance with Policy 1.5-b of the Housing Element of the Comprehensive Plan.
3. The VDB addresses the preservation of affordability of units, designated under the program, for Group A and Group B households in accordance with Policy 1.1-o of the Housing Element of the Comprehensive Plan.
4. The VDB provides for the implementation of Land Use Element Policy 3.2-a and that portion of the Land Use Element, Implementation Section which deals with income restrictions on residential densities of greater than eight (8) units per acre.

[Ord. No. 00-15]

B. Authority. Authority to adopt this Section is pursuant to Article VIII, Sec.1, Fla. Const., the Palm Beach County Charter, Sec. 125.01, et. seq., Fla. Stat. and Sec. 163.3161, et. seq., Fla Stat.

C. Applicability. In cases of conflict between this Section and other Sections of the ULDC, the provisions of this Section shall prevail.

1. **Location.** This section may be applied to any residential development proposed within the urban service area of unincorporated Palm Beach County.
2. **Discretionary program.** The Voluntary Density Bonus Program is a discretionary program in which additional density may be granted if the granting of such additional density will further the County's objective of providing housing opportunities for Group A and Group B households. Nothing stated herein is intended to, and specifically is intended not to, create any property right(s) for the owner of any property.
3. **Concurrent processing.** The Voluntary Density Bonus shall be considered and applied concurrently with an associated development order application. Such a development order shall be either a rezoning to a planned development district, an amendment to a planned development, or a conditional use, all of which require duly noticed public hearings before the Board of County Commissioners. Such hearings are necessary due to the accommodation of a land use intensity greater than that shown on the Future Land Use Map.

D. General. A development may exceed its permitted density, up to one hundred (100) percent, without prior approval of a Site Specific Comprehensive Plan Amendment. In exchange, the development must provide for affordable housing units by complying with the provisions of this Section 6.9.

1. **Manner of providing units.** The affordable housing shall be provided through construction of units on site, or on another site approved concurrent with the project approval, or through payment of an in-lieu-of construction fee, for Group A units only, into the Housing Trust Fund, or a combination of the above.
2. **Minimum number of units to be provided.** The minimum number of affordable housing units to be accommodated shall be as follows.
 - a. For rental projects, 40% of the "bonus" units shall be designated for Group B and Group A households. Of those units, 50% shall be for Group A households except as provided in (b) below.
 - b. In circumstances where land value and development cost make the full accommodation of on-site Group A units infeasible, the number of such units may be reduced to a minimum of 6% of the bonus units provided the following requirements are met.
 - (1) For each unit of Group A housing which is reduced, 1.2 units of Group B housing shall be provided.
 - (2) The VDB petition shall state that this option is being requested. The application shall contain appropriate data upon which the LUAB/LPA and the BCC may base their determination that the pre-requisite circumstance, as stated in (b) above, is applicable.
 - c. For ownership projects, 40% of the bonus units shall be designated for Group B households. There shall be no obligation to provide housing for Group A households.
 - d. The required unit count shall be established by rounding down to the nearest whole number, with a minimum of one unit.
 - e. In applying the VDB, only the number of units required pursuant to this Sub-Section 6.9.D.2 (Minimum number of units to be provided) shall be subject to qualifications, assurances, and restrictions as set forth below.
3. **Assurances of affordability.** The developer shall provide guarantees which, for a minimum period of fifteen years for rental units and ten years for ownership units, maintain the affordability for units that are required to be for Group A and or Group B households. During this period of time no unit shall be rented except to a qualified household. The guarantee must be recorded in the public record. The proposed method and provisions regarding such assurance must be reviewed by the LUAB/LPA who shall make a recommendation to the BCC as to acceptability. The BCC shall make a final determination of acceptability at the time of consideration of the attendant development order application.

Sufficient information must be provided, as a part of the VDB petition, to allow the LUAB/LPA and BCC to make a reasonable assessment of the proposal. Items which may be considered include, but are not limited to:

- a. for projects where there are other participating agencies which have affordability restrictions e.g. State, Federal, a subordinated mortgage is generally acceptable,
- b. a subordinated mortgage to private institutions may be allowed when it is determined that there are significant provisions to mitigate the potential of default,

- c. the placement in escrow of 50% of the corresponding in-lieu payment with an arrangement where the balance decreases over time, e.g. 1/10 (sale) 1/15 (rental) per year,
 - d. a stipulated resale agreement where certain increases in value are remitted to the Housing Trust Fund,
 - e. restrictions on rental rate escalation,
 - f. restrictions on conversion to nonresidential use, and,
 - g. other arrangements which are previously reviewed and approved by the Office of the County Attorney.
4. **Income qualifications.** For units required to be Group A and/or Group B, a developer shall record in the public record a guarantee that the household, upon entry to the unit, shall meet the definition of a Group A or Group B household. The definition of very-low (Group A) or low income (Group B) households is as provided in Palm Beach County Ordinance 93-8, as amended. The manner of guarantee must be reviewed by the LUAB/LPA who shall make a recommendation to the BCC as to acceptability. The BCC shall make a final determination of acceptability at the time of consideration of the attendant development order. The form of the guarantee shall be approved by the Office of the County Attorney prior to certification of the final site plan.
5. **Limitations on restrictions.** No affordable housing units, which are required pursuant to this program, or units above the density of eight (8) units per acre shall be subject to restrictions beyond the income qualifications set forth herein.

This provision may be waived by the BCC upon consideration of the following:

- a. the need for the restriction in terms of providing housing for a specific target group e.g. disabled populations, and the assurances that the target group will, indeed, have access to the new housing;
[Ord. No. 00-15]
 - b. whether the restriction is in line with the objective of providing housing opportunities for Group A and Group B households; and,
 - c. the impact, upon the immediate geographic area.
6. **Dispersal - internal.** Units for Group A and Group B households shall be distributed throughout a development so that there is not a concentration of the VDB units.
- a. Affordable housing units must be distributed throughout the development.
 - b. Developments that offer varied bedroom and floor area options shall include similar variation in the required affordable housing units.
 - c. When specific percentages of Group A and Group B households are stated in an application, the manner in which the percentages are to be maintained shall be described.

- d. When the VDB is used in conjunction with other programs (e.g. HTF, SHIP, Tax Credits) which require a minimum amount of affordable housing that is in excess of the minimum required for the VDB, the VDB petition shall address all such units. If such minimums are imposed subsequent to approval of the VDB, it will be necessary to formally apply for a modification to the VDB development order.
 - e. In addition to the above, when the percentage of units targeted for affordable housing is at, or exceeds, 50% of the total development, a management plan shall be a part of the application. Items to be addressed in a management plan include, but are not limited to: types and quantity of recreation facilities, tenant and/or ownership education services, accessibility to social service information and/or programs; on-site management, on-site day care facilities, on-site security, and, special crime prevention and crime reduction design considerations, and, assurances that the management plan shall be implemented and maintained.
 - f. The manner in which the requirements of this Sub-Section 6.9.D.6 shall be maintained must also be provided in the VDB petition. Such manner must be reviewed by the LUAB/LPA who shall make a recommendation as to acceptability. The BCC shall make a final determination of acceptability at the time of consideration of the attendant development order. The form of the assurance shall be approved by the Office of the County Attorney prior to certification of the final site plan.
- 7. Dispersal - external.** Units for Group A and Group B households shall be distributed equitably throughout Palm Beach County so that there is no undue concentration associated with the implementation of the VDB. The baseline for an acceptable concentration of Group A and Group B housing shall be forty percent (40%) of the occupied households in the sector. Study sectors which have a concentration of 40% or less shall be considered as, generally, acceptable for receiving additional Group A and Group B households. Study sectors which have a concentration of greater than 40% should generally be considered as having an undue concentration of Group A and Group B households. In either case, the 40% baseline is a guideline to be considered along with other information in making the assessment of equitable dispersal and undue concentrations. The assessment of equitable distribution shall involve the following.
- a. Analysis of housing and demographic data within a 'study sector' which shall be delineated relative to the size and character of the proposed development and shall include such features as schools, shopping areas, street system, civic uses, and employment opportunities. For data purposes, the sector shall be adjusted to accommodate census tracts or census block groups.
 - b. Household income characteristics for the study sector shall be derived from 1990 census data, as amended by the Census Bureau. The income level of a "family of four" shall be used for the determination of households within the Group A and Group B household categories.
 - c. The ranking of the sector, as identified in the Palm Beach County Affordable Housing Study, June, 1994, with respect to Tables 2.3 and 2.4, Distribution of Households by Income Groups, shall be considered along with other information in making the assessment of equitable dispersal and undue concentrations.

- d. The above information, along with other relevant information from the Palm Beach County Affordable Housing Study, June, 1994, and developer supplied information, shall be considered by staff and the LUAB/LPA in making recommendations regarding equitable geographic distribution of affordable housing for compliance with Housing Element Policy 1.5-b. [Ord. No. 00-15]
8. **Allowable density.** The density of the development shall not exceed a one hundred (100) percent increase above the permitted density. However, in no event shall the density exceed a maximum of sixteen (16) dwelling units per acre. "Permitted density" shall be determined by either: (a) the unit count allowed by density designation on the Future Land Use Atlas and as applied through provisions of Section 6.5 of the ULDC, or, (b) the allowable density of a previously approved development order, for the same property, pursuant to Sections 1.5 and 6.8 of the ULDC.
9. **Provisions of basic services.** For developments which have a density greater than eight (8) units per acre or which seek a density bonus equal to, or greater than, seventy percent (70%), there must be a demonstration of proximity to public transportation and employment opportunities so that residents will be able to access employment or other destinations appropriate for the type of housing without exclusive reliance on the automobile.
10. **Payment in-lieu-of construction.** A developer may elect to make a payment into the Housing Trust Fund in-lieu-of construction of Group A housing units.
- a. **Basis of the payment.** The payment shall be on a per unit basis of an amount equal to 1.2 times the unit's production cost. For the purpose of this Section 6.9, unit production cost shall be the base construction cost of the unit based upon gross floor area and construction cost per the latest edition of SBCCI, Building Valuation Data. The provisions of Section 6.9.D.2.b (varied floor plans) shall be considered in the calculation.
- b. **Establishing amount of payment.** The proposed amount of the in-lieu-of payment shall be included in the VDB petition. Establishment of the amount shall be a part of the development order. It shall be subject to reconsideration when consideration is given to an extension of time under ULDC Section 5.8.
- c. **Payment.** Payment shall be due prior to the issuance of the first building permit.
11. **Combination of construction of units and the payment in-lieu-of construction.** The developer may elect to construct a portion of the required Group A units in conjunction with a payment in-lieu-of construction to account for the remaining Group A units.
12. **Use of in-lieu payments.** All in-lieu fees collected under this VDB shall be deposited in the Housing Trust Fund established by Palm Beach County Ordinance No. 93-8, as amended, and used for purposes contained therein.
13. **Displacement.** Any tenant displaced as a result of development of the VDB project, shall be the subject of a relocation program which will, at a minimum, describe efforts to relocate and/or make aware of comparable housing opportunities including the availability of housing at the subject site.

E. **Standards for approval.** An application submitted under this Section 6.9 shall be reviewed for compliance with the following standards. Recommendations as to compliance shall be made by staff and the LUAB/LPA, as appropriate, with the final determinations being made by the BCC. Each of these standards must be met in order for a VDB award to be made.

1. The development must be located within the Urban Service Area.
2. The resulting development shall be deemed compatible with surrounding land uses. The determination of compatibility shall include:
 - a. a standard assessment of Future Land Use Designations, zoning designations, and actual use of the surrounding lands,
 - b. the impact of the proposed development upon surrounding land uses, both current and future, and,
 - c. the impact of the external environment upon the suitability and success of the proposed VDB development.
3. The development shall meet all concurrency requirements at the level of impact calculated at the bonus density.
4. The resulting affordable housing units will not result in an inappropriate concentration, pursuant to Section 6.9.D.6, of such housing within the proposed development.
5. The resulting affordable housing units will not result in an inappropriate concentration, pursuant to Section 6.9.D.7, of such housing within a given geographic area.
6. Adequate assurances as required in Sections 6.9.D.3, 4, and 5.
7. Adequate provisions for displaced tenants pursuant to Section 6.9.D.13.
8. The resulting development shall be consistent with the goals, objectives, and policies of the Comprehensive Plan and the provisions of this Section 6.9.

F. **Review and approval process.**

1. **Presubmittal conference.** Prior to submittal of a petition requesting a density bonus, the applicant must attend a presubmittal conference with the Director of Planning, or designee, to establish the geographic area (sector) within which the dispersal analysis is to be made. A failure to establish the area in this manner may result in the rejection of the development application.
2. **Submission of petition.** A petition for the VDB shall be submitted to the Planning Division concurrent with submission of a General Application for a Class A Conditional Use, a rezoning to a Planned Development District, or an Amendment to a previously approved Planned Development District (reference Section C) to the Zoning Division. The General Application shall be in accordance with the procedures of Section 5.4 or 6.8.A, as applicable. The VDB application form and required submittal materials shall be established by the Director of Planning. A site plan which shows the location of

roadways, parking areas, buffer areas, recreation and amenity areas, and building areas along with typical building footprints shall be a part of the petition. The petition must identify any Flexible Property Development Regulations which are being sought pursuant to ULDC Section 6.5.L or Optional Residential Standards pursuant to Section 6.8.B.6.a.4.

3. **Determination of sufficiency.** The Planning Director shall determine the sufficiency of the petition within five (5) working days from its receipt. If it is determined that it is not sufficient, written notice shall be sent to the applicant specifying the deficiencies within three (3) working days of the determination. The Planning Director and Zoning Director shall take no further action unless the deficiencies are remedied. If the deficiencies are not remedied within twenty (20) working days, the petition shall be considered withdrawn. If the petition is determined sufficient, the Planning Director will process it pursuant to the procedures and standards of this Section 6.9.
4. **Review by CAH staff.** The petition shall be reviewed by the staff of the CAH after a determination of sufficiency but prior to consideration by the LUAB/LPA.
5. **Review by the LUAB/LPA.** The petition shall be reviewed by the LUAB/LPA after a determination of sufficiency but prior to consideration by the Zoning Commission of the associated development order. The Director of Planning shall present a report to the LUAB/LPA which describes how the proposed development complies with General Provisions as set forth in Section 6.9.D. and with respect to compliance with each of the Standards set forth in Section 6.9.E.

The LUAB/LPA shall make a determination of compliance with each of the General Provisions. The LUAB/LPA shall recommend approval, approval with conditions or denial of the requested increase in density based on the Standards. The LUAB/LPA may recommend conditions in order to assure compliance with said General Provisions and/or the Standards.

The LUAB/LPA's recommendation shall be forwarded to the BCC who shall have the final authority with regard to compliance with this Section 6.9.

6. **Review by the Zoning Commission.** Consideration of the VDB petition and its standards pursuant to this Section 6.9 shall be separate from the Zoning Commission's action on the development application. However, when applicable, the Zoning Commission shall take concurrent action with regard to the increased density, compatibility with the increased density on surrounding land uses, and the Flexible Property Development Regulations as allowed by ULDC Section 6.5.L or the Optional Residential Standards of Section 6.8.B.6.a.4.
 7. **Action by the BCC.** All VDB petitions shall be approved, approved with conditions or denied by the Board of County Commissioners. The BCC shall act on the increased density allowable, through the VDB, by a motion separate from the associated development order. The BCC may rely upon the findings made by the LUAB/LPA in rendering its action. However, the actions of the LUAB/LPA shall be deemed advisory for the purpose of taking final action on a VDB petition. The BCC shall then act on the associated development order and may approve it at the requested density or at a lesser density.
- G. Effect.** Approval of a voluntary density bonus, by the Board of County Commissioners, shall grant the right to increase density consistent with the terms approved in the development order. The density bonus shall run with the development order.

1. **Amendments to a voluntary density bonus.** A density bonus may be amended, extended, varied or altered only pursuant to the standards and procedures established for its original approval, or as otherwise set forth in this section.
2. **Map designation of a density bonus development.** A development which receives an approved density bonus shall be designated by a symbol on the Future Land Use Atlas and the Official Zoning Map until the development is built-out. At that time, the Future Land Use Atlas shall be changed, by action of the County, to reflect the total density of the development.
3. **Transfer of a density bonus.** A density bonus runs with the development order and may be transferred to a new owner of the development only if the new owner agrees to fulfill all the terms of the agreement made by the original owner. Density gained through the VDB shall not be eligible for use in the Transfer of Development Rights Program.
4. **Subject to Section 5.8, Compliance with Time Limitations.** The increase in density allowed by an approved VDB is subject to provisions of Section 5.8. During such review the VDB shall be re-evaluated pursuant to the Standards of Section 6.9.E and, the Provisions of Section 6.9.D.
5. **Review.** This Section 6.9 shall be reviewed on an annual basis commencing in January 1997 in order to ascertain its effectiveness and determine if changes are warranted. The review shall occur by a written report, prepared by the Planning Division, to the BCC. The report shall address, at a minimum, the number of applications received, the role of the LUAB/LPA in the review process, the number of units approved, the number of units constructed, and the identification of any problems or concerns associated with the implementation and administration of this Section 6.9.
[Ord. No. 95-24] [Ord. No. 96-14] [Ord. No. 00-015]

Amendment History:

[Ord. No. 93-4; February 16, 1993] [Ord. No. 95-24; July 24, 1995] [Ord. No. 96-14; April 23, 1996]
[Ord. No. 00-015; April 12, 2000]

SEC. 6.10 TRANSFER OF DEVELOPMENT RIGHTS - SPECIAL DENSITY PROGRAM.

- A. Purpose and intent.** The purpose of this section is to provide for a Transfer of Development Rights (TDR) Program, including the establishment of a TDR Bank, to facilitate both the protection of environmentally sensitive lands, the preservation of agriculture on lands designated as Agricultural Reserve (AGR) on the Future Land Use Atlas (FLUA), and to promote orderly growth in Palm Beach County. This is accomplished by allowing development rights to be severed from environmentally sensitive lands and lands designated as AGR and transferred to sites where additional development can be accommodated. The Transfer of Development Rights program is designed to redistribute population densities, or development potential, to encourage the most appropriate and efficient use of resources, services and facilities.

Further, it is the purpose and intent of this section to provide an alternative to the development of environmentally sensitive lands and lands designated as AGR on the FLUA by establishing a mechanism to seek economic relief from the limitation of development imposed on these lands. Transfer of Development Rights can mitigate inequities in the valuation of land by providing a means of compensating landowners whose property is restricted, by permitting the sale of development rights, and making landowners in more

intensively developed areas pay for the right to develop beyond the existing density, by purchasing development rights.

The Transfer of Development Rights Program allows a property owner to achieve a density bonus by purchasing the increase in density from the County TDR Bank, or from a property owner with land in a designated sending area, without going through the land use amendment process. In order to increase density, the site must meet the requirements to become a designated receiving area and follow the procedures as described in this Section. After development rights have been transferred from the sending area to the receiving area, an appropriate conservation easement or an agricultural conservation easement shall be attached to the sending area and recorded in the public records of Palm Beach County, restricting future development potential.

The TDR Program is the required method for increasing density above the maximum density permitted by a property's FLUA designation within the unincorporated County, unless an applicant can both justify and demonstrate a need for a Site Specific Comprehensive Plan Amendment and demonstrate that the current FLUA designation is inappropriate, as outlined in Sec. 5.2.D.10 of this Code, or the applicant is using the Voluntary Density Bonus Program as outlined in Sec. 6.9 of this Code.

[Ord. No. 97-64] [Ord. No. 98-11] [Ord. No. 00-13]

B. Authority. The BCC has the authority to adopt this section pursuant to Article VIII, Sec. 1, Fla. Const., the Palm Beach County Charter, Sec. 125.01, et. seq., Fla. Stat., and Sec. 163.3161, et. seq. Fla. Stat.

[Ord. No. 97-64]

C. Applicability. This section shall apply to property in unincorporated Palm Beach County which is located within designated sending areas, as defined in Sec. 6.10.G. Development rights may be transferred from sending areas pursuant to the procedures contained in this Section, to property which meets the qualifications to receive such density according to Sec. 6.10.I and the standards contained herein.

The use of Transfer of Development Rights (TDR) shall be allowed in all residential zoning districts within the Urban/Suburban Tier and shall be approved pursuant to this Section. TDR units may be utilized for all housing types. Additionally, TDR units may be converted to Congregate Living Facility (CLF) beds subject to the provisions of Sec. 6.4.D.24 whereby the total approved density, including TDR units, is utilized when calculating permissible CLF occupants per Table 6.4-5.

[Ord. No. 00-13]

D. Previous approvals. All previously approved transfers of development rights, as long as they remain in force, shall remain valid and shall not be affected nor changed by subsequent revisions to the TDR Program.

[Ord. No. 00-13]

E. Definitions. For the purposes of this Section, except as specifically provided herein, the terms defined in Article 3 shall have the meaning therein. In the event of conflict between the other Sections of the Unified Land Development Code and this Section, this Section shall prevail. Terms in this Section shall have the following definitions and shall apply only to the transfer of development rights procedures as provided for in this Section.

Agricultural Conservation Easement - means an interest in land, which interest represents the right to retain land in bona fide agriculture, fallow land, and uses permitted in the Conservation Water Resources Area (WRA) future land use category, created pursuant to Sec. 704.06, Fla. Stat.

Community Commercial Facility - A commercial facility constructed on ten (10) or more acres supporting at least one hundred thousand (100,000) square feet of gross floor area. The community commercial facility shall not be construed to mean the community commercial zoning district described in this Code.

Conservation Easement - means an interest in land, which represents the right to restrict or prevent the development or improvement of the land for purposes other than water preserve areas, wetlands or uplands, created pursuant to Sec. 704.06, Fla. Stat.

Contract for Sale and Purchase of Development Rights - A valid contract which must be in writing pursuant to Florida law, for the sale of (development rights) for the purpose of increasing density on a receiving area parcel.

Deed of Transfer of Development Rights - A legal document which transfers the ownership of specified development rights from one parcel of land to another, and which is recorded in the Public Records of Palm Beach County.

Development Right - The ability to develop a residential dwelling unit on a parcel of land. The land owner may sell, donate or transfer the development rights and retain title to the land and the right to use the surface of the land on a limited basis. For the purpose of this Section, one development right shall equal one residential dwelling unit.

Development Rights Certificate - A legal document presented to a property owner who deeds to the County, without compensation, environmentally sensitive, Rural Residential 20 (RR-20) land or land designated CON on the Future Land Use Atlas (FLUA) within a sending area, or records an agricultural conservation easement for a sending area designated AGR on the FLUA. The certificate shall specify the number of development rights the property owner is entitled to sell or trade, and the certificate shall remain valid until the development rights are permanently transferred to property within a receiving area.

Escrow Agreement - A legal document which holds money in trust by a third party to be turned over to the County upon the fulfillment of a condition.

Gross acreage - The total land area, including all public and private areas, within the legal boundaries of a particular parcel of land or project.

Major department store - A nationally or regionally recognized retail store which anchors a regional commercial facility and contains at least one hundred thousand (100,000) square feet of floor area.

Major industrial facility - An industrial facility constructed on more than thirty-five (35) acres supporting at least seven hundred thousand (700,000) square feet of floor area.

Net Density - The ratio of the number of dwelling units per acre of land exclusive of water management tracts, R-O-Ws, open space, and landscape buffers.

Priority Acquisition Site - A parcel of land designated by the Environmentally Sensitive Lands Acquisition Selection Committee (ESLASC) or Conservation Land Acquisition Selection Committee (CLASC) as such and approved for acquisition by the Board of County Commissioners.

Receiving Area - Parcels of land within the Urban Service Area, which are permitted to increased density, as specified herein, and receive development rights purchased from the owners of land in a sending area. The transfer capacity of these development rights is based on the number of transferable development rights which a specified area can accommodate, subject to Sec. 6.10.I and 6.10.K.

Regional Commercial Facility - A commercial facility constructed on forty (40) or more acres supporting at least one (1) major department store and three hundred fifty thousand (350,000) square feet of gross floor area.

Sending Area - An area which the TDR Program is designed to protect, as specified herein, and from which development rights are transferred pursuant to the provisions of this section.

Transfer of Development Rights (TDR) Bank - An accounting and monitoring system authorized by this Code empowering the County to purchase and sell development rights. The TDR Bank offers an alternative to TDRs being transferred via the private market. The bank consists of development rights from lands designated for preservation as provided for in this section and purchased by the County. These rights may then be sold to developers, for use in qualified receiving areas or held in reserve for future release.

Urban Residential Zoning District - One of the following residential zoning districts permitted within the Urban Service Area: Residential Estate District (RE), Residential Transitional District (RT), Residential Transitional Suburban District (RTS), Residential Transitional Urban District (RTU), Single Family Residential District (RS), Multi-Family Residential (Medium Density) District (RM), and Multi-Family Residential (High Density) District (RH).

[Ord. No. 97-64] [Ord. No. 98-11] [Ord. No. 00-13]

F. Administration.

1. **General.** Except as otherwise specified, the TDR Program shall be administered by the Executive Director of the Planning, Zoning and Building Department, who may designate responsibilities regarding the program to one or more members of the Planning or Zoning Division staff.
2. **Responsibilities.** The Executive Director of the Planning, Zoning and Building Department shall be responsible for:
 - a. establishing, administering and promoting the County's Transfer of Development Rights Program;
 - b. establishing and administering the Transfer of Development Rights Bank;
 - c. ensuring the orderly and expeditious processing of Transfer of Development Rights applications under this Section;
 - d. ensuring the contracts for sale and purchase of development rights are executed and all deeds and conservation easements are filed in the public records of Palm Beach County;

- e. ensuring that the Property Appraisers Office is notified of all transfers of development rights;
 - f. ensuring that the densities approved through the TDR Program are placed on the FLUA as notations following approval of the TDR receiving area;
 - g. ensuring that the FLUA is amended by a staff initiated Site Specific Comprehensive Plan amendment to reflect an appropriate future land use designation for the sending areas following recordation of the deed of transfer;
 - h. ensuring that the FLUA is amended by a staff initiated Site Specific Comprehensive Plan amendment to reflect an appropriate land use designation for land acquired by the County whose units are placed in the TDR bank; and
 - i. coordination with municipalities in the administration of the TDR provisions.
- [Ord. No. 97-64] [Ord. No. 00-13]

G. Sending Areas.

1. **General.** Sending Areas represent those areas of the County that are designated by the BCC to warrant protection. The owner of property in a designated sending area may transfer the development rights to a parcel of land in a designated receiving area, subject to the provisions of this Section.
2. **Eligible Sending areas shall include.**
 - a. lands designated RR-20 on the FLUA;
 - b. lands designated as priority acquisition sites by the Environmentally Sensitive Lands Acquisition Selection Committee (ESLASC) or the Conservation Land Acquisition Selection Committee (CLASC) that meet the criteria listed below:
 - (1) rarity in Palm Beach County of native ecosystems present on the environmentally sensitive lands site;
 - (2) diversity of the native ecosystems present on the environmentally sensitive lands site; or
 - (3) presence of species listed as endangered, threatened, rare or of special concern by the U.S. Fish and Wildlife Service, the Florida Fish and Wildlife Conservation Commission, the Florida Committee on Rare and Endangered Plants and Animals, or the Florida Department of Agriculture;
 - c. lands designated AGR on the FLUA;
 - d. privately owned lands designated CON on the FLUA; and
 - e. other sites determined by the BCC to be worthy of protection, provided that the sites:
 - (1) further the purpose of the TDR Program in keeping with the criteria listed above; or
 - (2) further other County Goals, Objectives, and Policies. At such a time that the BCC determines that a parcel of land is environmentally sensitive, or preservation of the site is in the public interest, the parcel is eligible to become a sending area. The site shall be designated by resolution of the BCC.

3. **Overlap in sending areas.** In such cases where a parcel of land is both a priority acquisition site and designated RR-20 or AGR on the FLUA, all provisions in this section pertaining to the priority acquisition sites shall prevail.
4. **Transfer rate.** The owner of land which is designated as a sending area may elect to transfer development rights as provided in this section. Development rights may be transferred from sending areas according to the following schedule. For the purposes of this subsection, acres means gross acreage.
 - a. Development rights may be transferred from property designated RR-20 on the FLUA at the rate of one (1) development right per five (5) acres. The minimum land area eligible for the transfer of development rights as a sending area shall be ten (10) acres.
 - b. Development rights may be transferred from property designated AGR on the FLUA at the rate of one (1) development right per one (1) acre. The minimum land area eligible for the transfer of development rights as a sending area shall be twenty (20) acres unless the sending area parcel is located adjacent to other preserved properties, in which case the minimum land area shall be five (5) acres.
 - c. Development rights may be transferred from priority acquisition sites (both residential and non-residential) located outside of the Urban Service Area at a transfer rate of one (1) development right per five (5) acres. The minimum land area eligible for the transfer of development rights as a sending area shall be five (5) acres.
 - d. Development rights may be transferred from all priority acquisition sites located within the Urban Service Area at a rate equal to the maximum density permitted by the future land use designation, plus a fifteen (15) percent transfer bonus above the maximum density, if less than the total available units are transferred, or plus a twenty-five (25) percent transfer bonus above the maximum density if all the available units are transferred. The minimum land area eligible for the transfer of development rights as a sending area shall be five (5) acres.
 - e. Development rights may be transferred from privately owned lands designated CON on the FLUA at a rate of one (1) development right per ten (10) acres. The minimum land area eligible for the transfer of development rights as a sending area shall be ten (10) acres.
 - f. Development rights may be transferred from all environmentally sensitive sites described in 6.10.G.2.e. at a rate which equals the maximum density permitted by the future land use designation for the property. The minimum land area eligible for the transfer of development rights as a sending area shall be determined by the BCC, upon a recommendation from PZB and ERM.
5. **Computation of Development Rights.** The number of development rights assigned to a sending area parcel of land shall be determined by the Executive Director of the Planning, Zoning and Building Department pursuant to Sec. 6.10.G. and 6.10.J., as calculated below.
 - a. All development rights shall be in whole numbers, no fractions shall be permitted. Any fractional residential unit that may occur during calculations shall be converted upward, if one-half or more of a whole unit, or downward, if less than one-half of a whole unit, to the nearest whole unit.

- b. The amount of development rights assigned to a sending area parcel shall be reduced by one dwelling unit for every conforming residential structure situated on the property at the time of approval.
6. **Restriction on future use.** Upon BCC or DRC approval of the TDR transfer, a conservation easement or agricultural conservation easement shall be recorded in the public records of Palm Beach County. The BCC or DRC shall determine which easement is appropriate for the sending area as part of the approval of the TDR transfer. Prior to recordation of the easement, a legally enforceable maintenance plan providing for perpetual maintenance of the sending area shall be established by the property owner and approved by ERM. No further development permit or development order for the designated receiving area shall be issued by Palm Beach County until the applicable easement is recorded in the public records of Palm Beach County. The easement shall restrict the use of the sending area in perpetuity. In particular, a conservation easement shall require that the sending area be maintained in its natural state while an agricultural conservation easement shall restrict the use of the sending area to bona fide agriculture, fallow land, or uses permitted in the Conservation Water Resources Area (WRA) future land use category; all other development rights of the subject property shall be considered transferred in perpetuity.
7. **Existing uses.** Conforming residential dwelling units which existed prior to making application to transfer development rights shall be permitted to remain as legal conforming uses. All other existing uses on the sending area shall cease.
8. **Remaining land area.** If all of the development rights assigned to a sending area are not transferred off the site, the remaining land, if proposed for development, shall be developed in accordance with this code and in a manner which is compatible with the surrounding area. This provision shall not apply to sending areas designated AGR on the Future Land Use Atlas; these parcels are required to transfer all development rights off the site.

If the owner of land in a sending area only transfers a portion of the development rights available for the property, the County, upon a recommendation from PZB and ERM, reserves the right to determine which portion of the land is subject to the applicable conservation easement. The intent is to link environmentally sensitive land, to link agricultural land, and to link open space areas, when feasible, and allow compatible development to occur on the remainder of such sites.

[Ord. No. 97-64] [Ord. No. 98-11] [Ord. No. 00-13]

H. Transfer of Development Rights (TDR) Bank.

1. **General.** The purpose of this section is to authorize the establishment of a Transfer of Development Rights Bank. The TDR Bank is hereby created in order to, among other things, facilitate the purchase and transfer of development rights as hereinafter provided and maintain an inventory of those development rights purchased by the County.
2. **Establishment of development rights for the Bank.** Development rights for the TDR Bank shall be generated from environmentally sensitive lands purchased by the County, including the priority acquisition sites meeting the criteria in Sec. 6.10.G.2., through August 30, 1999. Priority acquisition sites in the unincorporated area of the County which are not purchased as part of the acquisition program shall maintain the opportunity to transfer development rights on the private market. The TDR Bank shall be maintained by the Executive Director of PZB and shall be reviewed in accordance with the Future Land Use Element of the Plan to determine the need for additional units.

Development rights in the TDR Bank generated under the Interim TDR Program shall remain in the TDR Bank until sold by Palm Beach County, the TDR Bank is dissolved, or the units are otherwise disposed of.

3. Transfer rate from the purchase of environmentally sensitive lands.

- a. **Land purchased inside the Urban Service Area.** The number of development rights within the bank shall equal the maximum density allowed by the future land use designation as established by the applicable County or municipal Comprehensive Plan.
- b. **Land purchased outside the Urban Service Area.** The number of development rights severed, or generated for the bank, shall equal the TDR transfer rate established in Sec. 6.10.G.

4. The application, sale and value of development rights. The County may sell development rights to property owners who meet the receiving area criteria pursuant to this Section.

- a. A property owner seeking an increase in density must apply to become a receiving area and submit a draft Contract for Sale and Purchase of Development Rights as part of the application described in Sec. 6.10.K.
- b. The value and price of a development right shall be set by the BCC. The BCC may utilize the following to set the price:
 - (1) the current market value; or,
 - (2) a recommendation from the Land Use Advisory Board (LUAB) and the Planning Division.

The BCC may discount the price of development right as provided in the Plan.

TDR applications not subject to approval by the BCC requesting TDR units from the County's TDR Bank shall utilize the price set by the BCC. These applications may also be eligible for the discounted price of development right as provided in the Plan.

5. Annual report. The Executive Director of the Planning, Zoning and Building Department shall present an annual report to the BCC which outlines the number of development rights currently in the bank; the number of rights available for sale; the number of rights sold during the year; the purchase price per development right; recommendations for improving the TDR Program; and any other information deemed relevant.

6. Revenue from the sale of TDRs. The revenue generated from the sale of development rights from the TDR Bank shall be allocated to the Natural Areas Fund administered by ERM for acquisition and management of environmentally sensitive lands and wetlands.

[Ord. No. 97-64] [Ord. No. 98-11] [Ord. No. 00-13]

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I. **Receiving areas.** Development rights shall only be transferred to those parcels which meet the qualifications for designation as receiving areas.

1. **Eligible receiving areas shall include the following:**

- a. Planned Development Districts (PDD). The total density of the project, including the TDR units, shall be utilized for calculating the minimum PDD acreage threshold¹; and
- b. Residential Subdivisions which are not within a PDD.

2. **Parcels shall meet the following criteria in order to qualify as a receiving area:**

- a. be located within the Urban/Suburban Tier;
- b. be compatible with surrounding land uses and consistent with the Comprehensive Plan;
- c. meet all concurrency requirements;
- d. meet all requirements as outlined in the Unified Land Development Code; and
- e. be compatible with adjacent Environmentally Sensitive Lands.

3. **Compatibility.** Designation of a receiving area shall require compatibility in order to forward the goals of the Comprehensive Plan. Compatibility of a TDR receiving area shall be based upon the following factors.

- a. The character of the proposed development in relation to the adjacent properties including building type and size and the gross and net densities of the proposed receiving area and the adjacent properties. Character shall be evaluated as follows.
 - (1) **Net density.** When a difference of two (2) du/acre is proposed between the net density of the receiving area and the adjacent property, a minimum twenty-five (25) foot buffer of native vegetation shall be required. For every additional one (1) du/acre (or fraction thereof), an additional five (5) foot buffer of native vegetation shall be required.
 - (2) **Building type and size.** The site development plan for the proposed receiving area must reflect a design that is harmonious and efficiently organized in relation to the size and shape of the tract. Additionally, the use of land for the receiving area shall reflect the character of the adjoining property. For the purposes of this Section, character shall be defined as the same housing classification or a less intense housing classification.

¹ Example: To be considered for a Planned Unit Development (PUD), a parcel with a Future Land Use designation of LR-3 requires a minimum of thirty (30) acres; while a parcel with a Future Land Use designation of MR-5 requires a minimum of twenty (20) acres. Under Sec. 6.10.I.1.a., if a property owner with a twenty (20) acre parcel with a LR-3 designation on the Future Land Use Atlas purchases forty (40) units through the TDR Program, a gross density of MR-5 would result. (20 acres x 3 du/ac = 60 du; + 40 du = 100 du on 20 acres = 5 du/ac.) The parcel would qualify for consideration as a PUD, based upon the total density including the transferred units, and receiving area designation for transferred development rights.

- (3) **Site Design.** ERM shall ensure that the site development plan shall preserve existing trees and other natural features to the greatest extent possible. The natural topography, existing vegetation and views within and beyond the site shall be impacted to the minimum extent possible by the arrangement of buildings. Natural or man-made lakes and other constraints shall be incorporated into the site design.

- b. **Proximity to environmentally sensitive lands.** Proximity of the proposed receiving area to environmentally sensitive lands shall be evaluated by ERM as follows. A receiving area shall not degrade adjacent environmentally sensitive lands. Receiving areas, therefore, shall reduce the intensity/density of that portion of the development which is contiguous to any regionally significant natural resource as defined by the Treasure Coast Regional Planning Council, environmentally sensitive land as defined by the ESLASC or CLASC, or sites designated as preserve areas according to Sec. 9.5 of this Code, so that the development is compatible with, and does not negatively impact the environmentally sensitive area, by providing a buffer zone of native vegetation according to the following table.

Table 6.10-1

Density of Adjacent Pod/ Development Area	Required Buffer Zone of Native Vegetation
Net density less than or equal to three (3) units per acre	fifty (50) foot buffer
Net density greater than three (3) and less than or equal to five (5) units per acre	one hundred (100) foot buffer
Net density greater than five (5) units per acre	two hundred (200) foot buffer

- 4. **Residential density bonus.** The maximum number of development rights which may be transferred to the receiving parcel shall be determined in accordance with Sec. 6.10.I and 6.10.K. The following density increases may apply to properties which meet the receiving area criteria.
 - a. Approved receiving areas may receive a bonus density as follows:
 - (1) Receiving areas in the Urban/ Suburban Tier west of the Florida Turnpike: up to two (2) du/acre additional;
 - (2) Receiving areas in the Urban/ Suburban Tier east of the Florida Turnpike, but not in a Countywide Community Revitalization Team (CCRT) revitalization and redevelopment area: up to three (3) du/ acre additional; and,
 - (3) Receiving areas in the Revitalization and Redevelopment Overlay: up to four (4) du/acre additional.

 - b. Receiving areas meeting one or both of the following criteria shall be eligible for an additional one (1) du/acre density bonus above the density bonus described in 6.10.I.4:
 - (1) Receiving areas within ¼ mile radius of a public park, community commercial facility or mass transit facility within the Urban Service Area;
 - (2) Receiving areas within ¼ mile radius of a regional commercial facility or a major industrial facility within the Urban Service Area.

In order to be eligible for the additional one (1) du/acre density bonus, at least twenty-five (25) percent of the receiving area must be located within the required radius. The density bonus shall apply to the entire receiving area.

5. **Prohibitions.** Under no circumstances shall a receiving area contain a sending area as defined in Sec. 6.10.G.2. of this Code.
[Ord. No. 00-13]

J. Transfer of Development Rights: Sending Area procedure.

1. **Sending parcel application.** The property owner of lands which are designated sending areas as defined under Sec. 6.10.G must make application to PZB for an administrative determination in order to be formally designated as a sending area. The purpose of this administrative determination is to ascertain the exact number of development rights the property owner is entitled to. The application shall include, at a minimum:
- a. proof of ownership;
 - b. a legal description of the property; and,
 - c. contract, or option, for the purchase and sale of development rights (unless requesting a TDR Certificate, as outlined in Sec. 6.10.J.6).

The application shall be submitted to the Executive Director of the Planning, Zoning and Building Department. Applications for a Sending Area designation may be accepted for review and processing at any time.

2. Review Process.

- a. **Environmentally sensitive lands and lands designated RR-20 or CON on the FLUA.** Prior to the first scheduled DRC meeting to consider the TDR application, the Executive Director of the Planning, Zoning and Building Department shall review the sending area application and make a determination regarding the number of units associated with the parcel. As part of review of the application, the Executive Director of the Planning, Zoning and Building Department shall notify ERM of the application and request that a site check be conducted.

ERM shall complete a site check to ensure that the site has not been altered and the site meets the criteria provided in Sec. 6.10.G.2. ERM shall complete a written recommendation to the Executive Director of the Planning, Zoning and Building Department regarding the site.

- b. **Land designated AGR on the FLUA.** Prior to the first scheduled DRC meeting to consider the TDR application, the Executive Director of the Planning, Zoning and Building Department shall review the sending area application and make a determination regarding the number of units associated with the parcel. As part of review of the application, the Executive Director of the Planning, Zoning and Building Department shall complete a site check to ensure that the site is suitable for bona fide agricultural or other open space purposes consistent with the Agricultural Reserve provisions in the Plan.

Sending area applications which are not submitted in conjunction with a receiving area application shall be reviewed and acted upon within twenty-five working days.

3. **Written determination.** The property owner shall receive a written determination from the Executive Director of the Planning, Zoning and Building Department indicating how many development rights can be transferred from the property. The number of development rights for the site shall be documented and be kept on file in the Planning, Zoning and Building (PZB) Department.

The written document shall be valid for a period of twelve (12) months. If any modifications or alterations are made to the property during the twelve month period, the property owner shall not be permitted to participate in the TDR Program.

4. **Easement agreement/restriction.** Prior to site plan certification, the applicable conservation easement, in a form and content acceptable to the County Attorney shall be recorded in the public records of Palm Beach County. The easement shall restrict future use of the land consistent with the requirements in Sec. 6.10.G.6, Restrictions on future use. Prior to recordation of the easement, a legally enforceable Maintenance Plan providing for perpetual maintenance of the sending area shall be established by the property owner and approved by ERM. [Ord. No. 01-100]

5. **Re-submittal of application.** The owner of a sending parcel may re-apply until all development rights have been severed from the property.

6. **Development Rights Certificates.** Environmentally sensitive lands and lands designated as Conservation or Rural Residential 20 on the FLUA must be deeded to, and accepted by the County, subject to the discretion of the BCC, before the Certificate can be issued. Environmentally sensitive lands and lands designated as Conservation or Rural Residential 20 on the FLUA deeded to, and accepted by the County, shall be managed by the County or its designee. AGR lands shall be managed by the property owner in perpetuity as provided in the Maintenance Plan.

- a. **Eligibility.** Development Rights Certificates shall only be issued to property owners of ESL or RR-20 land that deed without compensation environmentally sensitive land to the County or property owners of AGR land that record an agricultural conservation easement, and follow the procedures in this Section. The development rights certificate shall require that restrictions be placed on the sending area prior to the sale of those development rights. A minimum transfer of five (5) acres is required.
- b. **Issuance of the Certificate.** Upon completion of the application process, and recordation of the deed transferring ownership of the property to Palm Beach County, or recordation of the agricultural conservation easement and approval by ERM of a legally enforceable maintenance plan providing for perpetual maintenance of the sending area, the property owner shall be issued a Development Rights Certificate. The Certificate shall indicate the exact number of development rights which can be sold, transferred, or traded, by the holder of such Certificate. The Certificate shall remain in effect until applied to a TDR receiving area in accordance with provisions of this Section.
- c. **Unused Certificates.** A property owner of AGR land, with an agricultural conservation easement recorded, may reassociate development rights to the original sending parcel provided that no development rights have been sold. A written request to reassociate the development rights shall be submitted to the Executive Director of the Planning, Zoning and Building Department along with proof

of ownership and a legal description of the property. Prior to approval of a request to the reassociate development rights, the applicant must petition and receive BCC approval to release the easement recorded against the sending area parcel.

7. **Limitations.** The amount of development rights assigned to a sending area parcel, or indicated on a certificate, shall be reduced by one for every conforming residential structure situated on the property at the time of application.
[Ord. No. 97-64] [Ord. No. 98-11] [Ord. No. 00-13]

K. Transfer of Development Rights: Receiving Area procedure.

1. **General.** Receiving areas shall be approved concurrent with issuance of a Development Order for a PDD or a residential subdivision. The following procedures shall be followed in order to become a receiving area to obtain the density bonus.
2. **Preapplication conference.** Prior to submittal of an application requesting a receiving area density bonus, the applicant must attend a preapplication conference with the appropriate PZB staff, pursuant to Article 5 of this Code, to review the proposed development, and the requirements and procedures of the TDR Program.
3. **Review process.** The review process for TDR applications is based upon the density and type of residential development proposed.
 - a. The transfer of two (2) units per acre or less to a residential subdivision is reviewed by the Development Review Committee and shall be subject to the provisions of Section 5.6 of this Code, except as provided below. Parcels which meet the minimum acreage thresholds for a PUD shall not utilize this option;
 - b. The transfer of more than two (2) units per acre to a residential subdivision is reviewed as a Class A Conditional Use and shall be subject to the provisions of Section 5.4 of this Code, except as provided below. Parcels which meet the minimum acreage thresholds for a PUD are allowed to utilize the option contained in this paragraph, provided the parcel meets the PUD property development regulations contained in Sec. 6.8;
 - c. The transfer of any density to a planned development is reviewed as a requested use and shall be subject to the provisions of Section 6.8 of this Code, except as provided below. A general application by a property owner for receiving area status and a density bonus shall be accepted for review and processing pursuant to Sec. 5.1.B.
4. **Contents of application.** In conjunction with the general application for a residential subdivision, a rezoning to a PDD, or an amendment to a previously approved PDD or residential subdivision submitted to the Zoning Division pursuant to Sec. 5.6. or 6.8.A., as applicable, an applicant for receiving area status and a density bonus must submit a supplemental TDR Application.

The application shall be submitted in a form established by the Executive Director of the Planning, Zoning and Building Department and made available to the public. A site plan which shows the location of roadways, parking areas, buffer areas, recreation and open space areas, and building areas shall be a part of

the application. Additionally, the applicant shall include typical building footprints and elevations as a part of the application.

5. **Standards.** In addition to fulfilling the requirements of Sec. 6.10.I., to qualify as a receiving area and be eligible for an increase in density, all applications requesting receiving area designation shall comply with these standards:
 - a. The Transfer of Development Rights is by deed, and the deed shall be recorded before final site plan approval.
 - b. The transfer is to a parcel of land which meets all the requirements of this Code and within which the transferred densities have been included and amended.
 - c. The proposed development meets all concurrency requirements at the level of impact calculated to include the TDR density.
 - d. If the transfer is between two (2) private parties, at the time the transfer is approved, the sending area from which the transfer will occur shall be subject to a conservation easement and shall be identified on the Zoning Map. Pending recording of the conservation easement, no development approvals or development permits will be issued for the sending area or receiving area.
 - e. If the transfer of rights is from the County TDR Bank, all rights have been accounted for and there are enough development rights in the bank to cover the project.
 - f. The proposed development and density are compatible with the surrounding area and land use.
 - g. The proposed development and density do not negatively impact adjacent Environmentally Sensitive Lands.
6. **Contract for Sale and Purchase of Development Rights, Escrow Agreement and Deed of Transfer of Development Rights.** A contract for sale and purchase of development rights, an escrow agreement and a deed of Transfer of Development Rights shall be required as part of the approval of a TDR transfer. The contract shall be recorded prior to certification of the site plan for a TDR receiving area. Prior to issuance of the first building permit, the funds from the escrow agreement shall be released to the County or evidence of payment to a private party shall be provided, the deed shall be recorded and a copy of the recorded deed shall be provided to PZB. Building permits for sales models and/or temporary real estate sales and management offices permitted pursuant to ULDC standards shall be exempted from this requirement regarding the release of escrow funds. [Ord. No. 00-13]
- L. **Notification to Property Appraisers Office.** Upon recordation of the deed of transfer, the Planning, Zoning and Building Director shall notify, within twenty (20) working days, the Property Appraiser's Office in writing that development rights have been transferred from the sending area or TDR Bank to the receiving area in perpetuity. [Ord. No. 97-64] [Ord. No. 00-13]

M. County Initiated Land Use Amendment. Following recording of the deed, the Planning Division, upon direction from the BCC, shall initiate a Site Specific Comprehensive Plan Amendment to designate the property with a Conservation designation (CON) or place a notation which reflects the use of the property as an Agricultural Reserve Preservation Area (AGR/P). Densities obtained through the TDR Program shall be placed on the FLUA as notations following approval of the TDR receiving area.

[Ord. No. 97-64] [Ord. No. 98-11] [Ord. No. 00-13]

N. Overall accounting system for TDR Density. PZB shall maintain an overall accounting system for monitoring density availability and density transfers in the TDR Program. The accounting system shall include both private development rights and development rights in the County's TDR Bank.

Density needed for the TDR Program may be derived from different sources including, but not limited to:

1. Approved Site Specific Comprehensive Plan Amendments since 1990 which resulted in a density reduction; and,
2. Planned Unit Development Unused Density.

At such a time that the TDR Program, any subsequent density bonus programs, or amendments to the Comprehensive Plan requesting an increase in density, deplete the number of units available from previous amendments, PZB shall begin to monitor the PUD units which have been approved through the zoning process, but which have remained unused. The later units may at that time be considered as a source for density for the TDR Program.

[Ord. No. 00-13]

Amendment History:

[Ord. No. 97-64; December 24, 1997][Ord. No. 98-11; April 30, 1998] [Ord. No. 99-37; October 7, 1999]
[Ord. No. 00-13; March 29, 2000] [Ord. No. 01-15; April 15, 2000] [Ord. No. 01-100; December 28, 2001]

ARTICLE 7

SITE DEVELOPMENT STANDARDS

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ARTICLE 7 SITE DEVELOPMENT STANDARDS

SEC. 7.1 GENERAL.

- A. **Purpose and intent.** The purpose and intent of this article is to provide site development standards for development in unincorporated Palm Beach County, to ensure adequate landscaping and protection of the natural environment, to encourage design consistency, to ensure uncongested roads, and to protect the health, safety and welfare of the citizens of Palm Beach County.
- B. **Authority.** The Board of County Commissioners has the authority to adopt this article pursuant to Art VIII, Sec. 1, Fla. Const., the Palm Beach County Charter, Sec. 125.01 et. seq., Fla Stat., and Sec. 163.3161 et. seq., Fla Stat.

SEC. 7.2 OFF-STREET PARKING AND LOADING.

- A. **Purpose and intent.** The purpose and intent of this section is to ensure the provision of off-street parking, loading, queuing and on-site circulation facilities in proportion to the demand created by each use. By requiring such facilities, it is the intent of this section to ensure the provision of functionally adequate, aesthetically pleasing and safe off-street parking, loading, queuing and circulation areas.
- B. **Applicability.** The standards of this section shall apply to all development in unincorporated Palm Beach County, or existing development that is modified to the extent that it includes uses or site design features that were not specifically shown on the previously approved plans. All off-street parking areas established by this section shall be continuously maintained according to the standards of this section.
1. **New buildings and uses.** Off-street parking and loading facilities shall be provided for any new building constructed and for any new use established.
[Ord. No. 99-37]
 2. **Additions, enlargements and changes of occupancy.** Off-street parking and loading facilities shall be provided for any addition to or enlargement of an existing building or use, or any change of occupancy or manner of operation that would result in additional parking and loading spaces being required. The additional parking and loading spaces shall be required only in proportionate amount to the extent of the addition, enlargement, or change, not for the entire building or use.
[Ord. No. 99-37]
 3. **Off-street parking and loading schedule.** Off-street parking and loading spaces shall be provided in accordance with the following schedule of standards in Table 7.2-1.

(This space intentionally left blank.)

**Table 7.2-1
Minimum Off-Street Parking and Loading Standards**

Use Type: Residential	Parking Regulations	Loading
Single-family, Zero lot line home, Duplex or Townhouse, Mobile home dwelling	2 spaces per unit	N/A
Multi-family	1 space per efficiency unit; 2 spaces per unit (one bedroom or more); plus 1 guest parking space per 4 units with common parking areas.	N/A
Accessory dwelling	1 space per unit	N/A
Congregate living facility, Type 1, Type 2*, Type 3*	1 space per three beds; plus 1 space per 200 sq. ft. of office space	N/A C*
Farm residence	2 spaces per unit	N/A
Farm worker quarters	1 space per 4 units	N/A
Grooms quarters	1 space per unit	N/A
Guest cottage	1 space per cottage	N/A
Nursing or convalescent facility	1 space per three beds; plus 1 space per 200 sq. ft. of office space	A
Security or caretaker quarters	1 space per unit	N/A

[Ord. No. 01-29]

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Use Type:	Parking Regulations	Loading
Agricultural Uses		
Agricultural research/development	1 space per 1000 sq. ft.	B
Agricultural sales and service	1 space per 250 sq. ft.	A
Agricultural use, accessory	5 spaces or 1 space per employee, whichever is greater	N/A
Agricultural transshipment	1 space per 2000 sq. ft.	A
Community vegetable garden	4 spaces per garden	N/A
Equestrian arena, commercial	1 space per 3 seats	N/A
Kennel, commercial	1 space per 500 sq. ft. of cage and retail area	N/A
Nursery, retail	1 space per 500 sq. ft. of indoor or covered retail and office areas plus 1 space per 4 acres if the nursery is 20 acres or less, or 1 space per 5 acres if the nursery is greater than 20 acres ^{3,4}	B
Nursery, wholesale	1 space per 4 acres if the nursery is 20 acres or less, or 1 space per 5 acres if the nursery is greater than 20 acres ^{3,4}	B
Packing plant	1 space per 2000 sq. ft.	A
Potting soil manufacturing	2 spaces per acre; minimum of 5 spaces	A
Stable, commercial	1 space per 500 sq. ft.; plus 1 space per 4 animal stalls	N/A
Sugar mill or refinery	1 space per 2000 sq. ft.; plus 1 space per 200 sq. ft. of office space	N/A

[Ord. No. 01- 29] [Ord. No. 01-62]

Use Type:	Parking Regulations	Loading
Public and Civic		
Airport, landing strip or heliport	1 space per tie-down and hangar space, minimum of 5 spaces	C
Assembly, nonprofit institutional, membership	1 space per 3 seats	A
Cemetery	1 space per 200 sq. ft. of office space; plus 1 space per 500 sq. ft. of maintenance area; plus a minimum of 5 public spaces	N/A
Church or place of worship	1 space per 3 seats (schools, auditoriums, day care centers, and other principal uses calculated separately)	N/A
College or university	1 space per 2 students; plus 1 space per 4 seats in gymnasiums and auditoriums; plus 1 space per 200 sq. ft. of administrative and educational office space	C
Day care center, general	< 100 licensed capacity: 1 space per 5 persons; plus 1 drop off stall per 20 persons; > 100 licensed capacity: 1 space per 10 persons; plus 1 drop off stall per 20 persons	N/A
Day care center, limited	1 space per 250 sq. ft.; plus drop off stall	N/A
Government services ³	1 space per 500 sq. ft.; or 1 space per 3 seats, whichever is greater	N/A
Hospital or medical center	1 space per 2 beds; plus 1 space per 200 sq ft. of outpatient treatment area	C
School, Private and Charter	1 space per employee, 1 visitor space for every 50 students, 1 space for every 5.5 students in 11th and 12th grade	C
School, Public	In accordance with the State Department of Education requirements for educational facilities	C
Transportation facility; excluding airport	1 space per 200 sq. ft. of office space	N/A

[Ord. No. 01- 01] [Ord. No. 01-29]

Use Type: Utilities	Parking Regulations	Loading
Air curtain incinerator, permanent	2 spaces per acre; minimum of 5 spaces	N/A
Air curtain incinerator, temporary	2 spaces per acre; minimum of 5 spaces	N/A
Chipping and mulching	2 spaces per acre; minimum of 5 spaces	N/A
Communication tower, commercial	Exempt from parking regulations unless otherwise required by Zoning Director	N/A
Composting facility	2 spaces per acre; minimum of 5 spaces	N/A
Electrical power facility	1 space per 200 sq. ft. of office space; plus 1 space per 10,000 sq. ft.	N/A
Incinerator	1 space per 200 sq. ft. of office space; plus 1 space per 10,000 sq. ft.	N/A
Recycling center	1 space per 200 sq. ft. of office space; plus one space per 250 sq. ft. of warehouse and maintenance area; plus 1 space per 10,000 sq. ft.	N/A
Recycling collection station	2 spaces per station	N/A
Recycling plant	1 space per 200 sq. ft. of office space; plus 1 space per employee	N/A
Sanitary landfill	1 space per 200 sq. ft. of office space; plus 1 space per employee	N/A
Solid waste transfer station	1 space per 1000 sq. ft.	N/A
Utility, minor	1 space per minor utility	N/A
Water or wastewater treatment plant	1 space per 200 sq. ft. of office space; plus 1 space per employee	N/A

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Use Type:	Parking Regulations	Loading
Recreational		
Amusements, temporary or Special events	1 space per 3 seats; or 10 spaces per acre occupied by amusements, whichever is greater	N/A
Arena, auditorium or stadium	1 space per 3 seats	B
Bowling alley	3 spaces per lane	N/A
Campground	1 space per campsite	N/A
Entertainment, indoor (except bowling alley)	1 space per 200 sq. ft.	N/A
Entertainment, outdoor	1 space per 3 seats; or 10 spaces per acre occupied by amusements, whichever is greater	N/A
Fitness center	1 space per 200 sq. ft.	N/A
Golf course	4 spaces per hole; plus 1 space per 250 sq. ft. of clubhouse	N/A
Gun club	1 space per target area	N/A
Marine facility	1 space per 250 sq. ft.; plus 1 space per wet slip; plus one space per 3 dry slips	A
Zoo	1 space per 2000 sq. ft. of land area	N/A

Use Type:	Parking Regulations	Loading
Commercial		
Adult entertainment	1 space per 200 sq. ft.	N/A
Auction, enclosed	1 space per 200 sq. ft.	C
Auction, outdoor	1 space per 250 sq. ft. of enclosed or indoor space	N/A
Automotive paint or body shop	1 space per 250 sq. ft.	N/A
Automotive service station	1 space per 250 sq. ft., excluding bays; plus 2 spaces per repair bay	N/A

Use Type:	Parking Regulations	Loading
Commercial		
Bed and Breakfast	1 space for each guest room; plus 2 spaces per dwelling unit	N/A
Broadcasting studio	1 space per 1000 sq. ft.	N/A
Building supplies	1 space per 200 sq. ft.	B
Car wash and auto detailing	1 space per 200 sq. ft.	N/A
Contractor's storage yard	1 space per 500 sq. ft.; plus 1 space per 5000 sq. ft. of outdoor storage area	A
Convenience store, w/ or w/o gas	1 space per 200 sq. ft.	C
Day labor employment service	1 space per 250 sq. ft.	C
Dispatching office	1 space per 250 sq. ft.	N/A
Financial institution	1 space per 200 sq. ft.	N/A
Flea market, enclosed	2 spaces per 200 sq. ft.	C
Flea market, open	1 space per 250 sq. ft. of land area	N/A
Fruit and vegetable market	1 space per 250 sq. ft. including outdoor sales display area	N/A
Funeral home or crematory	1 space per 4 seats	C
Gas and fuel, wholesale	1 space per 250 sq. ft.	N/A
Hotel*, motel*, SRO, Boarding & Rooming House	1.25 spaces per room; (convention areas, restaurants, etc. over 2,000 sq. ft. to be calculated separately)	C* N/A
Landscape maintenance service	1 space per 500 sq. ft.; plus 1 space per 2500 sq. ft. of outdoor storage area	A
Laundry services	1 space per 200 sq. ft.	N/A
Lounge, cocktail	1 space per 3 seats	C

Use Type:	Parking Regulations	Loading
Commercial		
Medical office or dental clinic	1 space per 200 sq. ft.	C
Medical or dental laboratory	1 space per 200 sq. ft.	C
Monument sales, retail	1 space per 500 sq. ft.; plus 1 space per 2500 sq. ft. of outdoor storage area	N/A
Office, business or professional	1 space per 200 sq. ft.	N/A
Personal services	1 space per 200 sq. ft.	N/A
Printing and copying services	1 space per 250 sq. ft.	B
Real estate sales model	Maximum 10 spaces per manned sales model	N/A
Repair and maintenance, general	1 space per 250 sq. ft.	B
Repair services, limited	1 space per 250 sq. ft.	N/A
Restaurant, fast food	1 space per 3 seats including outdoor seating area	C
Restaurant, specialty		C
Restaurant, quality		C
Restaurant, high turnover sit-down		C
Retail sales, general	1 space per 200 sq. ft.	C
Retail sales, mobile, temporary	Enclosed: 1 space per 200 sq. ft. Open: 50 spaces total or 10 spaces per acre, whichever is greater	N/A N/A
Self-service storage	1 space per 200 storage bays; minimum 5 customer spaces; security quarters calculated separately	N/A
Shopping centers	5 spaces per 1000 sq. ft. GFA (centers up to 500,000 sq. ft.) 5 spaces per 1000 sq. ft. of GLA (centers over 500,000 sq. ft.)	B
Swimming pool	1 space per 50 square feet of pool area; and 1 bicycle parking rack shall be provided	N/A
Tennis courts	1.5 spaces per court; and 1 bicycle parking rack shall be provided	N/A

Use Type:	Parking Regulations	Loading
Commercial		
Theater, drive-in	1 space per 250 sq. ft.	N/A
Towing service and storage	1 space per 500 sq. ft.; plus 1 space per 5,000 sq. ft. of outdoor storage area	A
Vehicle inspection center	1 space per 500 sq. ft.	N/A
Vehicle sales and rental	1 space per 250 sq. ft. of enclosed area; plus 1 space per 5000 sq. ft. of outdoor sales, rental and display area; plus 2 spaces per service bay	A
Veterinary clinic	1 space per 200 sq. ft., excluding animal exercise areas	N/A
Vocational school	1 space per classroom; plus 1 space per 4 students; plus 1 space per 200 sq. ft. of administration, and assembly area	N/A
Wholesaling, general	1 space per 1000 sq. ft.	A

[Ord. No. 01-01;Ord. No. 01-29]

Use Type:	Parking Regulations	Loading
Industrial uses		
Asphalt or concrete plant	1 space per 1000 square feet	N/A
Data information processing	1 space per 100 sq. ft.	A
Heavy industry	2 spaces per 1000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1000 sq. ft. over 10,000 sq. ft.	A
Laboratory, industrial research	2 spaces per 1000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1000 sq. ft. over 10,000 sq. ft.	A
Manufacturing and processing	2 spaces per 1000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1000 sq. ft. over 10,000 sq. ft.	A
Motion picture production studio	2 space per 1000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1000 sq. ft. over 10,000 sq. ft.	A
Salvage or junk yard	1 space per 200 sq. ft. of office space; plus 1 space per employee	A
Truck stop	1 truck space per 80 sq. ft.	
Warehousing	1 space per 1000 sq. ft.; plus 1 space per 200 sq. ft. of office space	A

[Ord. No. 01-29]

Notes for TABLE 7.2-1

- 1 In addition to the parking requirements of Table 7.2-1, uses with company vehicles shall provide 1 space per company vehicle.
- 2 Loading space ratios shall be as required by Sec. 7.2.D.2.
[Ord. No. 93-4] [Ord. No. 95-24] [Ord. No. 99-37]
- 3 Government services may request alternative calculation methods for off-street parking pursuant to Sec. 7.2.C.1.h., Government services. [Ord. No. 01-01]
- 4 Nurseries requiring fewer than twenty (20) parking spaces may construct surface parking lots with shellrock or other similar materials subject to Sec. 7.2.C.13.b.(4)(a) or grassed subject to Sec. 7.2.C.11 except for the required handicapped parking space(s).
- 5 Nurseries requiring twenty (20) or more parking spaces may construct surface parking lots with fifty percent (50%) of the required spaces as shellrock or other similar materials subject to Sec. 7.2.C.13.b.(4)(a) or grassed subject to Sec. 7.2.C.11.
- 6 Assembly, nonprofit, institutional uses in the Redevelopment and Revitalization Overlay may calculate parking at a rate of one (1) space per employee. [Ord. No. 01-100]

C. Off-street parking.**1. Computing parking standards.**

- a. **Multiple uses.** On lots containing more than one (1) use, the total number of required off-street parking spaces shall be equal to the sum of the required parking for each use as if provided separately, unless a shared parking arrangement is approved pursuant to Sec. 7.2.C.8.
- b. **Fractions.** When calculation of the number of required off-street parking spaces results in a fractional number, a fraction of less than one-half (0.50) shall be disregarded and a fraction of one-half (0.50) or more shall be rounded to the next highest whole number.
- c. **Floor area.** Off-street parking standards that are based on square footage shall be computed using gross floor area (GFA), unless another measurement is specifically called for in this section.
- d. **Occupants.** When the calculation of required parking spaces is based on the number of occupants, the calculation shall be based on the maximum number of persons legally residing on the premises at any one (1) time.
- e. **Bench seating.** When the calculation of required parking spaces is based on the number of seats, each twenty-two (22) linear inches of bench, pew, or similar bench seating facility shall be considered one (1) seat.
- f. **Gross lot area.** When the calculation of required parking spaces is based on gross lot area, the amount of lot area dedicated to off-street parking shall not be included in the calculation.
- g. **Unlisted land uses.** In the event that off-street parking standards for a particular use are not listed in this section, the standards for the most similar use shall be applied. In making the determination, any evidence of actual parking demand for similar uses shall be considered as well as other reliable traffic engineering and planning information that is available.

- 4. **Parking fees.** Except as provided in Sec. 7.2.C.11. and Sec. 7.2.C.15., a fee or other form of compensation shall not be charged for the use of required off-street parking spaces. Fees may be charged for the use of parking spaces that have been provided in excess of minimum standards.
- 5. **Motorcycle parking.** For any nonresidential use providing fifty (50) or more spaces, a maximum of three (3) required off-street parking spaces may be reduced in size and redesigned to accommodate parking of motorcycles. When provided, motorcycle parking shall be identified by a sign.
- 6. **Handicapped parking.** The provision of handicapped parking spaces and passenger loading zones shall be governed by Secs. 316.1955, 316.1956, and 553.48, Fla. Stat. These sections shall govern the signage, identification and reservation of spaces for the handicapped. The minimum number of handicapped parking spaces shall comply with the following table.

**TABLE 7.2-2
HANDICAPPED PARKING SPACES AND PASSENGER LOADING ZONES**

Total Spaces or Zones	Required Number to be Reserved for Handicapped
up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of Total
over 1000	20 Plus 1 For Each 100 Over 1000

- 7. **Guest parking.** Guest parking spaces, where required, may be grouped, provided that the spaces are located within three hundred (300) feet of the dwellings that they are intended to serve. Guest parking may be grassed, as provided in Sec. 7.2.C.10., except that no permit is required. Each space shall be provided with wheelstops, except for grassed guest parking, which is designed as parallel parking. All guest parking shall be prominently identified with an above-grade sign or marking on the wheelstop.
- 8. **Planned Development District parking increase.** The Development Review Committee (DRC) may authorize an increase in the maximum allowed number of parking spaces for planned developments.

a. **Application.** In addition to the applicable DRC application, the applicant shall submit a parking study and any additional documentation justifying the need for additional parking. The parking study shall include, but not be limited to the following:

- (1) the location of the use(s) within the site requiring the additional parking;
- (2) the size and type of use(s) and/or activitie(s); and,
- (3) the rate of turnover and the anticipated peak parking loads.

b. **Lot size.**

- (1) **Lots less than ten (10) acres.** Lots less than ten (10) acres in size may apply for a twenty (20) percent increase.
- (2) **Lots ten (10) acres or greater.** Lots ten (10) acres or greater in size may apply for a ten (10) percent increase.

9. **Shared parking.** The DRC may authorize a reduction in the number of required parking spaces for multiple use developments or for uses that are located near one another and which have different peak parking demands and operating hours. Shared parking shall be subject to the following standards.

a. **Application.** A shared parking study shall be submitted in a form established by the Zoning Director and made available to the public.

b. **Location.** All uses which participate in a single shared parking plan shall be located on the same lot or on contiguous lots. The shared parking lot shall be developed and used as though the uses on the lots were a single unit.

c. **Shared parking study.** An acceptable shared parking study, submitted to the Zoning Director, shall clearly establish the uses that will use the shared spaces at different times of the day, week, month or year. The study shall:

- (1) be based on the Urban Land Institute's methodology for determining shared parking or other generally accepted methodology;
- (2) address the size and type of activities, the composition of tenants, the rate of turnover for proposed shared spaces, and the anticipated peak parking and traffic loads;
- (3) provide for reduction of paved area by not more than fifty (50) percent of the combined parking required for each use under Sec. 7.2.B.3., and 7.2.D (Off-street parking and loading schedule);
- (4) provide for no reduction in the number of required handicapped spaces;
- (5) provide a plan to convert the reserved space to parking area; and
- (6) be approved by the County Engineer prior to submittal, based on the feasibility of the uses to shared parking due to their particular peak parking and trip generation characteristics.

d. **Reserved space.** The applicant shall account for one hundred (100) percent of the reduction granted through one of the following alternatives: reserved open space; a future parking garage; future rooftop parking; off-site parking; limitation of uses to adhere to parking regulations; or, shared parking with an adjacent property owner.

e. **Agreement for shared parking plan.** A shared parking plan shall be enforced through written agreement or through unity of control. An attested copy of the agreement between the owner of record and Palm Beach County shall be submitted to the Zoning Director who shall forward a copy to the County Attorney for review. The agreement shall be recorded in the deed records of Palm Beach County by the owner of record prior to issuance of a certificate of occupancy. Proof of recordation of the agreement shall be presented to the Zoning Director prior to certification by the DRC. The agreement shall:

- (1) list the names and ownership interest of all parties to the agreement and contain the signatures of those parties;
 - (2) provide a legal description of the land;
 - (3) include a site plan showing the area of the parking parcel and open space reserved area which would provide for future parking;
 - (4) describe the area of the parking parcel and designate and reserve it for shared parking unencumbered by any conditions which would interfere with its use;
 - (5) agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;
 - (6) assure the continued availability of the spaces for joint use and provide assurance that all spaces will be usable without charge to all participating uses;
 - (7) describe the obligations of each party, including the maintenance responsibility to retain and develop reserved open space for additional parking spaces if the need arises;
 - (8) incorporate the shared parking study by reference;
 - (9) be made part of the Site Plan/Final Subdivision Plan; and
 - (10) describe the method by which the covenant shall, if necessary, be revised.
- f. **Change in use.** Should any of the shared parking uses be changed, or should the Zoning Director find that any of the conditions described in the approved shared parking study or agreement no longer exist, the owner of record shall have the option of submitting a revised shared parking study in accordance with the standards of this section or of providing the number of spaces required for each use as if computed separately.

10. **Off-site parking.** Required off-street parking spaces shall be on the same lot as the use it is intended to serve, provided that the DRC may permit all or a portion of the required parking spaces to be located on a remote and separate lot from the lot on which the principal use is located. Off-site parking shall be subject to the following standards.
- a. **Necessity.** The applicant shall demonstrate that it is not feasible to locate all of the required parking on the same lot as the principal use;
 - b. **Ineligible activities.** Off-site parking shall not be used to satisfy the off-street parking standards for restaurants, lounges, convenience stores and other convenience-oriented uses. Required handicapped parking spaces shall not be located in an off-site parking facility;
 - c. **Location.** No off-site parking space shall be located more than six hundred (600) feet from the primary entrance of the use served, measured along the route of the shortest legal, practical walking distance. Off-site parking spaces shall not be separated from the principal use by a street R-O-W with a width of more than eighty (80) feet;
 - d. **Official Zoning Map Classification.** Off-site parking areas shall require the same or a more intensive Official Zoning Map classification than that required for the use served;
 - e. **Agreement for off-site parking.** In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement or unity of control shall be required. An attested copy of the agreement among the owners of record shall be submitted to the Zoning Director who shall forward a copy to the County Attorney for review. The agreement shall be filed in the deed records of the County by the owner of record. Proof of recordation of the agreement shall be presented to the Zoning Director. The agreement shall:

- (1) list the names and ownership interest of all parties to the agreement and contain the signatures of those parties;
 - (2) provide a legal description of the land;
 - (3) include a site plan showing the area of the use and parking parcel;
 - (4) expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;
 - (5) assure the continued availability of the spaces and provide assurance that all spaces will be usable without charge;
 - (6) describe the obligations of each party, including the maintenance responsibility;
 - (7) require that the Zoning Director be notified prior to the expiration or termination of an off-site parking area lease agreement;
 - (8) be made part of the Site Plan/Final Subdivision Plan; and
 - (9) describe the method by which the covenant shall, if necessary, be revised.
- f. **Signs.** One (1) sign shall be located at the off-site parking facility indicating the use that it serves, and one (1) sign shall be located on the site of the use served, indicating the location of the off-site parking facility.

11. Grassed parking. Grassed parking shall be permitted if approved by the DRC, pursuant to the following procedures and standards.

- a. **Application.** In addition to the application for development permit for Site Plan/Final Subdivision Plan, the applicant shall submit the following.
- (1) a written statement of and a site plan showing the area proposed for grassed parking and the proposed method of traffic control to direct vehicular flow and parking;
 - (2) a written statement that the parking area proposed for grassed parking shall be used for parking on an average of no more than two (2) days or nights each week. This information shall contain the proposed hours and days of the expected use of the grassed parking and the expected average daily traffic and peak hour traffic counts, as calculated by a professional engineer qualified to perform such studies;
 - (3) description of the method to ensure that the grassed parking surface will be maintained in its entirety with a viable turf cover;
 - (4) a conceptual drainage plan for the entire parking area; and
 - (5) a description of the soil type of the area proposed for grassed parking.
- b. **Standards.** The following standards shall apply to grassed parking:
- (1) only parking spaces provided for peak demand may be approved as grassed parking. Paved parking shall be provided for average daily traffic, including weekday employees and visitors;
 - (2) a grassed parking area shall not include any existing or proposed landscaped area, surface water management area or easement other than a utility easement;
 - (3) handicapped parking shall not be located within a grassed parking area;
 - (4) grassed parking areas shall meet minimum landscaping requirements of Sec.7.3. (Landscape and Buffering). No grassed parking area shall be counted toward meeting the minimum landscape or open space standards; and
 - (5) within grassed parking areas, all access aisles shall either: (a) be paved and meet the same substructural and surface standards as for paved asphalt parking surfaces; or (b) be surfaced with paver block, or other semi-pervious coverage approved by the Zoning Director.
- c. **Permit.** If at any time prior to the approved expiration date of the development order for Site Plan/Final Subdivision Plan, it is determined that a grassed parking area does not meet the standards established in this

section, the Zoning Director shall require the restoration of the grassed surface or the paving of the grass for parking.

- d. **Regulatory treatment of grassed parking areas.** All surface parking areas, grassed or otherwise, shall be considered impervious paved surface for the purpose of determining tertiary drainage system flow capacity and secondary stormwater management system runoff treatment/control requirements.

[Ord. No. 97-63]

12. **Valet parking.** Valet parking may be used upon any lot to satisfy off-street parking standards. The design of valet parking shall not cause customers who do not use the valet service to park off-premise or in the R-O-W or cause queuing in the R-O-W. The following additional standards shall apply to valet parking arrangements.

- a. **Maximum number of reserved spaces.** Up to fifty (50) percent of the required off-street parking spaces may be reserved for valet parking.
- b. **Location of reserved spaces.** Off-street parking spaces reserved for valet parking may be located anywhere on-site, except handicapped parking spaces. [Ord. No. 99-37]

13. **Parking area design and construction standards.**

- a. **Dimensions and geometrics.** The dimensions and geometrics of off-street parking areas shall conform to the following minimum standards.

(1) **Residential.**

- (a) **Individual parking space.** Each parking space for dwelling units that do not share a common parking lot shall be a minimum of eight (8) feet wide and twenty (20) feet long. Parking spaces may be side to side, end to end or not contiguous to each other.
- (b) **Common parking lots.** For dwelling units that share a common parking lot, parking spaces and aisles shall be subject to the "general" dimensional standards of Table 7.2-3

(2) **Nonresidential.** All nonresidential uses and residential uses with shared parking lots shall provide parking spaces that comply with the dimensional requirements of standards of Table 7.2-3 and Figure 7.2-1. If proposed parking angles are not illustrated in Table 7.2-3 or Figure 7.2-1, dimensions shall be interpolated from the tables and approved by the Zoning Director. For the purpose of interpreting the "Use" column of Table 7.2-3 the following rules shall apply:

- (a) **General.** The term "general" applies to parking spaces designated to serve all commercial uses, and also residential uses with shared parking lots. Spaces reserved for use by disabled persons shall be governed by the rows labeled "handicapped";
- (b) **Handicapped parking.** All spaces marked and reserved for use by persons with disabilities shall be installed in accordance with the standards of Secs. 316.1955, 316.1956 and 553.48, Fla. Stat.; and
- (c) **Queuing distance.** A minimum queuing distance of twenty (20) feet is required between the property line and the first parking space. [Ord. No. 99-37]

(3) **Parallel parking.** Parallel parking spaces shall have minimum lengths of twenty-three (23) feet and minimum widths of ten (10) feet (see Figure 7.2-2).

(4) **Measuring parking space width.** Striping shall be measured as follows.

- (a) **Single striping.** Parking space width shall be measured from the centerline of the strip.
- (b) **Double striping.** Parking space width shall be measured from the centerline of the set of stripes.

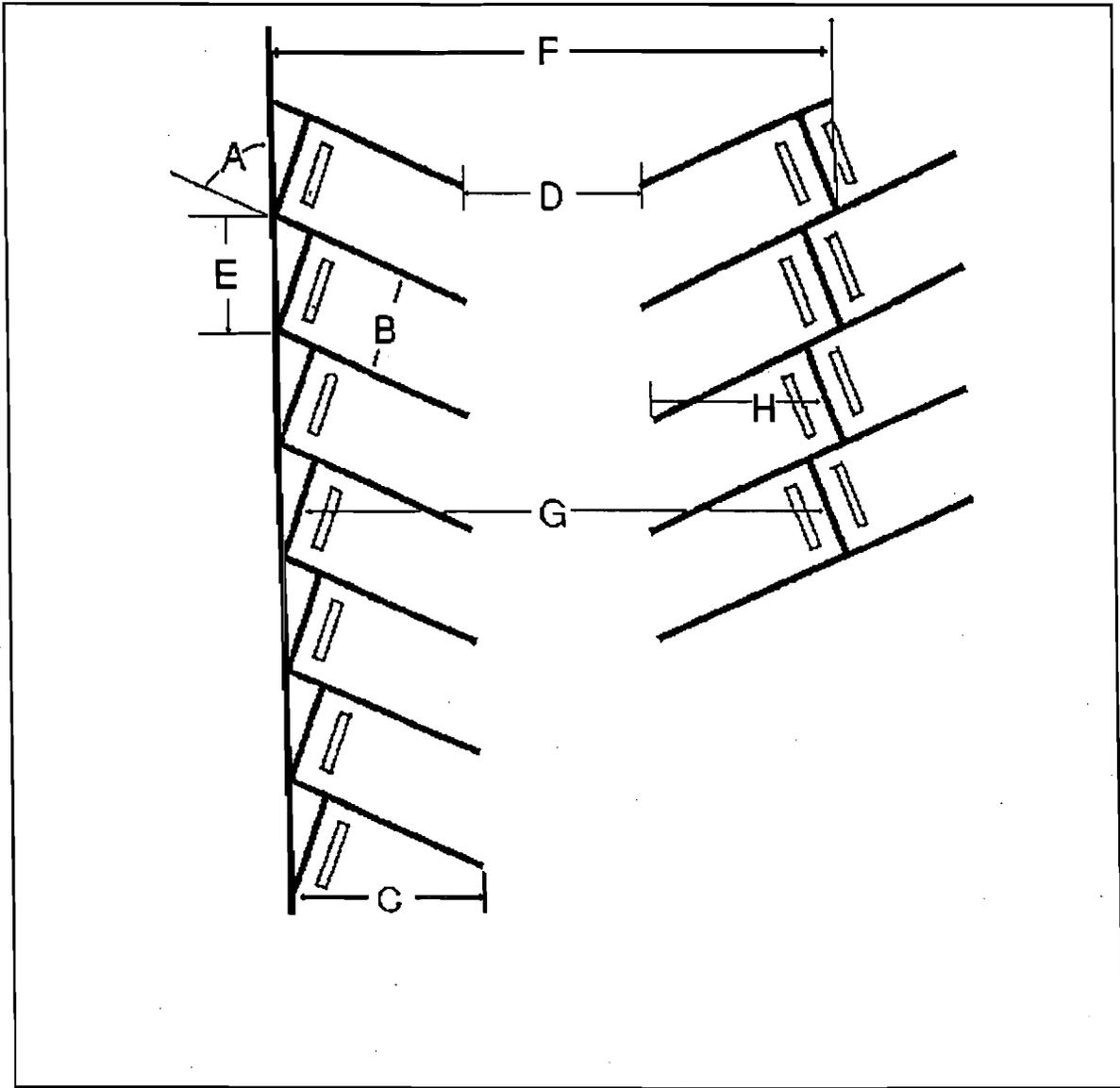
[Ord. No. 97-64]

**TABLE 7.2-3
MINIMUM PARKING BAY DIMENSIONS FOR
NONRESIDENTIAL USES AND RESIDENTIAL USES WITH SHARED PARKING LOTS**

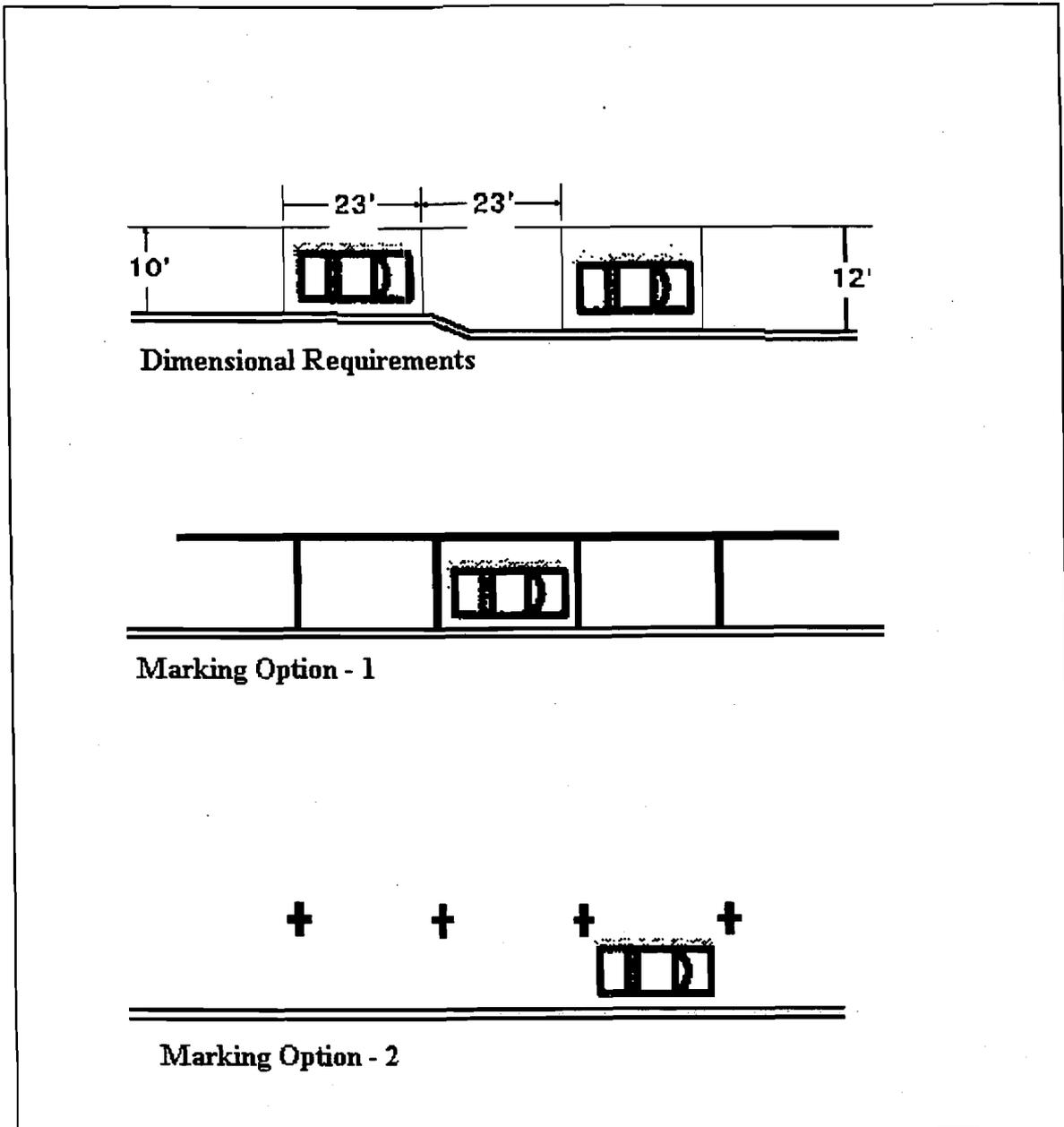
A Angle	B Space Width (feet)	C Space Depth (feet)	D Aisle Width (feet)	E Curb Length (feet)	F Wall-to- Wall Width (feet)	G Interlock- to- Interlock Width (feet)	H Space Depth to Interlock (feet)	Land Use*
45	9.0	17.5	12.0	12.5	47.0	43.0	15.5	General
	9.5	17.5	12.0	13.5	47.0	43.0	15.5	Retail
	12.0	17.5	12.0	17.0	47.0	43.0	15.5	Handicapped
60	9.0	19.0	16.0	10.5	55.0	51.0	17.5	General
	9.5	19.0	15.0	11.0	54.0	50.0	17.5	Retail
	12.0	19.0	14.0	14.0	53.0	49.0	17.5	Handicapped
70	9.0	19.5	19.0	9.5	58.0	56.0	18.5	General
	9.5	19.5	18.0	10.0	57.0	55.0	18.5	Retail
	12.0	19.5	17.0	12.5	56.0	54.0	18.5	Handicapped
75	9.0	19.5	23.0	9.5	62.0	60.0	18.5	General
	9.5	19.5	22.0	10.0	61.0	59.0	18.5	Retail
	12.0	19.5	21.0	12.5	60.0	58.0	18.5	Handicapped
80	9.0	19.5	24.0	9.0	63.0	62.0	19.0	General
	9.5	19.5	23.0	9.5	62.0	61.0	19.0	Retail
	12.0	19.5	22.0	12.0	61.0	60.0	19.0	Handicapped
90	9.0	18.5	26.0	9.0	63.0	63.0	18.5	General
	9.5	18.5	25.0	9.5	62.0	62.0	18.5	Retail
	12.0	18.5	24.0	12.0	61.0	61.0	18.5	Handicapped

1. Dimensional requirements for parking spaces shall vary depending on the angle of parking provided and the land use served.
2. The term "General" applies to parking spaces designated to serve all commercial uses, except retail uses, and also residential uses with shared parking lots. Spaces reserved for use by persons with disabilities shall be governed by the rows labeled "Handicapped". The "unspecified" row provides a guideline for the design of spaces above the minimum required width.

**FIGURE 7.2-1:
PARKING SPACE SCHEMATIC**



**FIGURE 7.2-2:
PARALLEL PARKING DIMENSIONAL STANDARD AND MARKING OPTION**



b. Construction and design of parking area.**(1) General on-site circulation standards.**

- (a) There shall be safe, adequate, and convenient arrangement of pedestrian pathways, bikeways, roads, driveways, and off-street parking and loading spaces within parking areas.
- (b) Streets, pedestrian walks, parking areas, and open space shall be designed as integral parts of an overall site design which shall be properly related to existing and proposed buildings, adjacent uses and landscaped areas.
- (c) The materials used in the design of paving, lighting fixtures, retaining walls, fences, curbs and benches shall be of good appearance, easily maintained and indicative of their function.
- (d) Parking lots shall be maintained in a safe operating condition and manner as to not create a hazard or nuisance.

(2) Pedestrian circulation.

- (a) Structures, vehicular circulation lanes, parking spaces, driveways, and open spaces shall be designed to provide logical, impediment free pedestrian movement. The site shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.
- (b) Paved, landscaped or comfortably graded pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas, and adjacent buildings.
- (c) Where off-street parking spaces directly face a structure, and are not separated by an access aisle from the structure, a paved pedestrian walkway shall be provided between the front of the parking space and the structure. The walkway shall be a minimum of four (4) feet wide, exclusive of vehicle overhang, and shall be separated from the parking space by concrete wheel stops or continuous curbing. Residential vehicular use areas are exempt from this standard.

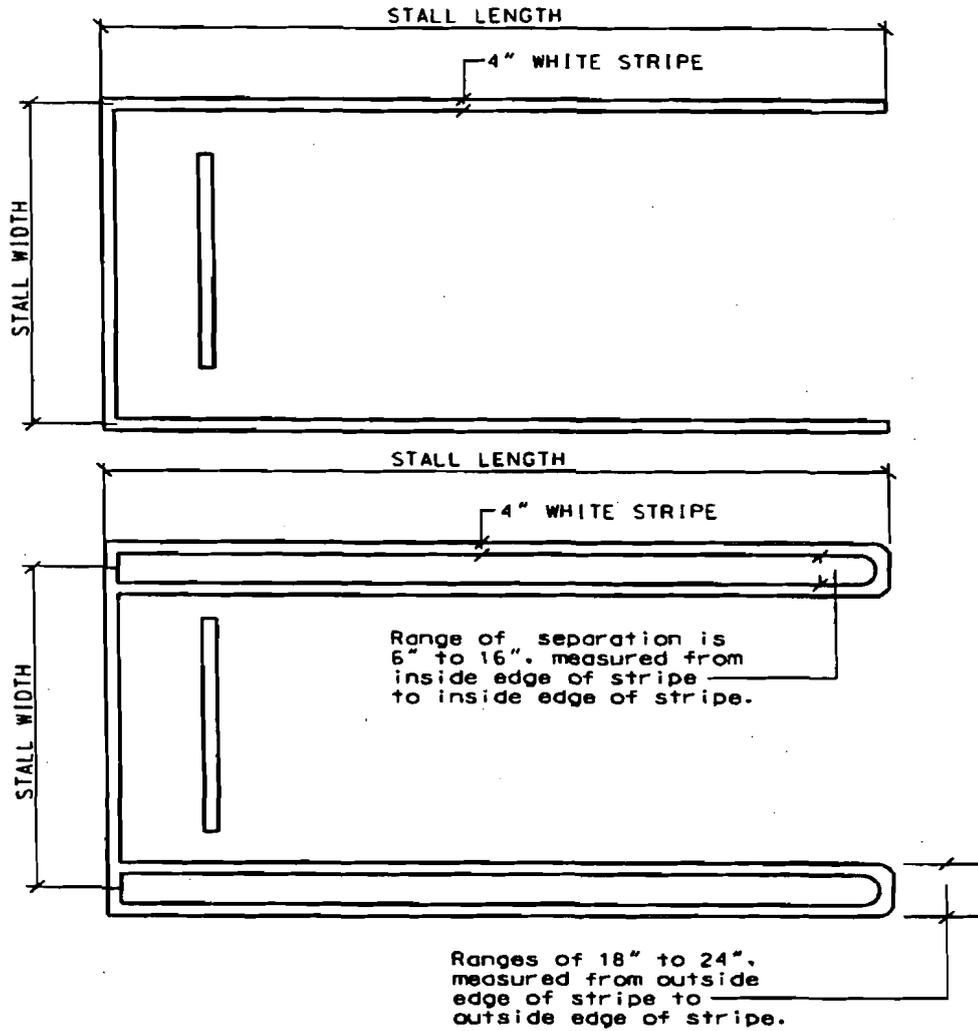
(3) Paving and drainage design.

- (a) **Review and approval by County Engineer.** The drainage design shall be reviewed by the County Engineer, and no permit shall be issued until the drainage design is approved by the County Engineer.
 - (b) **Materials.** Unless otherwise provided in this section, all vehicular use areas and specialized vehicular use areas shall be improved either with: (a) a minimum of a six (6) inch shellrock or limerock base with a one (1) inch hotplant mix asphaltic concrete surface; or (b) a base and surface material of equivalent durability, as certified by the developer's engineer. Responsibility for pavement failure occurring as a result of inadequate alternative base and surface material design shall fall on the certifying engineer.
- (4) Maintenance of paved vehicular use areas.** All vehicular use areas or specialized vehicular use areas shall be maintained in good condition to prevent any hazards, such as cracked asphalt or potholes.
- (a) **Shell rock.** The uses and associated features listed below may construct surface parking lots with shellrock or other similar material except for parking areas connected to a public street, such areas shall be paved.
 - i) Agricultural uses with less than twenty (20) spaces.
 - ii) Communication towers in the agricultural districts.
 - iii) Camps in the agricultural districts.
 - iv) Greenhouses and nurseries in the agricultural districts.
 - v) Driveways in the Rural Residential District serving residential uses on unpaved roads.
 - vi) Other similar uses when approved by the DRC.

- (b) **Wheelstops or curbing required.** Wheel stops or continuous curbing shall be placed two and one-half (2.5) feet back from walls, poles, structures, pedestrian walkways or landscaped areas. The area between any wheel stop and required landscaped strip may be landscaped, rendering the paved space area fifteen (15) to sixteen (16) feet in length, depending on the angle of parking provided.
- (5) **Marking.** Except for parallel parking spaces, parking lots containing spaces for three (3) or more vehicles shall delineate each space by single or double stripes on each side of the space. All stripes shall be painted in white paint except for handicapped spaces which shall have blue stripes. The width of the painted stripe shall be four (4) inches. Double striping separation from inside edge of stripe to inside edge of stripe shall be no less than eight (8) inches and no more than sixteen (16) inches. The effective width of the double stripes shall range from sixteen (16) inches to twenty-four (24) inches, measured from outside edge of stripe to outside edge of stripe.
[Ord. No. 97-64] [Ord. No. 99-37]
- (6) **Signs.** Traffic control signs and other pavement markings shall be installed and maintained as necessary to insure safe and efficient traffic operation of all vehicular use areas. Such signage and marking shall conform with the Manual on Uniform Traffic Control Devices, Federal Highway Administration, U.S. Department of Transportation, as adopted by the FDOT, as revised.
- (7) **Drainage.** Runoff from vehicular use areas shall be controlled and treated in accordance with all applicable agency standards in effect at the time an application is submitted.
- (8) **Landscaping.**
 - (a) All new vehicular use areas shall be landscaped in accordance with Sec. 7.3. (Landscape and Buffering).
 - (b) Renovations to existing vehicular use areas shall be landscaped in accordance with Sec. 7.3. (Landscape and Buffering).
 - i) **Exception.** Normal maintenance and repair, such as resurfacing, restriping, or the addition of curbing and wheel stops, to existing vehicular use areas shall require landscaping in accordance with the requirements of the original permit. [Ord. No. 98-12]
- (9) **Preservation.** Existing vegetation shall be preserved and incorporated into the landscaping for the vehicular use area. [Ord. No. 97-63]

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**FIGURE 7.2-3
STRIPING STANDARDS**



[Ord. No. 97-64]

14. Ingress and egress to vehicular use areas.

- a. **Ingress and egress.** Each parking space shall have appropriate access to a street or an alley. Only dwelling units with no more than two (2) units shall be allowed backward egress from a driveway onto a local street. In all other cases, maneuvering and access aisle area shall be sufficient to permit vehicles to enter and leave the vehicular use area or specialized vehicular use area in a forward motion.
- b. **Dimensions of access ways.** Access ways, except those associated with residential uses, shall be subject to the following dimensional standards.

**TABLE 7.2-4
DIMENSION OF ACCESS WAYS**

Minimum Width at Street ¹	Feet
One-Way	15
Two-Way	25
Two-way with Median ²	40
Two-way without Median	35
Right Turn Radius³	
Minimum	25
Maximum	30

¹Measured along right-of-way line at inner limit of curbed radius sweep or between radius and near edge of curbed island at least fifty (50) square feet in area. The minimum width applies principally to one-way driveways. Widths exceeding these standards may be approved by the Zoning Director or the County Engineer, depending on the use.

²Excluding median. Twenty (20) foot unobstructed pavement shall be on both sides of median, excluding guard houses and landscape islands.

³On side of driveway exposed to entry or exit by right-turning vehicles.

15. Queuing and by-pass standards. In addition to meeting the minimum off-street parking and loading standards of this section, all drive-thru establishments shall meet the following standards.

- a. Queuing shall be provided for all drive-thru establishments. Each queuing space shall be a minimum of ten (10) feet by twenty (20) feet, clearly defined and designed so as not to conflict or interfere with other traffic using the site. Unless otherwise indicated below, queuing shall be measured from the front of the stopped vehicle located at the point of service to the rear of the queuing lane. One additional queuing space shall also be provided after the point of service for all uses.
- b. A by-pass lane a minimum of ten (10) feet wide shall be provided before or around the point of service. Subject to the Zoning Division's approval, a by-pass lane may not be required if the queuing lane is adjacent to a vehicular use area which functions as a by-pass lane. The by-pass lane shall be clearly designated and distinct from the queuing area.

**TABLE 7.2-5
MINIMUM QUEUING STANDARDS**

Use	Number of Spaces	Required By-pass ¹
Drive-Thru Financial Institution		
Teller Lanes	5	Y
Automatic Teller Lanes	3	N
Drive-Thru Restaurant	7	Y
Minimum before Menu Board	4	
Drive-Thru Car Wash		
Automatic	5	N
Self-Service	3	Y
Drive-Thru Oil Change	4	Y
Gasoline Pump Island	20 Feet of Queuing at Each End of Pump Island	N
Drive-Thru Dry Cleaning or Laundry	3	Y
Drive-Thru General Retail	4	Y
Commercial Parking Lot	3	N
Vehicular Inspection Station	15	Y

Notes for Table 7.2-5:

¹ ALL USES: a by-pass lane shall be required if more than 5 queuing spaces are provided.

[Ord. No. 99-37]

16. Public, private or commercial parking lots.

- a. **General.** Where permitted by a Class B Conditional Use, off-street parking lots and structures shall be allowed as the principal use. These parking lots shall not be contiguous to lands used or zoned for residential purposes. Parking spaces may be rented for parking. No other business of any kind shall be conducted on the lot, including repair, service, washing, display or storage of vehicles or other goods. Review of parking lots and structures shall consider the proposed operation of the lot. The standards of this section, including signage, maneuvering, and backup distances may be varied, based on the proposed operation.
- b. **Design.** Plans for parking lots shall be drawn to a scale no smaller than one (1) inch equals fifty (50) feet and show the layout of the street connection and access ways, drainage provisions, signs, surfacing, curbs or barriers, street connections and access ways of lands located contiguous and directly across the street, and the location and type of landscaping.
- c. **Street connections.** Street connections (entrances and exits) shall be located to present the least interference with traffic and the least nuisance on any adjacent street. The point of entrance control shall be located to provide four (4) car queuing (minimum of 80 feet) distance from the R-O-W. The location, size and number of entrances and exits shall be subject to the approval of the DRC.

17. Standards for parking structures.

- a. **General.** All public or private parking garages may be used to meet off-street parking standards for any use or combination of uses, and such structures shall be considered accessory to the principal use. Garages shall be designed to meet or exceed the following standards. All public or private parking garages shall comply with the standards for surface parking lots with regard to marking, signage and minimum number of spaces to be provided.
- b. **Site plans.** When the parking facilities are housed in an underground garage or a multi-storied structure or on the roofs of buildings, a Site Plan/Final Subdivision Plan shall be submitted thereunder for approval of interior traffic circulation, slope of ramp, ease of access and utilization of ramps, for parking space and aisle dimensions, proper traffic control signing and pavement marking for safe and efficient vehicular and pedestrian operation, for location of entrances and exits on public roads, for approval of sight distances at such entrances and exits and at corners of intersecting public roads, and for approval of the effective screening of the cars located in or on the parking structures from adjoining lands and from public roads.
- c. **Design standards.**
 - (1) **Module width standards.** The unobstructed distance between columns or walls measured at any point between the ends of the parking aisle shall be as specified in Table 7.2-6.
[Ord. No. 96-28]

**TABLE 7.2-6
MINIMUM MODULE WIDTHS**

Angle	Parking on Both Sides of Aisles	Parking on One Side of Aisle
90	60 feet one-or two-way aisle	43 feet one-or two way aisle
75	59 feet one-way aisle ¹	40 feet one-way aisle
60	53 feet one-way aisle ¹	34 feet one-way aisle

¹ Requests for reductions of unobstructed distances will be considered if the space and aisle dimensions specified in surface parking dimensions are met and the columns are not located at the rear of the parking spaces or interfere with the opening of doors.

- (2) **Minimum parking space widths.** The minimum parking space width shall be nine (9) feet, provided that the minimum clear distances specified above are met.

18. Parking of vehicles and boats in residential districts. The following standards shall apply to the parking of vehicles, recreational vehicles, boats and trailers in the residential districts. For the purposes of this section, the AR-RR, Agricultural Residential District in lands designated Rural Residential in the Comprehensive Plan, shall not be considered a residential district.

[Ord. No. 00-15]

a. General prohibition.

- (1) **On-street.** No person shall park, store, or keep a commercial vehicle, recreational vehicle, sports vehicle such as dune buggy, jet skis, racing vehicle, off-road vehicle, air boat, canoe or paddleboat, boat or trailer, on any public street, or other thoroughfare or any R-O-W within any a residential district for a period exceeding two (2) hours in any twenty-four (24) hour period, each such period commencing at the time of first stopping or parking.

- (2) **Off-street.** It shall be unlawful for any owner of land in any residential district to park on, cause to be parked on, or allow to be parked on residentially zoned land any unlicensed or unregistered vehicle, or a commercial vehicle, sports vehicle, recreational vehicle, boat or trailer for a period exceeding two (2) hours in any twenty-four (24) hour period, each such period commencing at the time of first stopping or parking, except that one vehicle which is unregistered or unlicensed may be kept on site provided the vehicle is completely screened from view from adjacent roads and lots.

b. Exemptions.

- (1) **Commercial vehicle.** One commercial vehicle per dwelling unit of not over one (1) ton rated capacity may be parked, providing all of the following conditions are met: vehicle is registered or licensed; used by a resident of the premises; gross weight does not exceed ten thousand (10,000) pounds, including load; height does not exceed nine (9) feet, including any load, bed, or box; and total vehicle length does not exceed twenty six (26) feet.
- (2) **Construction vehicles.** The prohibitions set out above in Sec. 7.2.C.17.a. shall not apply to the temporary parking of such vehicles on private land in residential districts where construction is underway, for which a current and valid building permit has been issued by the Building Director and the building permit is displayed on the premises.
- (3) **Delivery and service vehicles.** The two (2) hour parking restriction set out above in Sec. 7.2.C.17.a. shall not apply to routine deliveries by tradesmen, or the use of trucks in making service calls, provided that such time in excess of two (2) hours is actually in the course of business deliveries or servicing.
- (4) **Emergency repairs.** The restrictions set out above in Sec. 7.2.C.17.a. shall not apply to a situation where a large motor vehicle becomes disabled and, as a result of such emergency, is required to be parked within a residential district for longer than two (2) hours. Any large motor vehicle shall be removed from the residential district within twenty-four (24) hours, regardless of the nature of the emergency.
- (5) **Outdoor storage.** One (1) RV, plus sports vehicles or boat with accompanying trailers may be parked outdoors in a residential district provided that:
- (a) the vehicles are:
- i) owned and used by a resident of the premises;
 - ii) not parked in a required front yard or other area between the structure and the street except for the purpose of loading or unloading during a period not to exceed two (2) hours in any twenty-four (24) hour period;
 - iii) located in the side or rear yard and are screened from surrounding property with a wall, fence or hedge at least six (6) feet in height; [Ord. No. 97-64]
 - iv) not used for living, sleeping or housekeeping purposes; and
 - v) operative and currently registered or licensed, as required by state or federal law.
- (b) Vehicles on navigable waterways shall be exempt from the outdoor storage standards of this subsection; and
- (c) One vehicle, which does not meet the requirements of this subsection 17(b) may be approved by special permit upon demonstration that:
- i) The property owner, family member or legal tenant has a physical disability which requires a vehicle which cannot meet these requirements. [Ord. No. 93-4] [Ord. No. 94-23] [Ord. No. 95-8] [Ord. No. 96-28] [Ord. No. 97-63] [Ord. No. 97-64] [Ord. No. 99-37] [Ord. No. 00-15]

D. Off-street loading.**1. Computing loading standards.**

- a. **Multiple uses.** On lots containing more than one (1) use, and where the floor area used for each use is below the minimum for required loading spaces but the aggregate total floor area is greater than the minimum, off-street loading space shall be provided as if the entire building were used for that use in the building for which the most spaces are required. In such cases, the Zoning Director may make reasonable requirements for the location of the required loading space.
- b. **Fractions.** When calculation of the number of required off-street loading spaces results in a fractional number, a fraction of less than one-half (0.50) shall be disregarded and a fraction of one-half (0.50) or more shall be rounded to the next highest full number.
- c. **Floor area.** Loading standards that are based on square footage shall be computed using gross floor area (GFA).
- d. **Unlisted uses or other cases of uncertainty.** If there is uncertainty about the amount of loading space required by the provisions of this section as a result of indefiniteness about the proposed use, the maximum standard for the general type of use that is involved shall govern. Where the required number of loading spaces is not set forth for a particular use, and where there is no similar general type of use listed in this section, the Zoning Director shall determine the basis for the number of spaces to be provided by determining the off-street loading demand for the most similar use.

2. Loading space ratios. Off-street loading spaces shall be provided in accordance with the standards of the off-street parking and loading schedule in Table 7.2-1. The letters shown in the "loading" column of the schedule shall correspond to the following ratios:

- a. **Standard "A".** One (1) space for the first five thousand (5,000) square feet of floor area, plus one (1) space for each additional thirty thousand (30,000) square feet of floor area;
- b. **Standard "B".** One (1) space for the first ten thousand (10,000) square feet of gross floor area, plus one (1) space for each additional fifteen thousand (15,000) square feet of floor area;
- c. **Standard "C".** One (1) space for the first ten thousand (10,000) square feet of gross floor area, plus one (1) space for each additional one hundred thousand (100,000) square feet of floor area; and
- d. **Standard "D".** One (1) space for each fifty (50) beds for all facilities containing twenty (20) or more beds.

3. Location of spaces. Loading berths and related space shall be located directly adjacent to the building which requires designated loading space. Loading areas shall be proportionately distributed throughout the site.**4. Loading demand statement.** All applications for new or increased use or capacity for nonresidential establishments shall include a statement outlining the use's projected normal demands for loading and unloading, and a plan showing the location on the lot of the off-street loading space to be provided, in accordance with the provisions of this section.

5. Relationship to streets and off-street parking areas.

- a. A street or walkway shall not be used for loading or unloading materials.
- b. An off-street loading area shall not be used to satisfy any off-street parking standards, and the location of the loading area shall not interfere with the free circulation of vehicles in the off-street parking area.
- c. Where loading areas are directly adjacent to or integrated with an off-street parking lot, the DRC may require installation of physical barriers, such as curbing, fences, solid hedges, or other means for separation of loading areas from parking areas and pedestrian traffic.

6. Dimensional standards and design requirements. Required off-street loading spaces shall be subject to the following minimum dimensional standards:

- a. **Width.** A single loading berth shall have a minimum width of fifteen (15) feet. Additional loading berths that lie alongside, contiguous to, and not separated from a first loading berth shall be a minimum of twelve (12) feet in width;
- b. **Length.** All loading berths shall be a minimum of fifty-five (55) feet in length;
- c. **Maneuvering apron.** An area equal to the width and length of the berth shall be provided for vehicle maneuvering directly behind the loading berth it is intended to serve;
- d. **Vertical clearance.** A vertical clearance of at least fifteen (15) feet shall be provided throughout the berth and maneuvering apron; and
- e. **Distance from intersections.**
 - (1) **Distance.** No loading space or berth shall be located within forty (40) feet of the nearest point of the edge of pavement or curb of any two (2) intersecting streets.
 - (2) **Setback.** The surfaced portions of all loading areas, excluding driveways, shall be setback at least twenty (20) feet from all front or side corner lines. When located at the rear of a building, a minimum five (5) foot setback from the property line of all land under separate ownership or control shall be required.

7. Entrances and exits. The location and design of entrances and exits shall be in accordance with Sec. 7.2.C.13. and Sec. 7.7 (Driveways and Access).

8. Paving and drainage. All loading areas shall be paved in accordance with the provisions of Sec. 7.2.C.12.b.

9. Access marking. Each off-street loading space shall be provided with safe and convenient access to a street, without it being necessary to cross or enter any other required loading space. If any loading space is located contiguous to a street, ingress and egress to the street side shall be provided only through driveway openings. The dimension, location and construction of these driveways shall be designed in accordance with the provisions of this section. In addition, off-street loading spaces which have three (3) or more berths shall have individual spaces marked, and spaces shall be so arranged that maneuvering to and from a loading space shall be on the same lot unless approved by the DRC. Maneuvering shall be permitted in an alley upon the approval of the DRC if surrounding uses are compatible with the subject use.

10. Reduction in required loading space. All required off-street loading spaces and their appurtenant aisles and driveways shall be deemed to be required space and shall not be encroached upon or reduced in any manner except upon approval by the DRC, in the following circumstances:

a. Reduction in number of berths.

- (1) **Change in use.** The number of loading spaces may be proportionately reduced if the space is not needed as a result of a reduction in size or change in the nature of the use to which loading spaces are served.
- (2) **Administrative reduction.** For uses which contain less than ten thousand (10,000) square feet of total floor area, the DRC may waive or reduce the loading standards whenever the character of the use is such as to make unnecessary the full provision of loading facilities and where such provision would impose an unreasonable hardship upon the use of the lot.

b. Reduction in size of berth. Reduced space dimensions shall be permitted upon a finding that all of the following standards have been met.

- (1) The manner of operation proposed is such that spaces of the required dimensions are unnecessary because, the size, character, and operation of the use will not regularly involve service by motor vehicles which require the dimensions of an off-street loading berth, such as, but not limited to the following uses: bowling alleys and other recreational establishments, financial institutions, funeral chapel and funeral homes, nursing homes, offices, and personal service establishments;
- (2) The uses are likely to continue or to be succeeded by others for which the same space dimensions will be adequate, or that any additional loading space necessary could be provided in a logical location without creating violations of other standards; and
- (3) Any reduction provides for a minimum space length of fifteen (15) feet, a space width of at least twelve (12) feet, maneuvering apron of at least twenty (20) feet in length and twelve (12) feet in width, and a vertical clearance of ten (10) feet.

11. Repair activities. No motor vehicle repair work except emergency repair service, shall be permitted in any required off-street loading facility.

12. Landscaping. All off-street loading areas shall be landscaped in accordance with Sec. 7.3.G.2.

Amendment History:

[Ord. No. 93-4; February 2, 1993] [Ord. No. 94-23; October 4, 1994] [Ord. No. 95-8; March 21, 1995]
[Ord. No. 95-24; July 11, 1995] [Ord. No. 96-28; September 25, 1996] [Ord. No. 97-63; December 24, 1997]
[Ord. No. 97-64; December 24, 1997] [Ord. No. 98-11; April 30, 1998] [Ord. No. 98-12; April 30, 1998]
[Ord. No. 99-37; October 7, 1999] [Ord. No. 0-15] [Ord. No. 01-01; January 28, 2001]
[Ord. No. 01-29; July 24, 2001] [Ord. No. 01-62; August 27, 2001] [Ord. No. 01-100; December 28, 2001]

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SEC. 7.3 LANDSCAPE AND BUFFERING.

A. Purpose and intent. The purpose and intent of this section is to promote the health, safety, and welfare of existing and future residents of Palm Beach County by establishing minimum standards for the installation and continued maintenance of landscaping in unincorporated Palm Beach County. The specific objectives of this section are as follows.

1. **Aesthetics.** To improve the aesthetic appearance of development through creative landscaping which helps to harmonize and enhance the natural and built environment.
2. **Environment.** To improve the environment by maintaining permeable land area essential to surface water management and aquifer recharge; reducing and reversing air, noise, heat, and chemical pollution through the biological filtering capacities of trees and other vegetation; promoting energy conservation through the creation of shade; reducing heat gain in or on buildings or paved areas; reducing the temperature of the microclimate through the process of evapotranspiration; and encouraging the limited use of fresh water resources through the use of drought resistant plants.
3. **Water conservation.** To promote water conservation by encouraging xeriscaping and utilization of native and drought tolerant landscape material; utilization of water conserving irrigation practices; adherence to landscape installation standards and maintenance procedures that promote water conservation; ecological placement of landscape material; and utilization of natural areas and vegetation.
4. **Preservation.** To encourage the preservation and planting of native trees and vegetation.
5. **Compatibility.** To promote efficiency in the development of limited land resources by improving the compatibility of otherwise incompatible land uses in close proximity, particularly residential development that is adjacent to commercial and industrial development.
6. **Land values.** To maintain and increase the value of land by requiring minimum landscaping which, when installed and maintained property, becomes a capital asset.
7. **Human values.** To provide physical and psychological benefits to persons and to reduce noise and glare by softening the harsher visual aspects of urban development.
8. **Removal of prohibited plant species.** To require the initial eradication and control the ongoing removal of prohibited plant species which have become nuisances because of their tendency to disrupt or destroy native ecosystems.
9. **Improved design.** To encourage innovative and cost-effective approaches to the design, installation and maintenance of landscaping, particularly those that promote energy, water conservation and incorporate areas of native vegetation.
[Ord. No. 97-63]

B. Applicability. The provisions of this section shall be considered minimum standards and shall apply to all development in unincorporated Palm Beach County, except development exempted in Sec. 7.3.C. For previously approved Development orders, refer to Sec. 1.5.
[Ord. No. 97-63]

C. **Exemptions.** The following development shall be exempt from the standards of this section:

1. enlargement or repair of a single-family dwelling unit, two-unit townhouse, or two-unit multi-family structure on a single lot;
2. parking areas located entirely within a structure, except as otherwise required by this code;
3. bona fide agriculture, except as otherwise required by this code; [Ord. No. 01-62]
4. existing development that does not entail a substantial change in land use as defined in Sec. 3.2.;
5. development that has received or submitted for a development order, a certified site plan or building permit prior to January 1, 1998, and which has obtained a valid approval prior to July 1, 1998, except as provided in Article 1. All developments, however, shall not be exempt from the maintenance, pruning and replacement requirements; or
6. uses such as airports, power plants and stockades which have planting requirements regulated by Federal or State law. The BCC, ZC, or the DRC may approve the planting of the required trees off-site where there is a direct public benefit, such as public schools, parks, libraries, streets and medians. This provision is not intended to preclude preservation of required vegetation required by this code.
[Ord. No. 97-63] [Ord. No. 99-37]

D. **Types of plans.** All landscaping required by this section or other sections of this Code shall require submittal and approval of the following, as applicable.

1. **Landscape plan.** Prior to the issuance of a building permit or paving permit, a landscape plan which has either been prepared by and bears the seal of a landscape architect, architect or engineer authorized by Chapter 481, Fla. Stat., shall be submitted to the Building Division in a form established by the Zoning Director and made available to the public.
2. **Planting plan.** A planting plan, which does not require a professional seal, shall be required for each individual lot for all single family, two-unit townhouse, or two-unit multi-family residences or bona fide agriculture. A planting plan shall, at a minimum, consist of a plan indicating the number, location and species of required trees. Prior to the issuance of a building permit or paving permit for a single-family or two-unit townhouse, or two-unit multifamily residence, the planting plan shall be approved by PZ&B.
[Ord. No. 01-62]
3. **Alternative landscape plan.** An applicant may demonstrate the intent of this section can be more effectively met, in whole or in part, through an alternative landscape plan. The alternative landscape plan shall be prepared in accordance with the standards set forth by the Zoning Director and be reviewed and approved by the DRC or BofA. In reviewing proposed alternative landscape plans, the DRC or BofA shall give favorable consideration to landscape design which preserves and incorporates existing native vegetation in excess of minimum standards or demonstrates innovative use of plant materials and improves site design. An alternative landscape plan approved by BofA in conjunction with a variance shall not also require approval by the DRC. If approved, an alternative landscape plan shall be incorporated into a landscape plan meeting the express terms of this section. The alternative landscape plan shall delineate and identify the deviations requested from the provisions of this section.
[Ord. No. 97-63] [Ord. No. 99-37]

E. Standards. The following standards shall be considered the minimum required for all trees, and landscape materials.

1. **General.** Trees and plants shall:
 - a. have non-invasive growth habits;
 - b. be commercially available;
 - c. be planted in soil and conditions which are appropriate for their growth habits;
 - d. be appropriate for the ecological setting in which they are to be planted;
 - e. reference and be compatible with any existing native plants;
 - f. and be otherwise consistent with the purpose and intent of this section.
 - g. be low maintenance.
2. **Plant quality.** Plants installed pursuant to this section shall conform to or exceed the minimum standards for Florida Number 1, as provided in the most current edition of "Grades and Standards for Nursery Plants, Parts I and II", prepared by the State of Florida Department of Agriculture and Consumer Services.
3. **Water conservation.** All landscape plans shall be required to obtain a minimum score of forty-five (45) points from the water conservation point scale identified in Table 7.3-1.

**TABLE 7.3-1
WATER CONSERVATION POINT SCALE**

Technique/Design Feature	Points
Moisture-Sensing Controller (other than rainswitch)	5
Drip/Trickle/Micro Irrigation System	
25 - 50 percent of system	5
51 - 75 percent of system	7
76 -100 percent of system	10
Irrigation Quality Effluent Irrigation	
25 - 50 percent of site	10
51 - 90 percent of site	20
91 -100 percent of site	30
Florida Native Landscape *	
25 - 50 percent of landscape area	10
51 - 90 percent of landscape area	20
91 -100 percent of landscape area	30

Technique/Design Feature	Points
Required Trees, Very Drought-Tolerant 26 - 50 percent 51 -100	5 10
Extra Shade Trees, Very Drought Tolerant 26 - 50 percent of permitted sod/turf area 51 -100 percent of permitted sod/turf area	10 20
Sod/Turf Area Alternatives ** 26 - 50 percent of permitted sod/turf area 51 -100 percent of permitted sod/turf area	5 10
Required Shrubs, Very Drought-Tolerant 26 - 50 percent 51 -100 percent	5 10

* Florida native landscape may be preserved or reestablished. Reestablished Florida native landscape must include trees, understory and ground cover, with not more than fifty (50) percent of the site sodded.

** Credit for "Sod/Turf Area Alternatives" given for planting/seeding native wildflowers, meadow grasses or ground cover in lieu of allowable sodded area. [Ord. No. 97-63]

4. **Tree and vegetation protection and preservation.** Trees and vegetation to be preserved shall be protected from damage during the construction process, in accordance with the standards of Sec. 9.5 (Vegetation Protection and Preservation), and the current edition of the "Tree Protection Manual for Builders and Developers," published by the Division of Forestry of the State of Florida Department of Agriculture and Consumer Services.

a. **Special landscape and vegetation protection standards.**

- (1) **Lake Worth and Loxahatchee River buffers.** A fifty (50) foot native vegetation buffer shall be preserved along Lake Worth and the Loxahatchee River.
- (2) **Vegetation Preservation.** All development shall comply with Sec. 9.5 (Vegetation Preservation and Protection).
- (3) **Wetlands.** A buffer zone of native upland vegetation shall be planted pursuant to Sec. 9.4 (Wetlands Protection).
- (4) **Surface water management tracts.** Functional vegetated littoral zones shall be established pursuant to Sec. 7.6 (Excavation).

5. **Native and drought-tolerant trees.** A minimum of fifty (50) percent of all trees used to satisfy the standards of this section shall be classified as native. In addition, fifty (50) percent shall be classified as drought-tolerant by the most recent edition of the South Florida Water Management District's "Xeriscape Plant Guide."

6. **Tree species mix.** When more than fifteen (15) trees are required to be planted to meet the standards of this section, a mix of species shall be provided. The number of species to be planted shall vary according to the overall number of trees required to be planted. The minimum number of species to be planted is indicated in Table 7.3-2. Species shall be planted in proportion to the required mix. This species mix standard shall not apply to areas of vegetation required to be preserved.

**TABLE 7.3-2
TREE SPECIES MIX**

Required Number of Trees	Minimum Number of Species
16-20	2
21-30	3
31-40	4
41+	5

7. **Tree credit and replacement.** A preserved native upland tree or drought-tolerant tree on-site meeting the standards specified in this section may be substituted for trees required by this code or a condition of approval, subject to the following.
- a. **Tree survey.** Credit shall be granted for preservation of existing native or drought-tolerant trees when a landscape plan is accompanied by a tree survey prepared in a form and manner acceptable to ERM.
 - b. **Tree credit formula.** Existing native trees shall be credited according to the formula in Table 7.3-3. [Ord. No. 01-01]
 - c. **Trees excluded from credit.** Tree credits shall not be permitted for trees which are:
 - (1) located in required preservation areas;
 - (2) not properly protected from damage during the construction process, as provided in Sec. 9.5 (Vegetation Preservation and Protection);
 - (3) classified as prohibited or invasive non-native species as defined in Sec. 9.5 (Vegetation Preservation and Protection);
 - (4) dead, dying, diseased, or infested with harmful insects; or
 - (5) located within recreation tracts, golf courses or similar subareas within planned developments which are not intended to be developed for residential, commercial, or industrial use.
 - d. **Tree and vegetation replacement.** Required or preserved vegetation which dies shall be replaced with equivalent vegetation. Preserved trees for which credit was awarded and which are removed or damaged, shall be replaced in accordance with the tree replacement credit standards of Table 7.3-3. Landscape trees which were planted or preserved to meet the minimum landscape code requirements may be removed provided a Landscape Tree Removal and Replacement Application is approved. Replacement trees shall be native and installed in accordance with this section.
 - e. **Existing native trees and vegetation.** Existing native trees and vegetation may be deemed to satisfy the landscape requirements of this section, in total or in part. Existing native trees and vegetation from areas of the site to be developed may be relocated to the buffer area. In determining whether native trees and vegetation satisfy the requirements of this section, the following shall be considered:
 - (1) the effectiveness of the visual screening, if adequate screening is provided then no additional trees and vegetation will be required;
 - (2) the quality of the trees and vegetation being preserved.

**TABLE 7.3-3
TREE CREDIT AND REPLACEMENT**

Crown Spread of Tree	Or	Diameter at 4.5 Feet Above Grade	=	Credits or Replacements
90 Feet or Greater	or	37 inches or more	=	8
60-89 Feet	or	32-36 inches	=	7
50-59 Feet	or	27-31 inches	=	6
40-49 Feet	or	22-26 inches	=	5
30-39 Feet	or	17-21 inches	=	4
20-29 Feet	or	12-16 inches	=	3
10-19 Feet	or	7-11 inches	=	2
5-9 Feet	or	2-6 inches	=	1
Less than 5 Feet	or	Less than 2 inches	=	0

[Ord. No. 97-63]

Notes for TABLE 7.3-3:

- 1 **Slash pines.** Preserved slash pines, a minimum of sixteen (16) feet in height, may count as one (1) required tree.
- 2 **Palms.** Palms shall be counted as one (1) canopy tree for interior tree requirements. A maximum of twenty-five percent (25%) of the required interior trees may be palms.
- 3 **Palms.** Palms shall be counted as 1/3 of a tree for buffer requirements (e.g. three (3) palms= one (1) shade tree). A maximum of twenty-five percent (25%) of the required buffer trees may be palms.
- 4 **Fractional measurements.** Fractional measurements shall be rounded down. [Ord. No. 01-01]

8. **Hedges and shrubs.** At least sixty percent (60%) of all required hedges and shrubs shall be classified as native or drought tolerant by the most recent edition of the South Florida Water Management District's "Xeriscape Plant Guide." At the time of installation, required hedges and shrubs shall be a minimum of twenty-four (24) inches in height, or eighteen (18) inches in height for native species, spaced at a maximum of twenty-four (24) inches on center. Required hedges shall form a solid continuous visual screen of at least three (3) feet in height within two (2) years of planting. Hedges used in combination with non-living landscape barriers to meet the six (6) feet screen requirements shall be installed the height necessary to provide a six (6) foot screen within (2) years of planting. [Ord. No. 01-01]

9. **Ground treatment.** The ground area within required landscaped areas which is not dedicated to trees, or the preservation of existing or new vegetation, shall receive appropriate landscape treatment such as grass, groundcover, mulch or shrubs and present a finished appearance upon planting. Sand, gravel, shellrock, or pavement shall not be considered appropriate landscape treatment. The following standards shall apply to the design of ground treatment.

- a. **Ground cover.** Live material used as ground cover shall provide a minimum of fifty (50) percent coverage immediately upon planting and one hundred (100) percent coverage within one (1) year.

- b. **Mulch.** Mulch shall be installed and maintained at a minimum depth of three (3) inches at all times, in all planted areas not containing ground cover. All mulch material shall be seed and weed free to prevent tree sprouting and regrowth.
 - c. **Pebble and egg rock.** Pebble or egg rock may be used in a limited amount as a ground treatment in areas where drainage is a problem.
 - d. **Lawn and turf grass.** Grass areas shall be planted with species suitable as permanent lawns in Palm Beach County. Grass areas may be sodded, plugged, sprigged, or seeded, provided that sod shall be used in swales, rights-of-way or other areas subject to erosion. In areas where grass seed is used, nursegrass seed shall also be sown for immediate effect, and maintenance shall be provided until coverage is complete. Because of their drought resistant characteristics, it is recommended that the Bahia grass species be used. Use of drought-tolerant ground cover instead of lawn and turf grass is encouraged.
 - e. **Native vegetation areas.** Ground cover is not required in areas of native vegetation.
- 10. Prohibited plant species and artificial plants.** Each landscape plan, planting plan or landscape betterment plan required or permitted shall include a program to eradicate and prevent the reestablishment of prohibited plant species. No artificial plants or vegetation shall be used to meet any standards of this Section. The following constitutes the prohibited plant species, as per Sec. 9.5. (Vegetation Preservation and Protection). The list below may be updated by resolution by the BCC. The installation of any plant species from the list is prohibited.

Melaleuca, punk tree or paper tree - *Melaleuca quinquenervia*
 Brazilian pepper or Florida holly - *Schinus teribinthifolius*
 Australian pine - *Casuarina* spp.
 Earleaf acacia - *Acacia auriculiformis*
 Kudzu - *Pueraria montana* (P. lobata)
 Small-leaved climbing fern - *Lygodium microphyllum*
 Air potato vine - *Dioscorea bulbifera*
 Carrotwood - *Supaniopsis anacardioides*
 Schefflera - *Schefflera actinophylla*
 [Ord. No. 98-12] [Ord. No. 98-49] [Ord. No. 99-37]

11. Controlled plant species. The following species may be planted or maintained under controlled conditions.

- a. **Black olives.** Black olives shall not be installed within fifteen (15) feet of any parking area.

The following controlled plant species shall not exceed a maximum of ten (10) percent of the total number of required trees.

- b. **Ficus species.** Ficus species may be:

- (1) planted as individual trees provided that they are no closer than thirty (30) feet from any structure or utility;
- (2) contained in a planter approved by the Zoning Division; or
- (3) maintained as a hedge which does not exceed twelve (12) feet in height; or
- (4) maintained in accordance with the residential restrictions for hedges as per Sec. 6.6. (Supplementary Regulations).

- c. **Grevillea robusta (silk oak), and Dalbergia sisoo (rosewood).** Silk oak and Rosewood may be planted as individual trees, unless there is a preserve on the site.
 - d. **Invasive non-native plant species.** The installation of any plant species which is classified in Section 9.5. as an "invasive non-native species" is prohibited on sites with a designated preserve area.
[Ord. No. 98-12]
12. **Landscape in easements.** Landscaping may be permitted in easements with the written permission of the easement holder. Easements may overlap a landscape buffer a maximum of five (5) feet provided that there remains a minimum of five (5) clear feet for planting, or if a wall with a continuous footer is used, a minimum of ten (10) clear feet for planting. The landscape buffer may be traversed by easements or access ways as necessary to comply with the standards of this section, Art. 8. (Subdivision, Platting, and Required Improvements), and any other County code.
- a. **Utilities.** Trees planted within any easement with overhead utilities shall be consistent with FP&L's suggested tree list "Plant the Right Tree in the Right Place," and any other list approved by the Zoning Director, taking into consideration the mature height and spread of the species beneath or adjacent to existing overhead utilities. Where overhead utilities exist, trees shall be maintained so that the mature canopy is a minimum of ten (10) feet from overhead lines.
 - b. **Detention/retention areas, swales, drainage easements, and lake maintenance easements.** Detention/retention areas, swales, drainage easements, and lake maintenance easements shall not be located in required landscape buffers.
13. **Safe sight distance triangles.** Safe sight distance triangles shall be provided in accordance with the County Design Manual, published by the Department of Engineering, to restrict placement of visual obstructions.
- a. **Landscape limitations.**
 - (1) Safe sight distance triangle areas shall be maintained to provide unobstructed visibility at a level between thirty (30) inches and eight (8) feet above the crown of the adjacent roadway and in a way that does not create a traffic hazard.
 - (2) Vegetation located adjacent to and within safe sight distance triangle areas shall be trimmed so that limbs or foliage do not extend into the required visibility area.
 - (3) Landscaping on state roads shall be installed in accordance with the roadside clear zone provisions of the State of Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance of Streets and Highways, as amended.
 - (4) All landscaping within the safe sight distance triangle area shall be planted and perpetually maintained by the property owner, in accordance with this section.
 - (5) Trees located in required safe sight triangles shall have, at installation, a minimum of eight (8) feet of clear trunk.
 - (6) Dwarf hedges and shrubs may be installed at a minimum of eighteen (18) inches in height and shall be maintained at a maximum of thirty (30) inches in height.
 - b. **Landscape area around signs.** A three (3) foot wide planting area shall be required around the base of all freestanding point of purchase, directional or entry wall signs. One shrub for each ten (10) square feet of sign surface area shall be installed within the three (3) foot planting area at the base of the sign. Monument signs may be surrounded by ground cover instead of shrubs. Landscaping and trees which interfere with signage may be relocated to the rear of the sign planting area.

14. R-O-W landscape. A landowner may be required by the BCC or the County Engineer to landscape the medians or swales of streets. Where appropriate, a property owner shall be required, by execution of a declaration in the public records, or other means acceptable to the County Attorney, to install and maintain landscaping along land in or abutting thoroughfare roads. Landscaping shall not be required where prohibited by the Florida Department of Transportation. Landscaping shall comply with Sec. 7.3.F., Perimeter landscape requirements and be appropriate for the location. One hundred percent (100%) of the required trees shall be classified as native by the most recent edition of the South Florida Water Management District's "Xeriscape Plant Guide."

a. Approval process. Applicants shall submit a Street Tree Planting Plan to the DEPW for review and approval. The County Engineer shall approve, approve with conditions, or not approve street and R-O-W landscaping and maintenance requirements with respect to safe and proper engineering practices. Approval of "on-site" landscape plans shall not constitute approval of any street or R-O-W landscaping that may appear on such plans.

b. Installation. Trees shall be installed consistent with the Street Tree Planting Plan and prior to the acknowledgment of completion of required improvements, as required by Sec. 8.17.G.

[Ord. No. 01- 01]

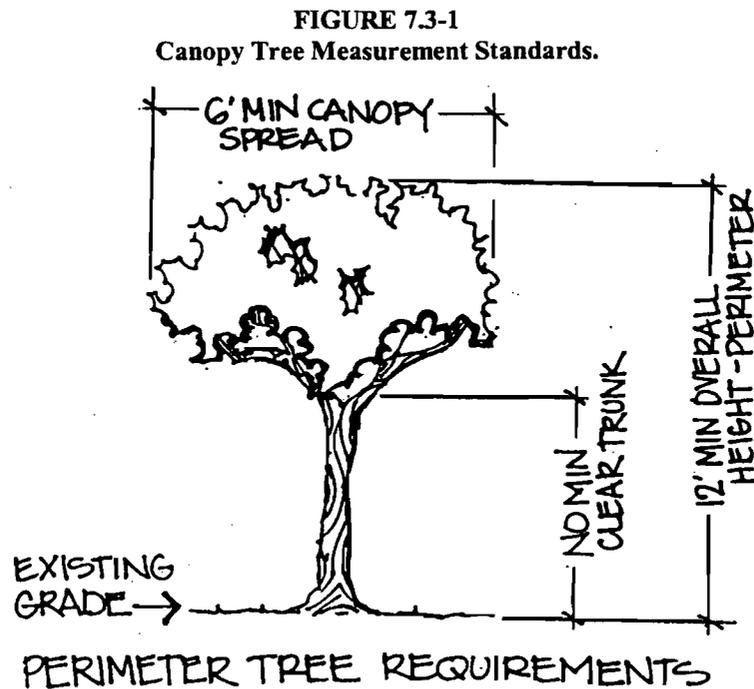
15. Earth berms. Earth berms may be used as non-living landscape barriers only when installed in conjunction with plant materials. The slope of a berm shall not exceed three-to-one (3:1). In areas where existing vegetation has been preserved, berms shall be located and constructed so that they do not negatively impact preserved trees and vegetation. Hedges used in combination with earth berms to meet the six (6) foot screen requirements shall be installed at the height necessary to provide the total six (6) foot screen at time of planting. [Ord. No. 99-37] [Ord. No. 01-01]

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F. **Perimeter landscape requirements.** Perimeter landscape buffers shall be installed and maintained in accordance with the following standards. Required landscape buffers within or around residential pods of Planned Development Districts shall be platted as separate tracts of land. In calculating the number of trees to be planted, fractional distances shall be rounded down. The width of access ways which traverse required perimeter landscape buffers shall be included in the calculation of linear dimension.

1. **Trees and shrubs.**

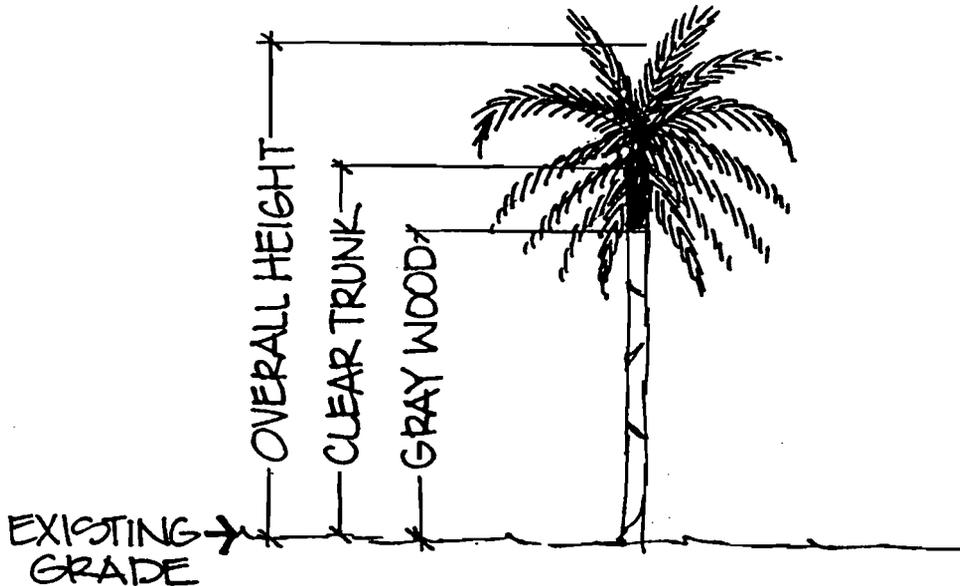
- a. **Canopy trees.** At the time of installation, canopy trees shall be a minimum of twelve (12) feet in height, with a minimum six (6) foot spread, and a minimum diameter of two and one-half (2 ½) inches measured at a point which is at least four and one-half (4 ½) feet above existing grade level. Canopy trees shall be spaced a maximum of thirty (30) feet on center.



- b. **Palms.** Palms shall have a minimum of eight (8) feet of clear trunk or twelve (12) feet in overall height at the time of installation. Queen palms shall also have a minimum caliper size of six (6) inches. Palms planted in perimeter landscape buffers shall be installed in groups of no less than three (3). Each group of three (3) palms in a landscape buffer may be counted as one (1) required canopy tree. In the case of species of palms which characteristically grow in clumps, each clump shall be counted as one (1) tree.

- (1) **Exception.** In R-O-W buffers only, Royal or Phoenix palms, excluding Phoenix roebellini, may be counted as one (1) required canopy tree. These palms shall:
- (a) not exceed a maximum of twenty five (25%) percent of all trees required in the buffer;
 - (b) be spaced a maximum of twenty (20) feet on center; and
 - (c) be a minimum of either six (6) feet of gray wood for Royal palms or eight (8) feet clear trunk for Phoenix palms.

FIGURE 7.3-2
Palm Measurement Standards.



- c. **Slash pines.** Slash pines planted in perimeter buffers shall be installed in groups of no less than three (3). Each group of slash pines shall average a minimum of ten (10) feet in height and may be counted as one (1) required canopy tree.
- d. **Hedges and shrubs.** At the time of installation, required hedges and shrubs shall be a minimum of twenty-four (24) inches in height, and spaced at a maximum of twenty-four (24) inches on center. For compatible buffers, required hedges shall form a continuous solid opaque visual screen of at least thirty-six (36) inches in height within two (2) years of planting. If applicable, hedges shall conform to the residential restrictions of Sec. 6.6., Supplementary Regulations. [Ord. No. 01- 01]
2. **Rights-of-way buffer.** The width of the buffer along streets, thoroughfares, or other means of vehicular access shall depend on the width of the street's ultimate R-O-W as referenced by Table 7.3-4. The width of the ultimate R-O-W shall be determined by reference to the Traffic Circulation Plan Map of the Palm Beach County Comprehensive Plan, or as determined by the County Engineer. R-O-W widths for non-thoroughfare plan street classifications shall be determined by reference to Chart 8.22.2, (Access and Circulation Systems). R-O-W refers to marginal access roads and streets.

**TABLE 7.3-4
WIDTH OF R-O-W BUFFER**

Width of Ultimate R-O-W	Minimum Width of R-O-W Buffer
0-99 Feet	15 Feet for multifamily and non-residential
100+ Feet	20 Feet

Note for Table 7.3-4: Single family detached homes in residential subdivision shall not require R-O-W buffer along internal streets.

- a. **Canopy tree and palm clustering.** Canopy trees and palms may be clustered in R-O-W buffers for non-residential development only, if the clusters:
 - (1) are spaced a maximum of sixty (60) feet apart;
 - (2) consist of trees of varied height, which when averaged, equal the minimum tree height requirements of Section 7.3.F.1.a, b, and c; and
 - (3) are located on property containing a minimum of three hundred (300) linear feet along the R-O-W.

- b. **Walls and fences within R-O-W buffer.** If a wall, or fence is used, the required landscaping shall be located between the wall or fence, and the R-O-W. If the placement of the wall or fence conflicts with a pre-existing dedicated easement, the wall or fence shall not encroach upon the easement unless consistent with Sec. 6.5. (Property Development Regulations). Walls or fences shall be setback a minimum of ten (10) feet from the edge of the ultimate R-O-W unless waived or reduced by the County Engineer and providing that there remains a minimum of five (5) clear feet for planting, or if a wall with a continuous footer is used, a minimum of ten (10) clear feet for planting. [Ord. No. 99-37]

- c. **R-O-W buffer width reduction.** Where properties are separated from the street by a lake or passive open-space fifty (50) feet in width or greater, the buffer width may be reduced by fifty (50) percent, subject to DRC approval, provided that there remains a minimum of five (5) clear feet for planting, or if a wall with a continuous footer is used, a minimum of ten (10) clear feet for planting. The quantity of required plant material shall not be reduced. [Ord. No. 01-01]

- 3. **Perimeter compatibility buffer.** A five (5) foot compatibility buffer shall be required between all compatible use types¹, excluding single family residential subdivisions or pods adjacent to single family residential subdivisions or pods. See Sec. 7.3.F. If hedges are used, they shall present a continuous solid opaque visual screen a minimum of six (6) feet in height within two (2) years. Walls shall not be CBS type with a continuous footer. [Ord. No. 01-01]

¹ Use type corresponds to the use types in Tables 6.4-1 and 6.8-2

4. **Perimeter incompatibility buffer.** An incompatibility buffer shall be required between all incompatible use types or incompatible pods in a Planned Development. The DRC may waive the incompatibility buffer for pods adjacent to open space one hundred (100) feet or greater in width. [Ord. No. 01-01]

a. The following shall provide an incompatibility buffer.

- (1) recreation and civic uses within a residential subdivision or pod;
 - (2) a private recreation pod over two (2) acres or a civic pod within a Planned Development District; and
 - (3) AGR-PUDs, which shall provide the buffer within the buildable area.
- [Ord. No. 98-11] [Ord. No. 98-49]

b. **Type.** Incompatibility buffers shall be one of the following types.

**TABLE 7.3-5
INCOMPATIBILITY BUFFER TYPES**

INCOMPATIBILITY BUFFER	Width	Landscape Barrier
Type 1	Ten (10) feet	Six (6) foot high wall ¹ , fence or hedge
Type 2	Fifteen (15) feet	Six (6) foot high wall, fence, hedge, berm, or combination
Type 3	Twenty (20) feet	Six (6) foot high wall, fence, hedge, berm, or combination

Notes for TABLE 7.3-5:

- 1. The wall shall not be CBS type with a continuous footer.
- 2. Vinyl coated chain link fences are permitted only if behind a six (6) foot high hedge or approved by the BCC or ZC.

[Ord. No. 98-12] [Ord. No. 98-49] [Ord. No. 01-01]

**TABLE 7.3-5A
MINIMUM REQUIRED INCOMPATIBILITY BUFFERS^{1,2}**

DENSITY

Minimum Buffer Type	Density Difference	
	Same Housing Type	Different Housing Type
Type 1	5.0 - 9.9 du/ac	3.0 - 5.9 du/ac
Type 2	10.0 - 14.9 du/ac	6.0 - 8.9 du/ac
Type 3	≥ 15 du/ac	≥ 9 du/ac

HEIGHT

Minimum Buffer Type	Height Difference
Type 1	14' - 27.9'
Type 2	28' - 41.9'
Type 3	≥42'

USE

Minimum Buffer Type	Use Difference ³
N/A ⁴	same/same
Type 2	res/com res/rec res/civic
Type 3	res/ag res/ind res/utility

Notes for Table 7.3-4A:

- 1 Alternative buffers may be required by the Board of Adjustment, Zoning Commission or Board of County Commissioners.
- 2 In all cases, the highest buffer type indicated by the density, height, or use differences shall be required.
- 3 Buffer for minor utilities shall be determined by the DRC.
- 4 If the density and height differences of Table 7.3-4A are not applicable, and if there is no use difference, then a compatibility buffer shall be applied. (See Sec. 7.3.F.) [Ord. No. 98-49]

c. **Tree spacing requirements.** Tree spacing shall be determined by Table 7.3-6.

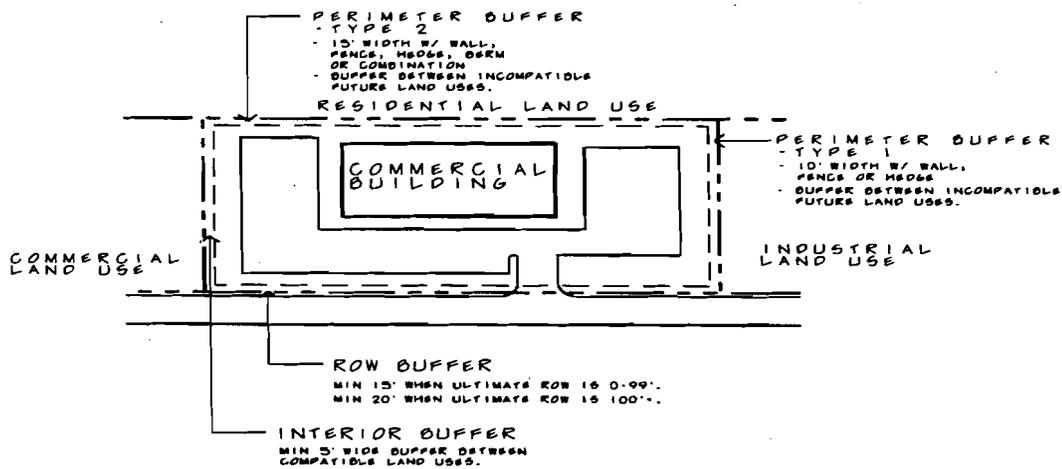
**TABLE 7.3-6
TREE SPACING REQUIREMENTS**

Residential/non-residential	20' on center
Residential/residential	30' on center
Non-residential/non-residential	30' on center

- d. **Landscape barriers within incompatibility buffer.** A continuous, solid, opaque landscape barrier shall be installed in accordance with the following standards.
- (1) **Walls.** Except in Type 1 incompatibility buffers, walls shall be CBS and steel-reinforced with a continuous footing, or Zoning Division approved alternative. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development.
 - (2) **Landscape.** If a wall or fence is used, the landscaping shall be located between the landscape barrier and the adjacent incompatible use, unless waived by the Zoning Division or DRC. An incompatibility buffer for a non-residential use shall include a hedge on both sides of the wall, fence or other non-living landscape barrier, if required by the DRC.
 - (3) **Hedges.** used to create a landscape barrier shall present a continuous solid opaque visual screen and be a minimum of six (6) feet in height at time of installation and a maximum of twelve (12) feet at maturity. [Ord. No. 98-49]

- (4) **Grade changes equal to or greater than four feet.** When a landscape barrier separates sites with a finished grade elevation difference equal to or greater than four (4) feet, the wall height shall be measured from the average finished grade of the two (2) sites.
- (5) **Grade changes less than four feet.** When a landscape barrier separates sites with a finished grade elevation difference less than four (4) feet, the wall height shall be measured directly adjacent to the wall, from the lowest finished grade on either side. **[Ord. No. 98-12]**
- e. **Incompatibility buffer width reduction.** If the same type of landscape buffer exists on an abutting property, the width of one (1) buffer may be reduced fifty (50) percent, provided that there remains a minimum of five (5) clear feet for planting, or if a wall with a continuous footer is used, a minimum of ten (10) clear feet for planting. **[Ord. No. 97-63]**

**FIGURE 7.3-3
Buffer Type Detail.**

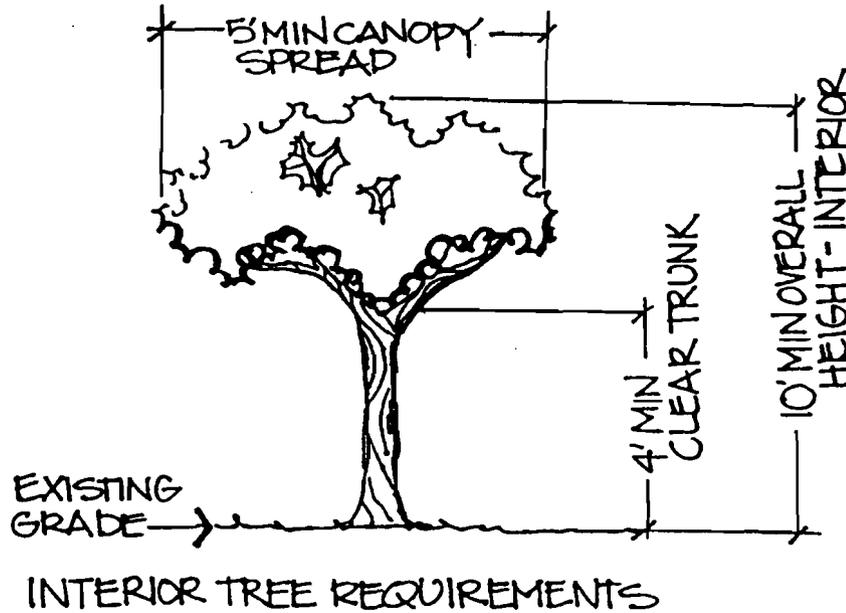


G. Interior landscape requirements.

1. Trees and shrubs.

- a. **Canopy trees.** At the time of installation, interior trees in vehicular use areas shall be a minimum of ten (10) feet in height with a five (5) foot canopy and be container grown or root pruned in the field. Trees shall have, at installation, a minimum of four (4) feet of clear trunk. A minimum of seventy-five (75) percent of all trees that are required to be planted in the interior of vehicular use areas shall be canopy trees.

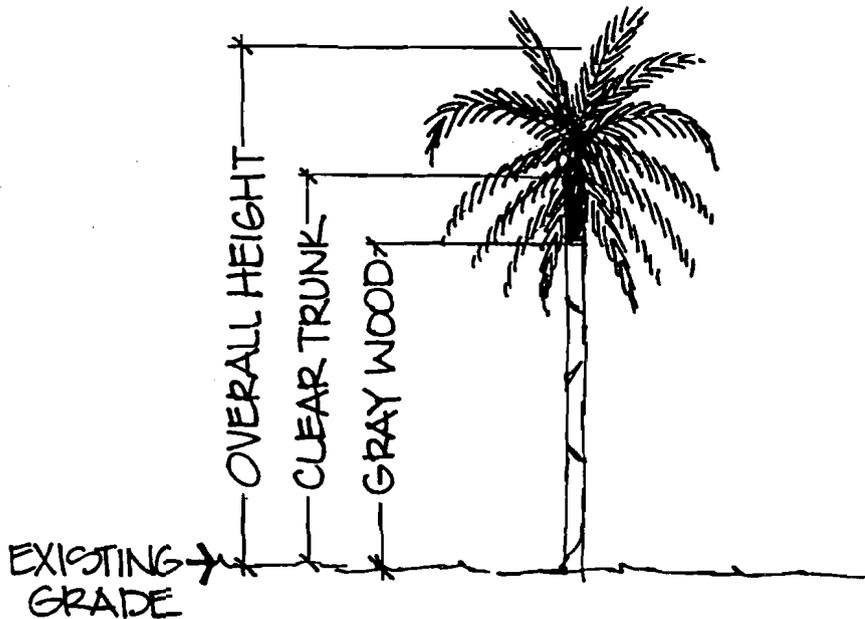
FIGURE 7.3-4
Interior Canopy Tree Measurement Standards



- b. Palms. Palms shall have a minimum of eight (8) feet of clear trunk or twelve (12) feet in overall height at the time of installation. Palms may count as one (1) required interior tree and shall not exceed a maximum of twenty five (25) percent of the required interior trees. Preserved native palms with a minimum 4' feet of clear trunk located within the interior of a site may be counted as one (1) required interior tree. Queen palms shall also have a minimum caliper size of six (6) inches.

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FIGURE 7.3-5
Interior Palm Measurement Standards.



- c. **Hedges and shrubs.** The interior landscape requirements for hedges and shrubs shall be in accordance with Sec. 7.3.F.1.c.
2. **Minimum interior tree quantities.** The following minimum interior tree quantities shall be required in addition to those trees required by Sec. 7.3.F.
- a. **Single family, two-unit townhouse, and two-unit multifamily lot.** One (1) tree shall be planted or preserved for every one thousand five hundred (1500) square feet of a single family or two-unit townhouse or two-unit multi-family lot, excluding areas of vegetation required to be preserved by Sec. 9.5. No more than fifteen (15) new trees shall be required per lot.
 - b. **Three or more unit multifamily development.** One (1) tree and three (3) shrubs shall be planted or preserved for every one thousand five hundred (1500) square feet of a three (3) or more unit multifamily development excluding areas of vegetation required to be preserved by Sec. 9.5. (Vegetation Preservation and Protection) and water management tracts.
 - c. **Nonresidential development, common area, and open space.** One (1) tree and three (3) shrubs shall be planted or preserved for every twenty-five hundred (2500) square feet of a nonresidential development or lot, common area, or open space, excluding areas of vegetation required to be preserved by Sec. 9.5.(Vegetation Preservation and Protection) and water management tracts.
 - d. **Foundation plantings.** Foundation plantings shall be provided along the front and side facades of all commercial structures. The minimum width of the required foundation planting shall be five (5) feet.

The combined length of the required foundation planting shall be no less than forty (40) percent of the total length of the applicable side of the structure. All required foundation plantings shall be planted with a minimum of one (1) tree or palm for each twenty (20) linear feet of building facade and appropriate ground cover.

- 3. Off-street parking and interior vehicular use areas.** Off-street parking and interior vehicular use areas shall be subject to the following minimum requirements. Planting within landscape buffers required by Sec.7.3.F.6. shall not be used to satisfy these requirements. There shall be no vehicle encroachment or overhang into required landscape areas or pedestrian pathways. Dwarf hedges may be installed in accordance with Sec 7.3.E.13.a.(6). [Ord. No. 01-01]

a. Terminal and interior landscape islands.

- (1) **Terminal and interior landscape islands.** Each row of parking spaces shall be terminated by landscape islands. The terminal island shall not overlap perimeter or other required buffers. The terminal island shall measure a minimum of eight (8) feet in width, excluding required curbing, and fifteen (15) feet in length. A minimum of one hundred and twenty (120) square feet of pervious surface areas shall be provided. A minimum of one (1) tree shall be planted in each terminal island. [Ord. No. 01-01]
 - (2) **Interior landscape islands.** A minimum of one (1) interior landscape island shall be provided for every twelve (12) parking spaces or fraction thereof. Interior landscape islands shall be spaced a maximum of one hundred twenty (120) feet apart. Landscaped interior islands shall measure not less than eight (8) feet in width, excluding required curbing, and fifteen (15) feet in length. A minimum of one hundred and twenty (120) square feet of pervious surface areas shall be provided. A minimum of one (1) tree shall be planted in each interior island.
 - (3) **Lots equal to or less than one (1) acre.** For all non-residential lots equal to or less than one (1) acre, terminal and interior landscape islands shall be a minimum of five (5) feet in width, excluding required curbing, and fifteen (15) feet in length.
- b. Divider median.** Divider medians shall be installed, as required by the County Engineer, between rows of parking and between all parking/vehicular use areas. One (1) tree shall be planted for each thirty (30) linear feet of a divider median, or fraction thereof. The minimum width shall be five (5) feet of unencroached landscape area.

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FIGURE 7.3-6
Divider Median with Curb Section

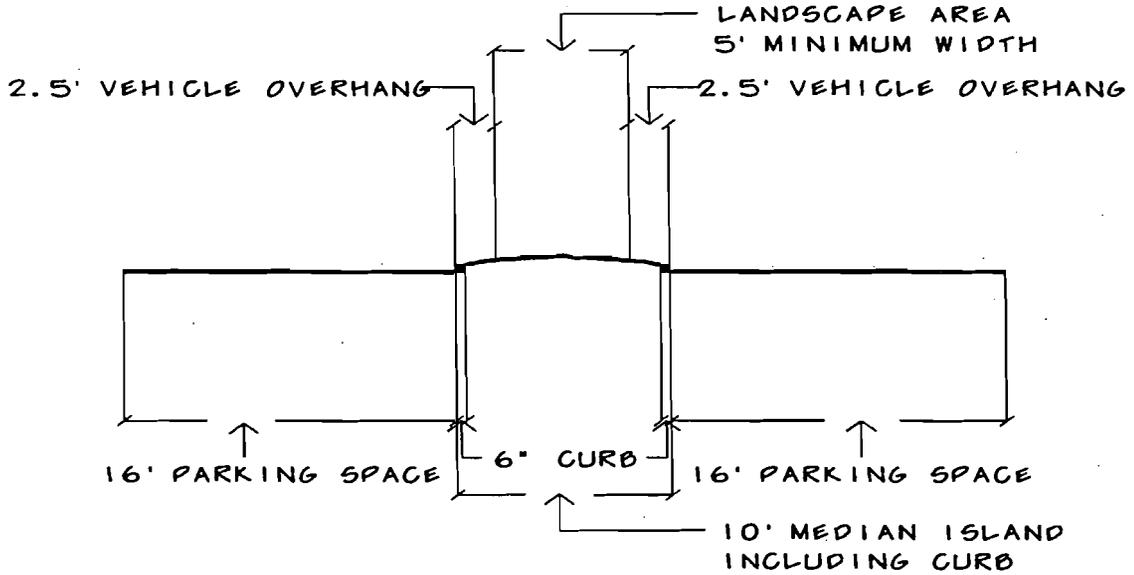
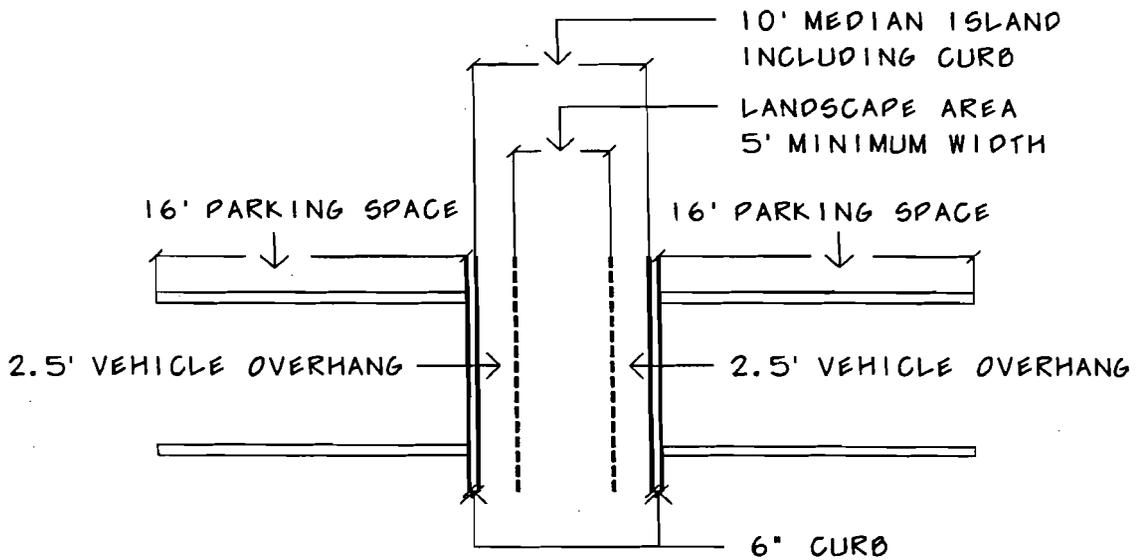
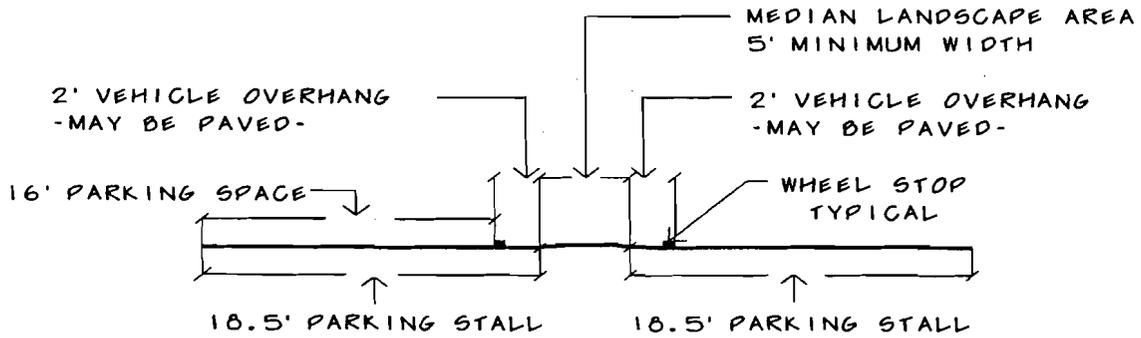


FIGURE 7.3-7
Divider Median with Curb Detail



**FIGURE 7.3-8
Divider Median with Wheelstop Section**



**FIGURE 7.3-9
Divider Median with Wheelstop Paved Detail**

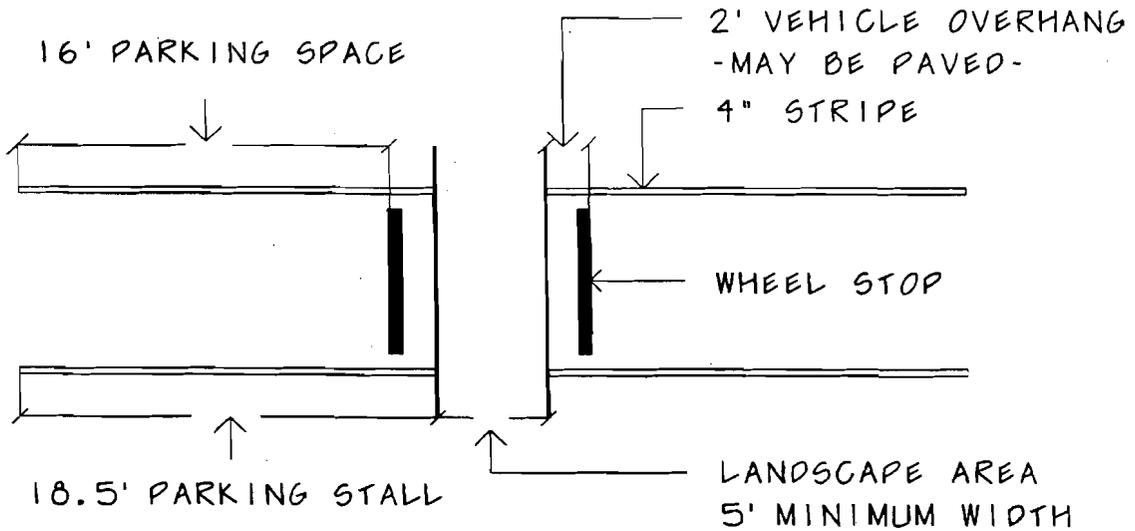
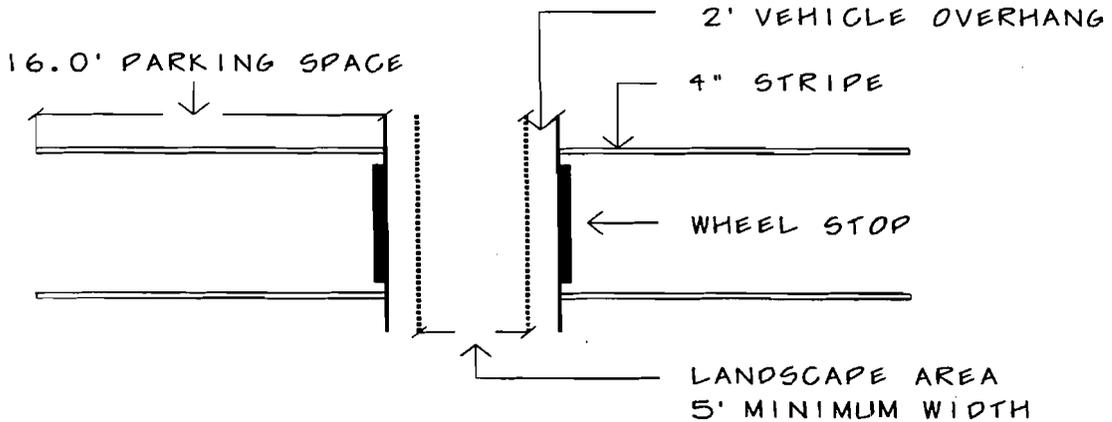
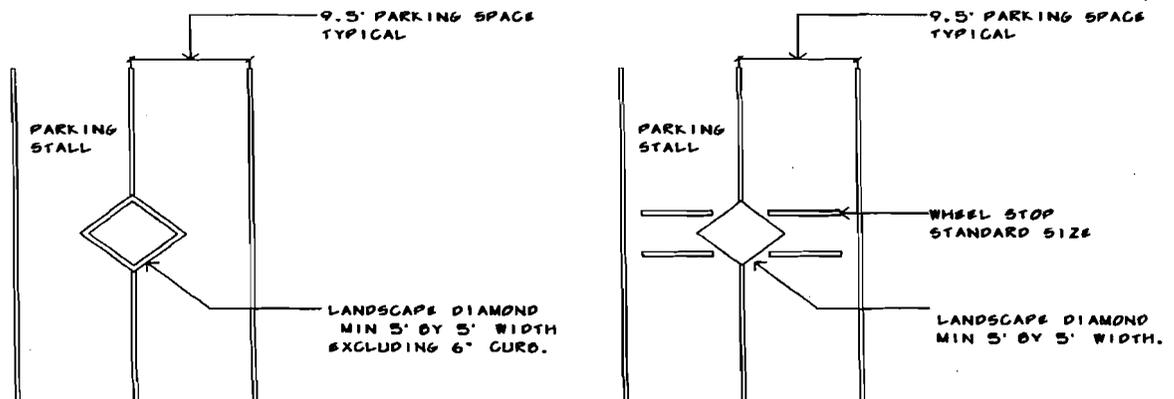


FIGURE 7.3-10
Divider Median with Wheelstop Un-paved Detail



- c. **Landscape diamonds.** Landscape diamonds may be distributed throughout the interior of an off-street parking area to provide shading of parked motor vehicles as an alternative to interior landscape islands. Grade level tree planting areas shall be located only at the common intersection of four (4) parking spaces and spaced no greater than 4 spaces apart. The ground within the tree planting area shall receive appropriate landscape treatment, including mulch or ground cover. The minimum tree planting area shall be twenty-five (25) square feet and the minimum dimension shall be five (5) feet by five (5) feet.

FIGURE 7.3-11
Landscape Diamond Detail

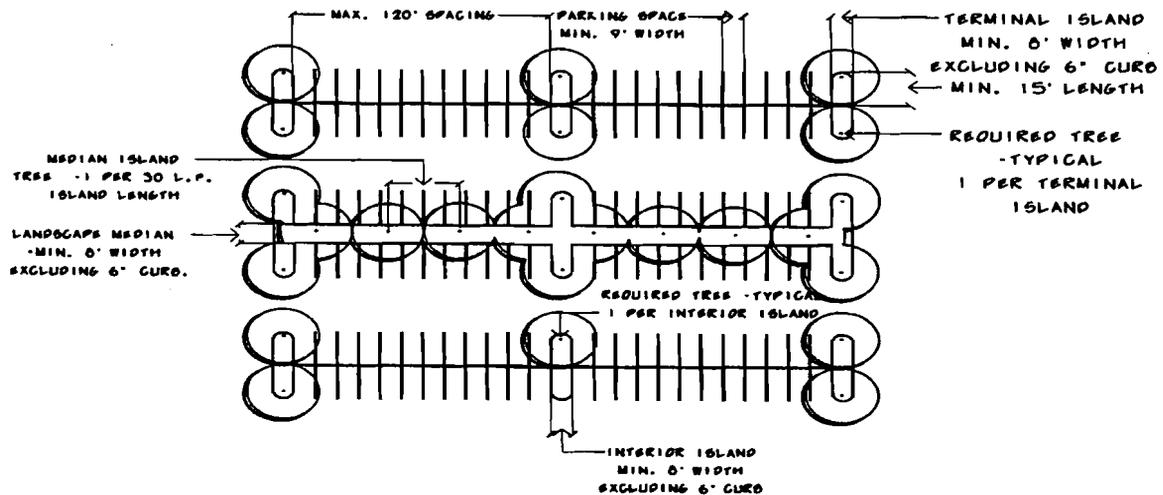


- d. **Parking area screening.** All parking, loading, storage, or outdoor display areas adjacent to R-O-W shall be screened with a continuous hedge in accordance with Sec. 7.3.F.2.
- e. **Landscape protection measures.** Landscape protection measures, such as curbing and wheel stops, shall be required for all landscaping and shall be shown on all paving, drainage, site and landscape plans. The landscape area adjacent to any off-street parking space or vehicular use area shall be protected from vehicular encroachment by the use of concrete wheel stops or continuous concrete curbing.
 - (1) **Curbing.** Except as provided in the subsection below, all landscape areas subject to vehicular encroachment shall be separated from vehicular use areas by six (6) inch, non-mountable, FDOT-type "D" or FDOT-type "F", concrete or asphalt curbing. The curbing shall be machine-laid, formed-in-place or integral with the pavement. Areas adjacent to vehicular use areas shall be surrounded with a continuous raised curb except for the following.
 - (a) Divider medians that abut parking spaces with wheel stops.
 - (b) Properties located in the PO zoning district.
 - (c) Alternative landscape protection measures approved by the Zoning Director.
 - (2) **Wheel stops.** Wheel stops shall have a minimum height of six (6) inches above finished grade of the parking area, shall be properly anchored, and continuously maintained in good condition. The space between the wheel stop and the end of the parking space may be paved as required by the Building Department for anchoring and maintenance purposes. Wheel stop anchor rods shall be set through the pavement and the bottom of the wheel stop must rest fully on the pavement to prevent rocking.
 - (3) **Planting area.** Planting area width requirements shall be measured from the inside edge of the curb.
- f. **Pervious area.** A minimum of twenty (20) percent of the gross land area shall be landscaped and maintained as pervious surface area. [Ord. No. 01-01]

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4. **Parking structures.** Parking structures shall provide perimeter planters around each level of the parking structure. The planter shall provide a total of one-half (0.5) square foot of planting area for each linear foot of facade, within five hundred (500) feet of a public R-O-W or residential zoning district, per parking level. Planting areas may be arranged in linear fashion or clustered at intervals, and shall be provided with permanent irrigation to permit watering of plant materials. Planters shall be landscaped pursuant to the provisions of this section. [Ord. No. 97-63][Ord. No. 99-37] [Ord. No. 01- 01]

FIGURE 7.3-12
Interior Landscape Requirements Detail



H. Installation, maintenance, pruning and irrigation. The following standards shall be considered the minimum required installation, maintenance, irrigation, and replacement standards for all trees and landscape material.

1. **Installation.** All landscaping shall be installed according to acceptable nursery practices in a manner designed to encourage vigorous growth. Soil improvement measures may be required to ensure healthy plant growth. A plant or tree's growth characteristics shall be considered before planting to prevent conflicts with views, lighting, or signage.
 - a. **Phasing.** Required landscaping may be installed in phases as follows.
 - (1) **Planned developments.** The number of trees required to be planted or preserved in a construction phase of a planned development, shall be a proportion of the total number of trees required to be planted in the overall planned development. This proportion shall be determined by comparing the area of the phase plan to the area of the entire planned development as shown on its current, controlling preliminary development plan. Areas of vegetation required to be preserved shall be excluded from the calculation of the area of a phase or subdivision plan of the planned development.
 - (2) **Other developments.** The entire perimeter landscaping shall be installed for residential and non-residential developments, prior to the issuance of the first certificate of occupancy or completion or in accordance with an approved phasing plan by the DRC.
2. **Maintenance.** The land owner, or successors in interest, or agent, if any, shall be jointly and severally responsible for the following.
 - a. Regular maintenance of all landscaping in a way that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching, or other maintenance, as needed and in accordance with acceptable horticultural practices.
 - b. The maintenance of required landscape structures (e.g., walls, fences) in a structurally sound condition.
 - c. The regular maintenance, repair, or replacement, where necessary, of landscape barriers required by this section.
 - d. Perpetual maintenance to prohibit the reestablishment of prohibited and non-native invasive species within landscaping and preservation areas.
 - e. Continuous maintenance of the site.
 - f. All trees shall be allowed to grow to their natural mature height and a full canopy. Large and medium canopy trees shall be required to attain a minimum twenty (20) foot canopy spread prior to pruning. In no case shall the canopy spread be reduced to less than twenty (20) feet in width. Maintenance shall be limited to periodic trimming to maintain healthy trees, removal of diseased limbs, or removal of limbs or foliage that present a hazard.
 - g. Landscape buffers shall be maintained and preserved along the entire length of the property.
[Ord. No. 98-12]
 - h. Landscape areas which are required to be created or preserved by this section shall not be used for the storage/display of materials or sale of products or services.

- i. The BCC through its respective Departments, such as Engineering, Park and Recreation, Airports, Agriculture, and ERM, shall be responsible for the care and maintenance of the trees and vegetation present on County-owned property. [Ord. No. 99-37]
- 3. Pruning.** Pruning shall be permitted to allow for healthy growth, and to promote safety considerations. Trees which cause a conflict with views, signage or lighting shall not be pruned more than the maximum allowed. Trees shall not be pruned to reduce the canopy spread to less than twenty (20) feet or pruned in conflict with the maintenance standards above. The Zoning Director may suspend the provisions of this section in case of a natural disaster.
- a. A maximum of one fourth (0.25) of tree canopy may be removed from a tree within a one (1) year period, provided that the removal conforms to the standards of crown reduction, crown cleaning, crown thinning, crown raising, vista pruning, and crown restoration pruning techniques. All pruning shall comply with the American National Standards Institute, ANSI 300=1995 (Tree, Shrub and other Woody Plant Maintenance), as amended. The crown of a tree required by this code or condition of approval shall not be reduced below the minimum spread or height requirements of Sec. 7.3.E. or specific BCC conditions of approval. A tree which is pruned in excess of these requirements shall be replaced with a tree that meets the minimum requirements of Sec 7.3.E.7. and Table 7.3-2.
 - b. If other than the mature height and spread is desired for any required tree, the size and shape shall be indicated on an approved landscape plan. Shaping of a tree shall be permitted if the tree is to be used as an accent, focal point or as part of an overall landscape design. A maintenance commitment shall be clearly outlined on the approved landscape plan to explain the care and upkeep of a shaped tree.
 - c. Tree topping (hatracking) is prohibited and shall be defined as the cutting back of limbs to a point between branch collars/buds larger than one inch in diameter within the tree's crown.
 - d. Exemptions. The following shall be exempt from this section.
 - (1) Trees affected by FAA and airport safety regulations.
 - (2) Trees which interfere with safe site triangles, utility lines, or utility structures.
 - (3) Trees having crown dieback or decay greater than one third the tree canopy.
 - (4) Trees having suffered damage due to natural or accidental causes.
 - (5) Trees having insect or disease damage greater than one-third of the tree crown.
 - (6) Trees on single family lots unless pruned by a commercial tree service business, landscape company, lawn service business or other related businesses.
 - (7) Trees in botanical gardens, or botanical research centers. [Ord. No. 98-12]
- 4. Irrigation.** Landscaped areas shall be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation systems shall comply with the following standards.
- a. All landscaped areas shall be provided with a readily available water supply with at least one (1) outlet within seventy-five (75) feet of the plants to be maintained. The use of non-potable water for irrigation purposes shall be encouraged.
 - b. Irrigation systems shall be continuously maintained in working order and shall be designed so as not to overlap water zones or to water impervious areas.
 - c. Irrigation systems shall not be installed or maintained abutting any public street which causes water

from the system to spray onto the roadway or to strike passing pedestrian or vehicular traffic, where feasible.

- d. The use of irrigation quality or re-used water shall be required for parks and recreation facilities (e.g., golf courses or medians) that are:
 - (1) within one (1) mile of reuse wastewater mains; or
 - (2) within the Irrigation Quality (IQ) effluent water service area of the Palm Beach County Water Utilities Department; or
 - (3) where irrigation quality or re-used water is available and where such reuse is approved by the regulatory agencies.
- e. The use of irrigation quality or re-used water shall be encouraged through inter-local agreements with municipalities and utilities that provide water and wastewater service to the unincorporated areas, provided that the reuse wastewater main is within one (1) mile, where irrigation quality water is available and where such reuse is approved by the regulatory agencies.
- f. Permanent irrigation systems are not permitted for areas set aside on approved site development plans for preservation of existing native vegetation.
- g. Temporary irrigation systems installed pursuant to acceptable xeriscape practices may be used to meet the standards of this section, upon approval of the DRC.
- h. Whenever practical, irrigation systems shall be designed in districts to apply water onto shrub and tree areas on a less frequent schedule than those irrigating lawn areas. A rain-sensor switch shall be installed on systems with automatic controllers.
[Ord. No. 97-63] [Ord. No. 99-37]

I. Temporary suspension of landscape standards. The installation of landscaping required by this section may be temporarily suspended, in individual cases, by the Executive Director of PZ&B; after a freeze when required landscape materials are not available; during a period of drought in which the use of water is restricted by a governmental authority; or prior to a building certificate of occupancy in response to extenuating circumstances beyond the control of the applicant.

- 1. **Performance surety.** If the landscape standards of this section are suspended pursuant to this section, the PZ&B Department shall enter into an agreement with the land owner, that will allow issuance of the permit or Certificate of Occupancy or Certificate of Completion. Such an agreement will be approved only if, in the opinion of the County Attorney, the land owner provides adequate guarantee or surety that the terms of this section shall be met. The guarantee shall consist of a performance bond or other surety agreement approved by the County Attorney, in an amount equal to one hundred and ten (110) percent of the direct costs of materials and labor, and other costs incidental to the installation of the required landscaping.
- 2. **Surety bond requirements.** Performance guarantees required pursuant to this subsection shall run to the Board of County Commissioners, be in a form satisfactory and acceptable to the County Attorney, and specify the time-frame for the completion of the landscape standards of this section. An application for a surety bond shall be accompanied by a landscape plan prepared by the applicant which shall identify the plantings which have been postponed, including the project schedule and planting cost estimates. Planting cost estimates shall be verified by competent authority.
[Ord. No. 97-63] [Ord. No. 99-37]

J. Administration.

1. **Field inspections.** Unless otherwise provided in this section, all development subject to this section shall be inspected by PZ&B prior to issuance of a paving permit certificate of occupancy or Certificate of Compliance submitted and signed by the landscape contractor.
2. **Optional special certification.** In lieu of initial field inspection and certification by PZ&B, the land owner may submit a special Certificate of Compliance which complies with the following:
 - a. **Form of special certification.** The special certification shall:
 - (1) bear the seal of a landscape architect; or other licensed professional as authorized by Chapter 481, Fla. Stat., Part II; who
 - (a) personally inspected the site;
 - (b) certifies that landscaping was properly installed and meets all requirements of this section;
 - (c) understands that any misrepresentations or misstatements in the special certificate of compliance shall constitute a violation of this section and of State law; and
 - (d) understands that misrepresentations or misstatements in the special certificate of compliance may also become the grounds for professional disciplinary action pursuant to State law.
 - (2) be submitted to PZ&B prior to issuance of a building permit, paving permit or Certificate of Occupancy or Certificate of Completion;
 - (3) be submitted in sufficient numbers upon forms available from PZ&B; and
 - (4) contain such other information as required by PZ&B which is reasonable and necessary to a determination that landscaping is in compliance with this section.
 - b. **Field verification of special certification.** PZ&B may at its option conduct a field inspection to verify representations made in the special certificate of compliance.
 - c. **Acceptance of special certification.** If no field verification is conducted by PZ&B, the special certificate of compliance shall be deemed to have been accepted. Upon acceptance by the Department, the special certificate of compliance shall be filed and maintained with the official records of the development.
[Ord. No. 97-63] [Ord. No. 99-37]

K. Enforcement. Failure to comply with the requirements of this section or any permit or approval granted or authorized hereunder shall constitute a violation of this section. PZ&B may issue a Cease and Desist Order or withhold a Certificate of Occupancy or Certification of Completion until the provisions of this section have been met.

1. **Fines.** Violations of the provisions of this section shall be punishable by:
 - a. such fines and site improvements as may be required by the Palm Beach County Code Enforcement Citation Ordinance (Ord. No. 91-15);

1. **Fines.** Violations of the provisions of this section shall be punishable by:
 - a. such fines and site improvements as may be required by the Palm Beach County Code Enforcement Citation Ordinance (Ord. No. 91-15);
 - b. such fines and imprisonment provided for in Section 125.69, Florida Statutes or,
 - c. a triple permit fee for removal of trees without a valid tree removal and replacement permit.
 - d. replacement of landscape material which has been hatracked, damaged or otherwise rendered unable to achieve its natural and intended form.
2. **Violations.** The following deficiencies shall be considered a separate and continuing violation of this section:
 - a. each tree or shrub which is not properly installed or properly maintained on site as required by this section;
 - b. each day in which landscaping is not properly installed or properly maintained on site as required by this section; and,
 - c. each tree removed without a permit.
3. **Restoration and maintenance.** Landscaping which becomes damaged or diseased, or is dead shall be immediately replaced to comply with the PZ&B approved landscape plan or with the requirements of this section to the greatest extent possible (if a PZ&B approved landscape plan is not on file).
4. **Review board.** Violations of this section may be referred by PZ&B to the Palm Beach County Code Enforcement Board for corrective actions and civil penalties.
5. **Additional sanctions.** The County may take any appropriate legal action, including, but not limited to, administrative action, requests for temporary and permanent injunctions, and other sanctions to enforce the provisions of this Section.
[Ord. No. 97-63] [Ord. No. 97-64] [Ord. No. 98-49] [Ord. No. 99-37]

Amendment History:

[Ord. No. 93-4; February 16, 1993] [Ord. No. 93-17; July 20, 1993] [Ord. No. 94-23; October 18, 1994]
 [Ord. No. 95-8; April 3, 1995] [Ord. No. 97-63; December 24, 1997] [Ord. No. 97-64; December 24, 1997]
 [Ord. No. 98-11; April 30, 1998] [Ord. No. 98-12; April 30, 1998] [Ord. No. 98-49; October 28, 1998]
 [Ord. No. 99-37; October 7, 1999] [Ord. No. 01-01; January 28, 2001] [Ord. No. 01-62; September 6, 2001]

Sec. 7.4 Reserved for future use. [Ord. No. 95-24]

Sec. 7.5 Reserved for future use. [Ord. No. 96-28]

SEC. 7.6 EXCAVATION

A. Purpose and intent. The purpose and intent of this section is to provide for the health, safety, and welfare of the residents of PBC by ensuring beneficial and sound land management practices associated with excavation and mining activities. To prevent a cumulative negative impact on the County's natural resources and to achieve these goals, it is the intent of this section to:

1. ensure that mining and excavation activities do not adversely impact the health, safety, and welfare of the citizens of PBC;
2. prevent immediate and long-term negative environmental and economic impacts of poor land development practices;
3. encourage the use of economically feasible and environmentally sound mining and excavation practices;
4. preserve land values by ensuring that alteration of a parcel by non-commercial land excavation does not result in conditions that would prevent that parcel from meeting minimum land development requirements for other valid uses;
5. encourage the rehabilitation of commercially mined sites to other beneficial uses by promoting economical, effective and timely site reclamation;
6. protect existing and future beneficial use of surrounding properties from the negative effects of excavation and mining;
7. provide for the off-site disposal of excess extractive material provided that the excavation site is incorporated into the approval of a bona fide site development plan;
8. establish a regulatory framework of clear, reasonable, effective, and enforceable standards and requirements for the regulation of excavation, mining, and related activities; and
9. ensure that excavation and mining activities and resulting mined lakes are not allowed to become public safety hazards, or sources of water resource degradation or pollution.

B. Applicability. All mining and excavation activities that create a temporary or permanent body of water within unincorporated PBC shall comply with the regulations established in the ULDC and other State and Local requirements, as applicable. The regulations of this section may be known as the "PBC Mining and Excavation Code." [Ord. No. 99-37]

1. **Conflicting provisions.** To the extent provisions of this section conflict with regulations of other applicable regulatory agencies, the more restrictive regulations shall apply. Other permitting agencies include but are not limited to SFWMD, Florida Game and Fresh Water Fish Commission, DEP, and ERM.
2. **Previously approved development orders.** Applications for excavation and mining projects approved prior to September 25, 1996, may amend the certified site (excavation) plan pursuant to Sec. 5.6 (Site Plan or Final Subdivision Plan) to comply with the standards enumerated below provided the standards do not conflict with development order conditions. All standards of each section shall apply. Selective choice of standards shall not be permitted. DRC may review and approve the excavation plan, pursuant to Sec. 5.6. (Site Plan or

Final Subdivision Plan), provided the subject site complies with the compatibility criteria in Sec. 7.6.F.6.d and the technical standards in Sec. 7.6.I. and provided there is no increase in the land area, excavated surface area, quantity of excavated material, or intensity as approved by the BCC in the original development order. Any increase shall require approval of a development order amendment by the BCC pursuant to Sec. 5.4. (Conditional Uses). Applicable standards include:

- a. **Operational standards** pursuant to Sec. 7.6.I.1.
- b. **Construction standards** pursuant to Sec. 7.6.I.2., excluding depth.
- c. **Reclamation standards** pursuant to Sec. 7.6.I.3.
- d. **Buffer requirements** pursuant to Sec. 7.6.F.6.d(2) or (3)
- e. **Monitoring and Maintenance requirements** pursuant to Sec. 7.6.I.5

C. **Authority.** This section is adopted under the authority of Chapter 125, Fla. Stat., and the PBC Comprehensive Plan, as amended.

D. **Types of approvals, general.** Excavation or mining activities shall not be conducted unless such activities are deemed exempt or an approval has been issued in accordance with this section. Types of approval include the following.

1. **Single-family excavations.** Two approval processes (Types 1A and 1B) are administered by PZB for excavations on single-family lots. Application procedures and requirements are listed in Sec. 7.6.F.1., and 7.6.F.2.
2. **Agricultural excavations.** Approval processes for Agricultural excavations are administered by ERM and PZB and Agricultural excavations within the WCAA are administered by ERM. Application procedures and requirements are listed in Sec. 7.6.F.3., and 4.
3. **Site development excavations.** Approval processes for Type II excavations are administered by PZB and by ERM. Application procedures and requirements are listed in Sec. 7.6.F.5.
4. **Mining.** Approval processes for Type III excavation activities are administered by PZB and by ERM. Application procedures and requirements are listed in Sec. 7.6.F.6. [Ord. No. 99-37]

E. **Prohibitions and Exemptions.**

1. **Prohibitions.** Excavation and Mining activities shall be prohibited in the following areas:
 - a. RR20 Future Land Use Category.
 - b. The Pleistocene Sand Ridge.
 - c. An archeological site, unless all the requirements of Section 7.13 (Archeological Resources Protection) have been met.

- d. Publicly owned conservation areas, publicly owned preservation areas or environmentally sensitive lands.
- e. Areas otherwise prohibited by this section.

2. Exemptions. The following excavation activities shall be exempt from the requirements of this section:

- a. **Existing lakes.** Existing mined lakes approved prior to June 16, 1992 that have a valid development order which complies with the criteria below shall be exempt from the requirements of this section. If an amendment is proposed that deviates from the original approval, then a development order amendment shall be requested pursuant to Sec. 5.4. (Conditional Uses) and shall comply with the provisions in Sec. 1.5. (Exemptions).
 - (1) Regulated by a National Pollutant Discharge Elimination System Permit; or
 - (2) Regulated by a Florida Department of Environmental Protection industrial wastewater operation permit; or
 - (3) Located within an approved residential, commercial, industrial or mixed-use development and function as a stormwater management facility pursuant to:
 - (a) A surface water management construction permit issued by the SFWMD; or
 - (b) A conceptual permit issued by the SFWMD that delineates proposed littoral slopes of the excavated lake(s) conducive for planting; or
 - (c) An applicable County land development permit depicting proposed littoral and upland slopes of a mined lake. As long as the existing excavated lake continues to meet the water quality standards contained in Chapter 62-302, F.A.C.
- b. **Pools.** Swimming pools, pursuant to Sec. 6.6.A.8. Swimming Pools and Spas. (Supplementary Regulations).
- c. **Small ponds.** Ponds, accessory to a principal use, such as but not limited to, small lily ponds, goldfish ponds, reflecting ponds, and other small ornamental water features with a maximum depth of four (4) feet OWL and not exceeding five hundred (500) square feet in surface area.
- d. **Cemeteries.** Burial plots in approved cemeteries.
- e. **R-O-Ws.** Excavations within the road R-O-W, when that road is under construction, shall be exempt from this Section. To qualify for the exemption, these excavations shall be performed by PBC, the FDOT or any Water Control District created by special act to operate under Fla. Statutes Ch. 298.(95). Excavation activity located outside the R-O-W boundary, performed to accommodate roadway drainage which creates a permanent open body of water for a period of one hundred and eighty (180) days or more shall comply with the standards of a Type II excavation in Sec. 7.6.F.5
- f. **Utilities.** Excavations for installation of utilities, including septic systems.
- g. **Man-made drainage structures.** The repair, reconstruction and maintenance of existing non-tidal man-made canals, channels, control structures with associated riprap, erosion controls, intake structures, and discharge structures, provided:
 - (1) All spoil material is deposited directly to a self-contained upland site, which will prevent the release of material and drainage from the spoil site into surface waters of the State;

- (2) No more dredging is performed than is necessary to restore the canal, channels, and intake, and discharge structures to original design specifications or as amended by the applicable permitting agency; and
 - (3) Control devices in use at the dredge site that prevent the release of turbidity, toxic, or deleterious substances into adjacent waters during the dredging operation.
- h. **WCAA canals.** Canals of conveyance located in the WCAA which require permits from SFWMD, or DEP, and provided the permitted project does not exceed fifteen (15) feet in depth from OWL.
- i. **Mitigation projects.** Mitigation projects permitted by SFWMD, DEP, or ERM, pursuant to Chapters 403 and 373, Fla. Stat., and Chapter 62-312, F.A.C., as amended, and Article 9 (Environmental Standards) of this Code, including projects approved to implement an adopted Surface Water Improvement & Management (SWIM) plan and provided the permitted project depth does not exceed twenty (20) feet from OWL or fifteen (15) feet from OWL in the WCAA. Projects proposed to exceed these depths shall comply with the application requirements of Sec. 7.6.H., the administrative waiver requirements of Sec. 7.6.J., and the technical standards of Sec. 7.6.I.1., 2a, 2b, 3 and 4.
- j. **Wetlands.** Excavation activities within jurisdictional wetlands that have been issued permits pursuant to Sec. 9.4 (Wetlands Protection) of this Code or have been issued a permit for wetland impacts through the Environmental Resource Permit (ERP) process by the Department of Environmental Protection, the SFWMD, or any other agency with ERP delegation for PBC.
- k. **Agricultural ditches.** Agricultural ditches supporting vegetation production (i.e. groves, row crops, hay, and tree farming) constructed solely in uplands that are less than six (6) feet in depth from OWL which meet the standards of bona fide agriculture. These ditches shall not connect to canals of conveyance or waters of the State without the appropriate Federal, State, and Local approvals or permits.
- l. **De Minimis impact.** Those projects for which ERM and PZB approval is necessary and both departments determine that there will be no significant adverse environmental or land use impacts. A de minimus determination from one agency does not constitute approval by the other.
- m. **Canals of conveyance.** Canals of conveyance that require permits from SFWMD, DEP, or ERM pursuant to Sec. 9.4. (Wetlands Protection).
- n. **Excavations by public agencies.** Excavations performed by public agencies, including PBC, SFWMD and water control districts created pursuant to Chapter 298, Florida Statutes, or special districts created by special legislative act, provided such excavations comply with all standards listed below:
- (1) be solely under the jurisdiction, authority, and control of PBC, SFWMD, or the applicable district,
 - (2) be completed, operated, and maintained in perpetuity by PBC, SFWMD, water control district, or special district,
 - (3) be an official part of the operation and function of PBC, SFWMD, or a water control district, or a special district.
- In order to be exempt under this provision, the public agencies shall:
- (a) schedule and conduct a public hearing; the notice of the public hearing shall be published at least seven (7) days prior to the hearing, in a newspaper of general circulation,

- (b) provide written notice of the intent to engage in excavation activities subject to a permit issued by the SFWMD to the Executive Director of Planning, Zoning & Building Department, and the Director of ERM Department at least thirty (30) days prior to the commencement of construction activity, and
 - (c) provide written notification of the public hearing required by this subsection to the Executive Director of Planning, Zoning & Building Department, and the Director of ERM Department at least thirty (30) days prior to the public hearing.
- o. Excavations, canals, impoundments, stormwater treatment areas, and related projects to enhance water quality, water supply, environmental quality, and natural resources operated by the SFWMD within PBC. [Ord. No. 97-15]

F. **Specific standards for each excavation type.** Before commencement of any excavation, approvals shall be obtained pursuant to the procedures and standards defined in this section. [Ord. No. 99-37]

1. **Type I (A) excavations.**

- a. **Minimum lot area.** The minimum lot area shall be one (1) acre.
- b. **Maximum excavated surface area.** The maximum excavated surface area of all excavation on the premises shall be less than two tenths (0.2) acre (8,712 square feet).
- c. **Off-site removal.** Off-site removal of extracted material is prohibited.
- d. **Separation and setbacks.** In addition to the separation requirements of Sec. 7.6.I.2.a., Type I Excavations shall maintain the following minimum setbacks measured from the inside edge of the lake maintenance easement.
 - (1) Fifteen (15) feet at the time of construction from any adjacent property line. The top of bank shall be a minimum of 5 feet; and,
 - (2) Fifty (50) feet from any potable water well; and,
 - (3) One hundred (100) feet from any septic system pursuant to Sec. 16.1 and 16.2, Environmental Control Rules I and II.
- e. **Slopes.** If a lake, excavated prior to June 16, 1992, does not comply with the minimum slope requirements of Sec. 7.6.I.2.b., a minimum four (4) foot high gated fence completely enclosing the excavated area may be substituted for the required slopes.
- f. **Maximum depth.** Excavation activity shall not exceed ten (10) feet in depth below OWL.
- g. **Reclamation.** The applicant shall comply with the following reclamation requirements prior to issuance of a Certificate of Occupancy.
 - (1) Compliance with the slope angle and drainage provisions of Sec. 7.6.I.2.b.(1) and (4) and the reclamation standards of Sec. 7.6.I.3.b. shall be required.
 - (2) The property owner shall submit to the Building Division a Certificate of Compliance sealed by a registered Land Surveyor depicting:
 - (a) an as-built survey showing the location, size, and depth of the excavated area; and,
 - (b) in cases where no permanent water body is created, the site plan submitted with the building permit shall serve as the reclamation plan.

- h. Use approval.** Applications shall be made concurrent with an application for a building permit. Approval shall be issued concurrent with receipt of a building permit for a single family dwelling.
- (1) **Application requirements and procedures.** The building permit drawings shall be supplemented with the (6.4.D.35.a.) following:
 - (a) **Site plan.** A general site plan complying with the standards of Sec. 7.6.;
 - (b) **Statement.** A statement estimating the amount of excavated material, in cubic yards; and
 - (c) **Notarized authorization.** Notarized authorization from the property owner to excavate.
 - (2) **Determination of sufficiency, review and decision.** A permit shall be issued by PZB, with or without conditions of approval after the application has been determined complete and in compliance with this section.

2. Type I (B) excavations.

- a. **Minimum lot area.** The minimum lot area shall be two and one half (2.5) acres.
- b. **Maximum surface area.** The maximum surface area of all excavation on the premises shall be less than twenty five (25) percent of the gross lot area and shall not exceed two (2) acres.
- c. **Off-site removal.** Off-site removal of extracted material is prohibited.
- d. **Separations and setbacks.** In addition to the separation requirements of Sec. 7.6.I.2.a., Type I(B) excavations shall maintain the following minimum setbacks :
 - (1) thirty (30) feet at the time of construction from any adjacent property line; [Ord. No. 00-015]
 - (2) fifty (50) feet from any potable water well; and,
 - (3) one hundred (100) feet from any septic system pursuant to Sec. 16.1 and 16.2, Environmental Control Rules I and II.
- e. **Maximum depth.** Excavation activity shall not exceed fifteen (15) feet in depth below OWL.
- f. **Reclamation.** The applicant shall comply with the following reclamation requirements prior to issuance of a Certificate of Occupancy.
 - (1) Compliance with the slope angle and drainage provisions of Sec. 7.6.I.2.b.(1) and (4) and the reclamation standards of Sec. 7.6.I.3.b. shall be required.
 - (2) The property owner shall submit to PZB a Certificate of Compliance sealed by a registered Land Surveyor depicting:
 - (a) An as-built survey showing the location, size, and depth of the excavation.
 - (b) In cases where no permanent water body is created, the building permit site plan shall serve as the reclamation plan.
- g. **Use approval.** Applications shall be made concurrent with an application for a building permit. Approval shall be issued concurrent with receipt of a building permit for a single family dwelling.
 - (1) **DRC approval.** DRC review and approval shall be required pursuant to Sec. 5.6. (Site Plan or Final Subdivision Plan). DRC shall review for compliance with Sec 7.6. and may approve the application with or without conditions.
 - (2) **Duration.** A Type I (B) excavation permit shall expire after one hundred and twenty (120) days from the date authorization is received to begin excavation activity.

3. Agricultural excavations.

- a. **Separation and setbacks.** In addition to the separation requirements in Sec. 7.6.I.2.a., Agricultural excavations shall maintain a minimum setback of one hundred (100) feet measured from the inside edge of the lake maintenance easement to any adjacent property line.
- b. **Maximum depth.** Excavation activity shall not exceed twenty (20) feet from OWL because of chloride and total dissolved solids (TDS) or other water quality considerations. This maximum depth may be exceeded if approved by ERM in accordance with Sec. 7.6.J., provided the applicant adequately ensures that (1) chloride levels shall not exceed two hundred and fifty (250) parts per million (ppm) and TDS does not exceed five hundred (500) ppm within the excavated lake or pond based on ground water sampling prior to construction, or the applicant may provide reasonable assurance that the ambient off-site chloride levels will not be degraded based upon background levels. Additional sampling may be required during and after construction.
- c. **Sediment sump.** A sediment sump may be constructed at the excavated lake or pond inlet to a depth of twenty-five (25) feet OWL. However, this sump shall not exceed 5% of the mined lake area.
- d. **Reclamation and Maintenance and Monitoring.** Agricultural excavations shall comply with the excavated area, and littoral zone reclamation requirements of Sec. 7.6.H.3.b, c, and e, and associated Maintenance and Monitoring requirements of 7.6.H.5., unless granted an administrative waiver by ERM.
- e. **Use approval.** All agricultural excavations shall submit a detailed explanation of the proposed bona fide agricultural use. This explanation shall demonstrate consistency with applicable Industry Standards and shall satisfy the definition requirements of bona fide agriculture pursuant to Article 3 (Definitions). Excavation shall be the minimum necessary to implement the bona fide agricultural use.
 - (1) **Excavations two (2) acres or less in surface area.** DRC review and approval shall be required pursuant to Sec. 5.6. (Site Plan or Final Subdivision Plan). DRC shall review for compliance with the standards of this section and may approve the application with or without conditions.
 - (2) **Excavations greater than two (2) acres in surface area.** Excavation activity shall be subject to the submission, review and approval as a Class A Conditional Use pursuant to Sec. 5.4. (Conditional Uses) and this section. The BCC may permit offsite removal and may apply the appropriate compatibility standards of Sec. 7.6.F.6.f. to approve, approve with conditions, or deny the application for a Class A Conditional Use.
- f. **Guarantee requirements.** Agricultural excavations shall comply with the Guarantee requirements pursuant to Sec. 7.6.H.4.
- g. **Notice of Intent to Construct.** Notice of Intent to Construct shall be required in accordance with Sec. 7.6.G.

4. West County Agricultural Area (WCAA) Excavations.

- a. **Operational and construction standards.** Applications for WCAA excavations shall comply with the standards in Sec. 7.6.H.1 and 7.6.H.2, except for hours of operation.

- b. **Separations and setbacks.** In addition to the separation requirements of Sec. 7.6.I.2.a, WCAA excavations shall maintain a minimum setback of fifty (50) feet measured from the inside edge of the lake maintenance easement to any adjacent property lines.
- c. **Maximum depth.** The maximum depth for the excavated lake or pond shall not exceed fifteen (15) feet from OWL due to chloride and TDS considerations. This maximum depth may be exceeded if approved by ERM in accordance with Sec. 7.6.J provided the applicant adequately ensures that chloride levels shall not exceed two hundred and fifty (250) parts per million (PPM) and TDS does not exceed five hundred (500) ppm within the excavated lake or pond based on ground water sampling prior to construction. Additional sampling may be required during and after construction.
- d. **Sediment sump.** A sediment pump may be constructed at the excavated lake or pond inlet to a depth of twenty-five (25) feet OWL. However, this sump shall not exceed five percent (5%) of the mined lake area.
- e. **Use approval.** All WCAA excavations shall submit a detailed explanation of the proposed bona fide agricultural use. This explanation shall demonstrate consistency with applicable Industry Standards and shall satisfy the definition requirements of bona fide agriculture pursuant to Article 3 (Definitions). Excavation shall be the minimum necessary to implement the bona fide agricultural use.
- f. **Notice of Intent to Construct.** Notice of Intent to Construct shall be required in accordance with Sec. 7.6.G.

5. Type II excavations.

- a. **Location.** A Type II excavation may be permitted to implement a site development plan for a primary use as permitted in the Use Regulation Schedule Table 6.4-1, and to implement a Preliminary Development Plan (Master Plan) within any Planned Development District.
- b. **Standards.** Applications for Type II excavations shall comply with the requirements below.
 - (1) **Operational and construction standards** pursuant to Sec. 7.6.H.1. and 7.6.H.2.;
 - (2) **Excavated area, Littoral zone and general upland reclamation requirements** pursuant to Sec. 7.6.H.3.b, c, d and e;
 - (3) **Guarantee requirements** pursuant to Sec. 7.6.H.4.
 - (4) **Maintenance and Monitoring requirements** pursuant to Sec. 7.6.H.5.
- c. **Separations and setbacks.** In addition to the separation requirements in Sec. 7.6.H.2., Type II excavations shall maintain a minimum setback of thirty (30) feet, measured from the top of bank to the perimeter boundary of the master planned development, subdivision, overall final site plan, rights-of-way eighty (80) feet in width or greater, and canal rights-of-way. For the purpose of this section the top of bank is considered the waterward edge of the lake maintenance easement.
- d. **Limited off-site removal.** Type II excavations are allowed to permit earth work associated with land development activities. A minimum of ninety (90) percent of the fill shall be used on site, unless unusual site conditions exist. If the applicant must remove more than ten (10) percent of the fill from the site, then use approval shall be requested as defined in Sec. 7.6.F.5.e.

- e. **Exception to off-site removal limitation.** An excess of ten (10) percent of the fill may be removed off-site for the following types of excavation activities:
- (1) **Excavation associated with the approval of a final development plan.** If an excess of ten (10) percent of fill is proposed to be removed from a site and no unusual conditions exist justifying removal of more than ten (10) percent of the excavated material, as specified in Sec. 7.6.F.5.g.(2), then the excavation shall be considered a Type IIIA mining operation. This exception applies only to sites located within the Urban Service Area or a site in the rural service area which has a valid development order approved prior to the effective date of this ordinance. The applicant shall apply for a Class A Conditional Use approval for a Type III A excavation pursuant to the standards of Sec. 5.4. (Conditional Uses) and shall comply with the following requirements.
 - (a) **Operational and construction standards in Sec. 7.6.I.1 and 2.;**
 - (b) **Littoral standards in Sec. 7.6.I.3.c;**
 - (c) **Upland Reclamation Standards in Sec. 7.6.I.3.d;**
 - (d) **Maintenance and Monitoring requirements for excavated areas, and littoral plantings in Sec.7.6.I.5.**
 - (e) **Buffer requirements in Sec. 7.6.F.6.f.(2).(a).(iii);**
 - (f) **Setbacks shall be provided pursuant to Type II setback requirements in Sec. 7.6.F.5.g.**
 - (g) **Location and access.** The development shall have direct frontage on and access to a collector or arterial street depicted on the County's Thoroughfare Identification Map.

The following standards shall not apply, unless the BCC makes a finding of fact that waiver of these standards violates the compatibility standards in Section 7.6.F.6.d.

- 1) Separation from other land uses pursuant to Sec. 7.6.F.6.f.(2)(b)(i)(1); and,
- 2) Minimum acreage requirement pursuant to 7.6.F.6.e.(2)(a)(i).

- (2) **Excavation, performed by public agency, to provide drainage for a public R-O-W.** Excavation activity located outside the R-O-W boundary, conducted solely to accommodate drainage for a public road R-O-W, and performed or caused to be performed by contract by a public agency, as defined herein, shall comply with the standards below. The excavation activity shall:
 - (a) be on land owned by PBC, the State, or a Water Control District created by special act to operate under Fl. Stat. Chapter 298 (1996); or
 - (b) be on land granted by easement to and accepted by PBC, the State, or a Water Control District; and
 - (c) be the absolute minimum necessary to comply with the surface water drainage requirements for the public R-O-W.

For the purposes of this section, authorization by PBC, FDOT or a Water Control District to construct a public R-O-W shall constitute a valid development order.

The excavation activity shall comply with the standards below.

- 1) Notice of Intent to Construct pursuant to Sec 7.6.H.;
- 2) Operational and Construction standards pursuant to Sec. 7.6.I.1 and 2, except for Sec. 7.6.I.1.j.;
- 3) Littoral zone and general upland reclamation requirements pursuant to Sec. 7.6.I.3.c and d.(1)(b); and
- 4) Maintenance and Monitoring requirements pursuant to Sec. 7.6.I.4.

- f. **Maximum depth.** The maximum depth of a Type II excavation shall be in accordance with Sec. 7.6.F.3.b.

- g. **Use approval.** Prior to initiating excavation activity, approval shall be required in accordance with this section.
- (1) **DRC approval.** Prior to initiating Type II excavation activities, DRC review and approval shall be required. Application shall be made in accordance with Sec. 5.6 (Site Plan or Final Subdivision Plan) and this section. DRC shall review the final site development plan for compliance with the standards of this section and may approve with or without conditions.
 - (2) **Removal of excess fill from the site.** DRC may approve removal of more than ten (10) percent of the extracted material from the site if:
 - (a) The applicant demonstrates that the make up of the natural soil contains an excessive amount of silt, rock, or muck and construction of required drainage structures or construction of required structural foundations require removal of an excessive amount of silt, rock or muck;
 - (b) The removal of the material is the minimum necessary to accommodate on-site drainage requirements or structural fill requirements; and
 - (c) The impact of hauling the material off-site will not cause adverse affects to adjacent property owners or R-O-W.
- h. **Notice of Intent to Construct** shall be required in accordance with Sec. 7.6.H.

6. **Type III excavations.**

- a. **Classification of Type III excavations.** Excavations that meet the definition of mining are considered commercial operations. Type II, or Agricultural excavations that exceed established criteria, as defined in this section, are also considered to be a Type III excavation. Two classes of Type III excavations (Type IIIA and Type IIIB) are established to distinguish between the types of mining operations.
- (1) **Type IIIA.** Mining activity, primarily for commercial purposes, that extracts materials from the earth and may require limited on-site processing by using temporary or portable crushers, sifters and conveyor systems. A Type IIIA excavation activity may use dragline, dredging or earthmoving equipment to perform the mining operation provided the operation complies with the standards of this section. The use of explosive devices or permanent structures or equipment used to crush or sift material shall be prohibited.
 - (2) **Type IIIB.** Mining activity, primarily for commercial purposes, that extracts materials from the earth and may require extensive processing of the material on site. Type IIIB excavations may use dragline, dredging, earthmoving equipment to perform the mining operation. The use of explosives and heavy industrial equipment to crush, sift and transport the material on site may be permitted subject to compliance with the standards of this section.
- b. **Standards.** Applications for all Type III excavations shall comply with the requirements below.
- (1) **Operational and construction standards** pursuant to Sec. 7.6.H.1. and 7.6.H.2.;
 - (2) **Excavated area, Littoral zone and upland reclamation requirements** pursuant to Sec. 7.6.H.3.;
 - (3) **Guarantee requirements** pursuant to Sec. 7.6.H.4; and,
 - (4) **Maintenance and Monitoring requirements** pursuant to Sec. 7.6.H.5.
- c. **Location.** All Type III excavations may be permitted in accordance with the Use Regulation Schedule Table 6.4-1. Mining may be permitted with limitations in the districts identified below.

- (1) **AP district in the AP land use category.** The use of extractive material mined in the AP zoning district shall be limited to public road construction projects only and shall demonstrate compliance with the compatibility standards of Sec. 7.6.F.6.f.
 - (2) **SA district.** All applications for mining in the SA district shall demonstrate compliance with the compatibility standards of Sec. 7.6.F.6.f.
- d. **Maximum depth.** The maximum depth of a Type III excavation shall be in accordance with Sec. 7.6.F.3.b.
- e. **Accessory use.** An asphalt batch concrete plant shall be permitted as an accessory use to a Type III B excavation subject to DRC approval and provided that:
- (1) the site is a minimum of five hundred (500) acres;
 - (2) the use is separated at least one half (1/2) mile from any residential use or district; and
 - (3) there is direct access to an arterial street.
- f. **Use approval.** A Class A Conditional Use approval is required for all Type III excavations, in accordance with Sec. 5.4. (Conditional Uses) and this section. Simultaneously with submittal of the Class A Conditional Use application to the Zoning Division, the applicant shall submit a duplicate copy to the Water Control District that has jurisdiction to maintain roads and drainage within the area. The Water Control District may provide comments to the Zoning Division within twenty (20) calendar days in order for comments to be included in the staff report for presentation to the BCC.
- (1) **Certification of a final site (excavation) plan.** Prior to starting any activity associated with the excavation project, the applicant shall submit an excavation plan to DRC for review and approval in accordance with Sec. 5.6. (Site Plan or Final Subdivision Plan).
 - (a) **Phasing of excavation activity.** In the event that excavation and reclamation is to be conducted in phases, the applicant shall submit a phasing plan complying with the requirements of Sec. 7.6.G and I.
 - (b) Once reclamation and rehabilitation of the preceding phase of excavation has commenced, a subsequent phase of excavation may begin after receipt of all guarantees, required by Sec. 7.6.I.5, and written authorization by DRC.
 - (2) **Haul permit.** The BCC may require as a condition of approval, a haul permit for unpaved collector or arterial streets as defined in Sec. 7.6.F.6.f.(1)(a). If required, a haul permit application shall be submitted to and approved by the Land Development Division in accordance with Sec. 7.6.I.1.j. prior to Notice of Intent to Construct.
 - (3) **Notice of Intent to Construct** shall be submitted to and receive approval from ERM in accordance with Sec. 7.6.H. prior to initiating any on-site excavation activities.
 - (4) **Reclamation plan approval and release of performance guarantees.** Prior to the release of any performance guarantee, in accordance with Sec. 7.6.I.5, DRC shall approve an "as built" reclamation plan.

The plan shall include certified as-built drawings and written certification, bearing the seal of an engineer registered in the State of Florida, certifying compliance with Sec. 7.6.I (excluding littoral and upland planting requirements), and that all construction related development order conditions and guarantees have been satisfied. Performance guarantees for planting areas shall be released in accordance with Sec. 7.6.I.4.g.(3).

g. Compatibility standards, intent. All Type III excavations shall be reviewed to assure that the proposed excavation is compatible with the surrounding land uses and complies with the separation and setback standards defined in Sec. 7.6.D.6.d.(2) and (3), to ensure there are no negative impacts as defined herein. The BCC shall not approve the application if a finding is made that the use will be incompatible with adjacent land uses. For the purposes of this section, incompatible means negative impacts caused to surrounding land uses because of proximity or direct association of contradictory, incongruous, or discordant land uses or activities, including, but not limited to, the impacts of noise, vibration, dust, traffic, smoke, odors, toxic matter, radiation, and similar environmental conditions.

(1) **General.** The following standards shall apply to both Type IIIA and Type IIIB mining activities.

- (a) **Location and access.** Local residential streets shall not be used as a haul route. The site shall front on and have direct access to an arterial or collector street designated on the PBC Future Thoroughfare Identification Map. These streets are considered the principal circulation route serving multiple neighborhoods and developments. In cases when the street on the Thoroughfare Identification Map is not paved, the BCC may allow an Excavation Type III to locate and have access to the street provided the BCC makes a finding of fact that the use of the street will not cause an adverse affect on surrounding residential uses, and may condition the project to obtain a haul permit in accordance with Sec. 7.6.I.1.j. The BCC may use the compatibility criteria herein on which to base their finding of fact.
- (i) **Restrictions in the RR10 land use category.** Commercial excavations shall be prohibited in neighborhoods which support developed single family residences on sixty (60) percent of the valid lots of record. For the purposes of this section, neighborhoods shall be defined as an area contained within a platted subdivision, a rural unrecorded subdivision or an approved affidavit of exemption, or is an area which has prepared a neighborhood plan in accordance with the Comprehensive Plan or is in an area with lots of similar size. Commercial excavations located in an area with a rural residential land use designation that do not satisfy the definition of neighborhood above, shall have a minimum acreage of one hundred (100) acres and five hundred (500) feet of frontage with direct access to an arterial or collector street as specified herein.
- (b) **Minimum separation from other land uses.** Minimum separations from protected land uses are defined in Sec. 7.6.F.6.g.(2)(b)(i). and Sec. 7.6.F.6.g.(3)(b)(i). Unless otherwise specified, separations shall be measured from the outermost edge of the excavated area (top of bank), equipment, stockpiles, buildings or structures, to the closest structure of a protected land use. The BCC may reduce the required separation distance based on the compatibility of the use with the adjacent area, and the remoteness or proximity of adjacent incompatible uses, provided the reduction complies with the intent of the compatibility standards in Sec. 7.6.F.6.g. The BCC shall state the basis for the reduced separation and make a finding of fact that the reduction should not negatively impact adjacent uses. If the separation is reduced, the BCC may require increased setbacks, buffering and other restrictions as necessary to protect surrounding land uses.
- (i) **Residential uses.** For the purposes of this section existing residential uses shall be defined as a residential lot, supporting a residence, in a platted subdivision, a rural unrecorded subdivision, an approved affidavit of exemption, a plat waiver, or other recorded instrument and is not located within the property lines of the excavation site.
- (c) **Setbacks.** Setbacks shall be measured from the outermost edge of the excavated area (top of bank), structure, building, equipment or stock pile to the boundary line of the excavation site.

- (d) **Fence.** If mining activity is conducted within one half (½) mile of a residential use the mining operation shall be completely enclosed by a minimum six (6) foot high fence or other similar man-made or natural barrier and shall have signage posted to prohibit trespassing.
- (e) **Airborne noise.** Airborne noise produced from the excavation activity shall comply with the noise provisions in Sec. 7.8.A. (Miscellaneous Standards) as measured at the nearest inhabited structure. The sound level limits are allowed to increase for a limited duration. For this limited period, noise generated by excavation projects may increase up to ten (10) dB more than permitted by Table 7.8-1. In addition, the noise level may increase to a maximum of one hundred and twenty (120) dB once each week day (Monday - Friday) for a maximum of ten (10) seconds each occurrence.

(2) **Type IIIA excavations.**

(a) **Restrictions in the RR10 land use category.**

- (i) **Minimum acreage.** The site shall be a minimum of forty (40) acres.
- (ii) **Maximum excavated surface area.** The maximum excavated surface area shall not exceed thirty (30) percent of the gross area contained within the boundary of the excavation site.

(b) **General.** The following standards shall apply to all Type IIIA excavations:

- (i) **Minimum separations and setbacks.** In addition to the separation requirements in Sec. 7.6.I.2.a., a Type IIIA excavation shall maintain the following separations and setbacks from adjacent uses as provided below.

1) **Separations from residential land uses.** Separation from an existing residence shall be a minimum of one-quarter (1/4) mile, measured from the property line of the excavation project.

2) **Setbacks.**

Setbacks	Residential	Commercial	Industrial/ Agricultural	R-O-W
Excavated lake edge	100'	50'	50'	50'
Processing equipment	600'	200'	200'	200'
Stockpiles	300'	200'	100'	200'
Accessory buildings and structures	100'	100'	100'	100'

- (ii) **Stockpile height.** Stockpile height shall be limited to thirty (30) feet.
- (iii) **Buffer.** A buffer shall be preserved or installed along property lines in accordance with the provisions below. The buffer shall be planted and maintained in accordance with the standards of Sec. 7.3. (Landscape and Buffering), as applicable.

1) **Existing vegetative buffer.** If a substantial native or non-native, non-invasive vegetative buffer exists then the vegetation shall be utilized as a incompatibility buffer and preserved along the entire perimeter of the site, except for an approved access area. To be considered substantial, the buffer shall provide an opaque screen and be a minimum depth of one hundred (100) feet. If the one hundred (100) foot buffer is not opaque, then native vegetation complying with the standards of a Type 3 Incompatibility Buffer shall be required to be planted

2) to supplement the existing vegetation and shall form a solid visual buffer within two (2) years. All native vegetative buffers shall be protected during the duration of the excavation activity in accordance with the standards in Sec. 7.3.

(Landscape and Buffering) and in Sec. 9.5 (Vegetation Preservation and Protection).

- 3) **Existing prohibited vegetative buffer.** To provide an instant buffer the BCC, by condition of approval, may permit existing prohibited species to be maintained within the setbacks for a Type IIIA excavation until completion of the excavation activity. In such cases the prohibited species shall be removed prior to DRC certification of the as-built drawings for the final phase of excavation, provided the last phase is a minimum of twenty-five (25) acres. A landscape buffer as required by Sec. 7.3. (Landscape and Buffering) shall be installed in conjunction with subsequent development.
 - 4) **No existing vegetative buffer.** If a buffer does not exist along the areas defined below, then an opaque native buffer shall be installed complying with the standards of a Type 3 Incompatibility Buffer. The buffer shall be supplemented with a planted earthen berm or a solid landscape barrier, or combination thereof to reach a height of eight (8) feet in two (2) years. The BCC may require the buffer to be planted to simulate natural conditions. This buffer shall be installed adjacent to:
 - a) All road R-O-Ws;
 - b) All residential zoning districts and;
 - c) Lots supporting existing or proposed residential uses in the Agricultural Residential zoning district. Unless otherwise determined by the BCC, a buffer shall not be required adjacent to land in agricultural production in the AP, or SA zoning districts nor in the AR zoning district if the land is used solely for bona-fide agricultural purposes.
 - d) Commercial zoning districts.
- [Ord. No. 97-63]

(3) Type IIIB excavations.

(a) Restrictions in the RR10 land use category.

- (i) **Minimum acreage.** The site shall be on a minimum one hundred (100) acres.
- (ii) **Maximum excavated surface area.** The maximum excavated surface area shall be determined at the time of the Class A Conditional Use approval.

(b) General. All Type IIIB excavations shall comply with the following criteria:

- (i) **Minimum separations and setbacks.** In addition to the separation requirements in Sec. 7.6.I.2.a., all Type IIIB excavations, except those that lie within the area defined as the WCAA, shall comply with the separation and setback regulations below. Projects within the WCAA shall be evaluated on a case by case basis in accordance with the compatibility criteria in Sec. 7.6.F.6.g. and shall have separation requirements set by the BCC.
 - 1) **Separations from residential uses.** Separations from residential uses, in all directions, shall be one (1) mile, measured in accordance with Sec. 7.6.F.6.g.(1)(b) above.
 - 2) **Separations from commercial and industrial land uses:**

Commercial	1/2 mile
Industrial	
(existing development)	1/8 mile
 - 3) **Setbacks.** Minimal setbacks have been established based on separations from protected uses.

Table 7.6-1
Setbacks based on separation from Residential uses

Residential Uses	Separations			
	1 mile	2 mile	¼ mile	1/8 mile
Mined lake edge	50'	100'	500'	1200'
Processing equipment	100'	300'	800'	1400'
Stockpiles	100'	300'	700'	1300'
Accessory buildings & structures	100'	100'	100'	100'

Table 7.6 -2
Setbacks based on separation from
Commercial and Industrial land uses

Commercial/Ind Uses	Setback
Mined lake edge	100'
Processing equipment	200'
Stockpiles	200'
Accessory buildings & structures	100'

- (ii) **Mining Impact Study.** A Mining Impact Study shall be submitted for all Type IIIB excavation applications for projects in the WCAA and for projects which the applicant requests a reduction in the required separations. The study shall detail all methods and procedures for material extraction, processing, storage and hauling operations. At a minimum the study shall include the time of day blasting will occur, the maximum number of holes to be shot each occurrence, including the type of explosive agent, maximum pounds per delay, method of packing and type of initiation device to be used for each hole. The study shall include a blasting schedule and establish noise and vibration standards complying with the compatibility criteria in Sec. 7.6. F.6.g. The study shall also demonstrate how these operations will impact surrounding land uses.

Prior to certification of an application for inclusion on a public hearing agenda, the DRC may retain a technical consultant to advise the County of the adequacy of the standards established in conjunction with the Mining Impact Study. The cost of the County's consultant shall be borne by the applicant.

- (iii) **Noise and vibration monitoring report.** The applicant shall monitor all blasting and other mining activities and record resultant noise and vibrations. PZB may, at any time, require the property owner to submit monthly monitoring reports, indicating the number, time, peak over pressure (noise) and vibration caused by each activity. If requested, the property owner shall provide the noise and vibration monitoring report within two (2) working days from the date of the request.
- (iv) **Buffer.** A buffer shall be installed along the property line as specified below. The buffer shall be planted and maintained in accordance with the standards of Sec. 7.3. (Landscape and Buffering).
 - 1) **Existing native vegetative buffer.** At a minimum, existing native vegetation within at least one hundred (100) feet of the property line shall be preserved along the entire perimeter of the site, except for an approved access area.
 - 2) **Existing prohibited vegetative buffer.** To provide an instant buffer along the entire perimeter of the site, the BCC, by condition of approval, may permit

existing prohibited species to be maintained within the setbacks until completion of the excavation activity. In such cases the prohibited species shall be removed prior to DRC certification of the as-built drawings for the final phase of excavation, provided the last phase is a minimum of twenty-five (25) acres. A landscape buffer as required by Sec. 7.3. (Landscape and Buffering) shall be installed in conjunction with subsequent development.

- 3) **Type 3 Incompatibility buffer.** Sites within a one-quarter (¼) mile of a public or private R-O-W, which does not support an existing opaque native or non-native, non-invasive vegetative buffer shall install a Type 3 Incompatibility Buffer. The buffer shall be supplemented with a planted earthen berm or a solid landscape barrier, or combination thereof.
 - 4) **No existing vegetative buffer.** If a buffer does not exist along the areas defined below, then an opaque native buffer shall be installed complying with the standards of an Type 3 Incompatibility Buffer. The buffer shall be supplemented with a planted earthen berm or a solid landscape barrier, or combination thereof to reach a height of eight (8) feet in two (2) years. The BCC may require the buffer to be planted to simulate natural conditions. This buffer shall be installed adjacent to:
 - a) All residential zoning districts and;
 - b) Lots supporting existing or proposed residential uses in the Agricultural Residential zoning district. Unless otherwise determined by the BCC, a buffer shall not be required adjacent to land in agricultural production in the AP, or SA zoning districts nor in the AR zoning district if the land is used solely for bona-fide agricultural purposes.
- (c) **Exception to hours of operation.** Excavation and hauling activity shall occur only between the hours of 6:00 a.m. to 7:00 p.m., Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturday, unless otherwise determined by the BCC. Blasting activity shall be limited to 10:00 a.m. to 5:00 p.m., Monday through Friday.
- (d) **Notice of intent to construct.** Notice of Intent to Construct shall be required in accordance with Sec. 7.6.H. [Ord. No. 97- 63] [Ord. No. 99-37]

G. Supplemental application requirements.

1. **All Type I(B), Type II, Type IIIA and Type IIIB excavations** shall supplement the application requirements set forth in Sec. 5.4 (Conditional Uses), Sec. 5.6 (Site plan or Final Subdivision Plan), and the official application form with the materials and information listed below.
 - a. **Statement listing the nature of the excavation operation, including but not limited to the:**
 - (1) Amount and type of materials to be excavated;
 - (2) Duration of the excavation activity and reclamation activity;
 - (3) The proposed method of excavation;
 - (4) The amount of fill to remain on site;
 - (5) If permitted, the amount of fill to be removed from site; and
 - (6) intent to comply with Sec. 7.13, (Archeological Resources Protection).
 - b. **Site (excavation) plan.** A site plan depicting:
 - (1) Boundaries, dimensions and acreage of the site and excavated surface area(s);

- (2) All existing and proposed improvements including easements, R-O-Ws, weigh stations, and other structures;
 - (3) Setbacks and separations;
 - (4) Preservation areas;
 - (5) Water table elevations, including Ordinary Water Level.
 - c. **Vegetation permit application.** A vegetation permit application pursuant to Sec. 9.5. (Vegetation Preservation and Protection)
 - d. **Aerial.** An aerial at a scale of 1:200 or better, clearly depicting the site.
 - e. **Fees.** Fees as adopted by the established Fee Schedules.
2. **All applications for Type II, Type IIIA and Type IIIB excavations.** shall require the additional information listed below.
- a. **Soil boring statement.** A statement, certified by an Engineer indicating the type of soils to be excavated and that the soils are suitable for road or structural fill construction or the soil contains excessive amounts of silt, rock or muck.
 - b. **Site (excavation) plan depicting:**
 - (1) Operational standards pursuant to Sec. 7.6.I.1., as applicable; and
 - (2) Equipment storage, and stockpile areas, including sizes and heights.
 - c. **Landscape plan.** A landscape plan indicating the buffers and reclamation plantings.
 - d. **Cross sections delineating compliance with the following requirements, as applicable:**
 - (1) Construction standards pursuant to Sec. 7.6.I.2.;
 - (2) Reclamation standards pursuant to Sec. 7.6.I.3.;
 - (3) Buffer details.
 - e. **Operations plan.** An operations plan shall be submitted in the form of a statement and shall include the methods of material extraction, on site processing including erosion and sediment control methods and particulate matter control. The plan shall also delineate how the impacts from the hauling operations will be controlled.
 - f. **Haul route plan.** The plan shall include a map indicating all possible proposed haul routes within the radius of impacts as defined in Sec. 7.6.F.6.f.
3. **All applications for Type IIIA and Type IIIB excavations.** shall require the additional information listed below.
- a. **Site (excavation) plan.** A site plan depicting:
 - (1) Location of grading, sorting, crushing and similar equipment necessary for the operation and distribution of the excavated material.
 - b. **Additional information:**
 - (1) Maintenance and Monitoring Report Schedule pursuant to Sec. 7.6.I.5;

- (2) Surrounding uses map depicting the location of the outer boundary of area to be excavated and distances to surrounding land uses; including all residences within the applicable specified distance in the separation standards in Sec. 7.6.F.6.f.
 - (3) **Phasing plan.** A phasing plan and tabular data depicting acreage, location, sequence of operations and schedule of reclamation requirements.
 - (4) **Tree survey.** A tree survey shall be submitted as required by Sec. 7.6.I.3.d.(4).
4. **The Zoning Director may request any other information as deemed reasonable and necessary to evaluate the application.**

H. Notice of Intent to Construct. All applications for Agricultural, WCAA, Type II Excavations and Type III Mining activities shall submit a Notice of Intent to Construct in accordance with the provisions below.

1. Prior to commencement of any on-site excavation or mining activities, a Notice of Intent to Construct shall be submitted to ERM and receive written approval from ERM.
2. The following information shall be included with the completed Notice of Intent to Construct form:
 - a. paving and Drainage plans, if applicable;
 - b. preliminary plat, if applicable, and restrictive covenant, pursuant to Section 7.6.I.3.e.;
 - c. littoral Planting Plan, pursuant to section 7.6.I.3.c.; and,
 - d. master Plan, showing all phases of development, if applicable.Items a and b (preliminary plat) shall be signed and sealed by a certified engineer or surveyor as applicable, recognized and approved by the Florida Department of Professional Regulation (FDPR).
3. A fee as established by the approved Fee Schedule shall be submitted. Fees are non-refundable and non-transferable.
4. All Agricultural and WCAA excavations shall submit a detailed explanation of the proposed bona fide agricultural use. This explanation shall demonstrate consistency with applicable Industry Standards and shall satisfy the definition requirements of bona fide agriculture pursuant to Article 3. (Definitions).
5. All Type III applications shall provide documentation of an approval for Class A Conditional Use pursuant to Section 5.4. (Conditional Uses).
6. Upon receipt by ERM of a Notice of Intent to Construct and appropriate fee with all information necessary to demonstrate that the provisions of this Section will be met and confirmation by The Land Development Division that all necessary haul permits have been issued, ERM shall issue a written approval to the applicant within thirty (30) days.

I. Technical standards: Operational, Construction, Reclamation, and Maintenance and Monitoring.

1. **Operational standards and requirements.** All excavation types shall comply with the following operational standards unless specifically exempt or prohibited pursuant to Sec. 7.6.E.1.
 - a. **Hours of operation.** All excavation and hauling activity, except dewatering, shall only occur between the hours of 7:00 A.M. and 7:00 P.M. Monday through Friday, unless otherwise specified in this section.
 - b. **Objectionable odors.** The excavation activity shall be conducted in such a manner as to prevent the occurrence of odors which can be detected off the premises.
 - c. **Emissions of fugitive particulate matter.** Excavation operations, including hauling activity shall be conducted to prevent the emission of dust or other solid matter into the air or on adjacent properties pursuant to the smoke, emissions and particulate matter provisions of Sec. 7.8.(Miscellaneous Standards) and Rule 62-296, F.A.C. [Ord. No. 99-37]
 - d. **Existing topsoil.** Where feasible, existing topsoil shall be stored and redistributed on site to provide adequate growing conditions for the revegetation of plant species. Where such storage is not feasible, the area shall be restored with soil of an equal or better quality than that of the excavated topsoil and be redistributed to provide adequate growing conditions.
 - e. **Equipment storage, maintenance and service areas.** Equipment storage, maintenance and service areas shall be setback a minimum two hundred (200) feet from all property lines abutting a residential district or use. The equipment storage area shall be designed such that noise generated by the equipment is muffled in order to comply with the noise performance standards in Section 7.8. (Miscellaneous Standards).
 - f. **Regulated substances.** All storage and use of regulated substances shall comply with all local, state, and federal regulations. All regulated substance dispensing areas shall comply with the "Best Management Practices for the Construction Industry." Any spill of any regulated substance shall be reported to the PBCHD within one (1) hour and to ERM within one (1) hour or at the beginning of the next business day. [Ord. No. 97-64]
 - g. **Dewatering.** Dewatering shall not be allowed unless otherwise permitted by a State or Federal permitting agency, or as approved pursuant to rules and regulations of the SFWMD, Sec. 40E-20.302(4). If dewatering is permitted the pumps shall be located, submerged, buried or encased in an insulated structure in order to comply with the noise standards of Sec. 7.8. (Miscellaneous Standards).
 - h. **Access to public prohibited.** Signs shall be posted prohibiting access to the general public while excavation and reclamation activity is being conducted.
 - i. **Retail sale of material.** The retail sale of excavated material shall not be permitted on site.
 - j. **Hauling standards.**
 - (1) **General.**
 - (a) All trucks hauling material from sites that permit off-site removal shall be covered to prevent debris and fill from spilling on to the roadway.

- (b) The hauler shall employ measures, acceptable to the PBCHD, and any applicable road maintenance authority, to ensure that the roads are properly maintained and kept free of fugitive particulate matter.
 - (c) The BCC may, on behalf of either the County, or a special district created pursuant to Chapter 298., F.S., require special conditions, including, but not limited to:
 - (i) construction of turn lanes and other roadway improvements necessary to provide safe traffic movement;
 - (ii) requirement to obtain a haul permit from the Department of Engineering and Public Works in accordance with the procedures herein.
 - (d) All vehicles used to haul excavated material shall use the approved haul routes. These vehicles shall not use local residential streets to access arterial or collector streets.
- (2) **Permit required.** The BCC may require that the petitioner obtain a haul permit for all streets, within the radius of impact, except for arterial or collector streets as defined in Sec. 7.6.F.6.e. For the purposes of this section radius of impact is defined as the primary street system commencing at the access point of the excavation site and extending out along all streets in all directions to the closest arterial or plan collector streets.
- (3) **Contents of application.** A haul permit application shall include, but not be limited to the following:
- (a) the name and address of the applicant and owners of the property;
 - (b) the legal description of the property;
 - (c) a map showing all haul routes from the excavation site to the nearest major non-residential streets; and
 - (d) any other material as required by the Director of Land Development as deemed reasonable and necessary to evaluate the application.
- (4) **Guarantee required.** A guarantee for road maintenance and repair shall be required and shall be released as set forth in Sec. 7.6.I.4. for all affected streets as required herein.
- (5) **Street condition assessment.** The haul permit application shall include an executed agreement between the applicant and the County Engineer and other applicable road maintenance authorities documenting and assessing the existing conditions of the streets within the radius of impact. The assessment shall include a description of the hauling operations including but not limited to the number of trips (as approved in the original development order), duration of excavation and hauling activity, truck size and weights and the existing conditions of all possible streets designated as haul routes.
- (6) **Designation of haul routes.** Proposed haul routes shall have adequate structural strength to accommodate level of proposed trucking activity. Construction of turn lanes and improvements to the roadways may be required to accommodate the level of proposed truck activity. The proposed route and hours of travel shall be approved based on the size and nature of the excavation operation and the type of trucks involved.
- (7) **Issuance of a haul permit.** A haul permit with designated haul routes shall be obtained from the Land Development Division prior to issuance of written approval by ERM of the applicant's Notice of Intent to Construct.
- (8) **Periodic inspections.** Every six (6) months, for the duration of the project, commencing on the date that original agreement was executed, the applicant shall schedule an inspection with the County Engineer and/or all applicable road maintenance authorities to evaluate and document road deterioration and needed repairs. The County Engineer or applicable road maintenance authority may request a periodic inspection at any time, if deemed necessary to assess the condition of the street or if repairs are needed to ensure the safety of the public.

- (9) **Responsibility of applicant.** It shall be the applicant's responsibility to maintain all minor non-residential streets in a safe, operable condition, as determined by the County Engineer, for the duration of the project. In addition, when the excavation activity is completed, the applicant shall restore the streets to its original condition or to a better condition, which existed at the time excavation activity commenced.
- k. **Phasing excavation activity.** In the event the excavation activity is conducted in phases, the phasing plan required by Sec. 7.6.G.3.b.(3) shall be subject to Sec. 5.8, (Compliance with time limitations) Table 5.8-1, and the requirements in Sec. 7.6.I.3. All excavation types, except Type IIIA and Type IIIB shall comply with Sec. 5.8, (Compliance with time limitations), which limits the project to two (2) primary phases for the purposes of monitoring commencement of the development order. Additional sub-phases may be permitted for each primary phase for the purposes of conducting the excavation activity in accordance with this section. For Type IIIA and Type IIIB excavations, the number of phases and the duration of each phase shall be established as a condition of approval. When establishing the condition of approval for the number and duration of each phase, the BCC shall consider the size of the proposed excavation project, existing and proposed surrounding land uses, surrounding future land use designations, and other pertinent information.
- l. **Sound insulation.** All machinery, heavy equipment and vehicles utilized for excavation and hauling purposes shall be equipped with double mufflers to reduce airborne noise caused by excavation operations.
2. **Construction standards.** All excavation types shall comply with the following construction standards unless specifically exempted.
- a. **Separations.** Separations shall be measured from the top of bank of the nearest excavated area to the property line or designated area in any given direction as defined below: The excavation shall not be constructed within:
- (1) Wellfield Zone 1 or within three hundred (300) feet from a public water supply well, whichever is more restrictive;
 - (2) two hundred (200) feet from a wetland or in a wetland, unless approved by ERM;
 - (3) three hundred (300) feet from a Class I or Class II Landfill;
 - (4) three hundred (300) feet from a site with known contamination;
 - (5) one hundred (100) feet from a septic system or sanitary hazard;
 - (6) one hundred (100) feet from a potable water well, except for Type I(A) and Type I(B) excavations, or
 - (7) two hundred (200) feet from publicly owned conservation areas, publicly owned preservation areas or environmentally sensitive lands, unless approved by ERM.
- b. **Grading and construction of slopes.**
- (1) **Slope angle; all excavation types.** Slopes with unplanted littoral zone areas shall be no steeper than four (4) feet horizontal to one (1) foot vertical to a minimum depth of minus two (-2) feet OWL. Slopes below the minus two (-2) feet depth shall not exceed two (2) feet horizontal to one (1) foot vertical or the natural angle of repose for the specific conditions encountered. Grades and slopes shall be constructed in such a manner as to minimize soil erosion and to make the land surface suitable for revegetation. The slopes shall be adequately vegetated with appropriate ground cover from top of bank to edge of water within thirty (30) days of final grading and thereafter maintained to prevent wind and water erosion.

- (2) **Slopes for planted littoral zones; Agricultural, Type II, all Type III excavations and Mitigation projects.** The slopes for the planted littoral zone area as required in Sec. 7.6.I.3.c. shall be no steeper than ten (10) feet horizontal to one (1) foot vertical to a distance of five (5) feet waterward of the designated planted littoral zone area. Shallower slopes are encouraged to promote greater success of the littoral zone plantings. A copy of the record drawings certified by a surveyor or engineer recognized and approved by FDPR shall be submitted to ERM within thirty (30) days following completion of slope construction.
 - (3) **Slope inspections; Agricultural, Type II and Type III excavations and Mitigation projects.** Within forty-eight (48) hours prior to completion of construction of the required slopes for the planted littoral zones, notification to ERM is required in order to schedule a slope inspection. An inspection at this time will help to maximize future survivorship of the littoral plantings.
 - (4) **Drainage; all excavation types.** Overland sheet flow directly into the excavated lake or pond shall be minimized. Those areas within a maximum of fifty (50) feet of the excavated lake or pond may discharge run-off to the lake. This restriction shall not apply to any catchment area discharging runoff to a lake designated as a water management tract and incorporated in an approved stormwater management plan for treatment and control of runoff from a development site, where the boundaries of said catchment are delineated on the approved plan.
- c. **Final site conditions.** No sharp declivities, pits, depressions, or debris accumulation shall remain after reclamation. Final grading shall conform to the contour lines and grades on the approved site reclamation plan. [Ord. No. 99-37]

3. Reclamation standards; excavated area, littoral and upland.

a. General.

- (1) **Type of reclamation standards.** Four (4) types of reclamation standards are defined below. Reclamation standards vary based on the type of excavation activity as set forth in Sec. 7.6.D.
 - (a) **Excavated area.** This area includes the depth of lake and all slopes waterward of the top of bank, excluding littoral plantings.
 - (b) **Littoral planting.** This area includes all plantings waterward from edge of OWL or plus one (+1) OWL;
 - (c) **Upland.** This area includes the land area landward of the top of bank and requires that a minimum area of land be maintained or created around the perimeter of an excavated area to preserve future use of the land;
 - (d) **Upland planting.** This area includes all plantings landward of the top of bank; and requires stabilization of soil and re-establishment of native upland vegetation.
- b. **Excavated area.** All slopes shall be reclaimed in accordance with the construction standards in Sec. 7.6.I.2. and littoral reclamation requirements in Sec. 7.6.I.3.c. Areas not required to be stabilized with littoral plantings shall be stabilized and planted with appropriate ground cover from top of bank to the edge of the water. If seeding is used, a minimum of fifty (50) percent coverage shall be required. The depth of the lake and side slopes shall be comply with Sec. 7.6.I.2.
- c. **Planted littoral zones standards.** All Agricultural (excluding WCAA), Type II and Type III excavations, excluding ponds, shall comply with the following littoral zone standards.

- (1) **Planted littoral zones** shall be provided which comprise, at a minimum, an area equivalent to eight (8) square feet per linear foot of shoreline. For multi-lake systems, each separate lake shall be treated individually for planting purposes. Creativity in design in the placement of the planted littoral zone is strongly encouraged, such as extended areas in one portion of the lake or at the discharge point or islands within the lake. The planted littoral zone area shall be limited to the area between one (1) foot above OWL and two (2) feet below OWL. If the applicant demonstrates to ERM that the planted littoral area elevations should differ from this requirement based on site specific conditions and based on fluctuations around the OWL, ERM may approve planted littoral area elevations other than those elevations stated above.
- (2) **Vertical walls.** Vertical walls, bulkheads or other means of hardening the shoreline may be allowed, however, for each linear foot of vertical wall, an additional eight (8) square feet of planted littoral zone shall be required. Thus every linear foot of vertical wall shall require sixteen (16) square feet of planted littoral zone to be planted.
- (3) **Planting requirements.** The littoral zone shall be provided with a minimum of six (6) inches of a sand topsoil mix to promote vegetative growth for those areas that do not have adequate soil conditions to ensure plant survivorship. The littoral zone shall be planted with at least five (5) species of appropriate native wetland vegetation, with an average spacing of two (2) feet on center or as approved by ERM. The design and species used shall be such that the plants have an anticipated minimal eighty (80) percent coverage. This criterion shall be met from the one hundred and eighty day (180) monitoring period, and in perpetuity. The Director of ERM shall maintain a list of acceptable plant species for use in their appropriate elevations within the littoral zones. The list may be amended for general application as more information becomes available. The list shall be open for public inspection and distribution.
- (4) **Timing of planting.** Planting of the excavated lake or pond shall occur no later than immediately prior to the issuance of the first certification of occupancy for any lot adjacent to or abutting the bank of that lake. ERM may approve in writing a phasing plan for planting large single lake systems or interconnected multi-lake systems that would allow lake planting to be phased. At all times, applicant is responsible for minimizing erosion of the littoral shelves until the planting is completed. ERM shall be notified within forty-eight (48) hours prior to completion of the littoral zone planting.
- (5) **Littoral planting plans.** The plans shall detail the species and numbers of plants to be used, the location and dimensions of the littoral areas, including any compensatory littoral areas, if applicable; typical cross section of planted littoral zones from lake maintenance easements to the maximum depth of the lake; the location and dimensions of any structure for which a compensatory littoral area is required; the methods for planting and ensuring survival of the plants; and other reasonable information required by the Director of ERM.

Projects which are proposed to be conducted in phases, shall include plans which delineate the phases of excavation and shall include guarantees for each phase.

The signatory of the plans and specifications shall have a personal familiarity with the site and soil conditions based upon a field review.

d. Upland reclamation standards. Upland reclamation standards apply to Type II and all Type III excavations.

- (1) **Reclamation plan.**

- (a) **General.** A site reclamation plan shall be submitted as an integral part of the application for a Type II or Type III excavation and shall be approved by DRC prior to commencement of work. Reclamation is required to ensure a viable end use for the excavation site. The plan shall demonstrate compliance with the requirements in Section 7.6.I., except for the littoral planting plan which has its own application submittal requirements. However, the reclamation plan submitted to DRC shall indicate the littoral planting areas.
 - (b) **Type II excavation.** The certified final site development plan shall function as the standards required for the final development plan.
 - (c) **Type II excavations exceeding off-site removal limitations.** As set forth in Sec. 7.6.F.5.e.(1), a Type II excavation shall be classified as a Type IIIA excavation when the applicant proposes to remove more than ten (10) percent of the fill offsite. Notwithstanding final site plan certification, the final site development plan shall function as the reclamation plan and planting requirements shall be met in accordance with the landscape requirements for the final site development plan. In such cases, the BCC may waive all or modify a portion of the explicit upland reclamation planting requirements defined below based on the ultimate use of the site. The BCC may require that the upland reclamation plantings defined below be incorporated into the open space pedestrian system as defined on the final site development plan.
 - (d) **Type III excavations.** The reclamation plan for a Type III excavation shall comply with the upland reclamation standards in this section.
- (2) **Perimeter reclamation.** At a minimum, seventy-five (75) percent of the perimeter of the excavated area shall have a width of one hundred eighty (180) feet; and the remaining twenty-five (25) percent shall have a width of one hundred (100) feet. All disturbed and reclaimed areas shall be planted or seeded with a permanent native ground cover to reduce the loss of topsoil due to water and wind erosion, to provide adequate growing conditions for reclamation planting requirements and to prevent the establishment of prohibited plant species.
 - (3) **Timing of upland reclamation.** Reclamation shall occur immediately following the end of excavation or immediately following each phase of excavation, whichever occurs first. Upon commencement of reclamation and rehabilitation of the initial phase of excavation, the next phase of excavation may commence upon written authorization by DRC. The applicable guarantee must be on file prior to authorization for the commencement of excavation on any subsequent phase.
 - (a) **Timing of planting.** If excavation activity is phased, planting shall occur at the completion of each phase. Planting of the reclaimed upland area should occur during the rainy season (June-October), within six (6) months after completion of the excavated area or phase thereof, as applicable. The property owner shall ensure that proper watering and maintenance occurs in order to ensure a successful survival rate. If planting does not occur during the rainy season, then the property owner shall provide irrigation to establish the new plantings. The Landscape Inspectors of the PZB shall be notified forty-eight (48) hours prior to completion of the upland plantings.
 - (4) **Calculating planting requirements.** In addition to the buffer requirements in Sec. 7.6.F.6.f.(2) and (3), the following upland planting requirements shall apply.
 - (a) **Sites supporting native vegetation.** Calculations to determine the reclamation planting requirements for sites supporting native vegetation shall be based on the existing tree cover. Controlled or prohibited species shall be exempt from this calculation. In addition, any tree species located within the required perimeter buffer area shall also be exempt. If no vegetation exists, the applicant shall demonstrate that the site was cleared before 1986 or has been issued and has complied with a vegetation removal permit.

A certified tree survey shall be submitted by either a landscape architect, forester, land surveyor, or engineer who is registered in the State of Florida. This count shall include all existing on-site native trees with a trunk diameter three (3) inches or greater to be measured at four and one-half (4 ½) feet above the ground. The number of existing trees meeting this criterion shall then be divided by the total number of acres to obtain a tree-per-acre figure. The number of replacement trees to be planted at the time of final site reclamation shall be determined by multiplying the trees-per-acre figure by the number of required reclaimed land acres remaining at the time of final site reclamation. Credit shall be given by PZB for existing trees greater than three (3) inches in diameter which are relocated and/or adequately protected during excavation. Any trees relocated and/or protected shall be deducted from the replacement tree count requirement. The trees to be replanted shall be native and a minimum eight (8) feet high. In addition, two (2) understory eighteen (18) inch high seedlings shall be planted for each tree required to be planted.

- (5) **Planting standards.** The upland reclamation plantings may be clustered in one area of the reclaimed upland area or dispersed throughout the reclaimed upland area. No minimum or maximum area is required, except as a condition of approval, as long as the vegetation is planted in accordance with standards set forth in Sec. 7.3. (Landscape and Buffering) and Sec. 9.5. (Vegetation Preservation and Protection). A minimum of five (5) native plant species shall be used to fulfill the planting requirements. The design and species used shall be such that the plants have an anticipated minimal survival rate of at least eighty (80) percent at the end of each monitoring period.
 - (6) **Plan requirements.** The upland reclamation planting plan shall be submitted to DRC simultaneously with the DRC application for the final excavation plan.
 - (a) The signatory of the plans and specifications shall have personal familiarity with the site and soil conditions based upon a field review. The plans shall be signed and sealed by a professional Landscape Architect certified by the Florida Department of Professional Regulation.
 - (b) At a minimum, the plans shall detail the location, species and numbers of plants to be used, and the methods for planting and ensuring survival of the plants, and other reasonable information required by PZB.
 - (7) **Phased projects** In the event that upland reclamation is to be conducted in phases, the following additional requirements shall apply:
 - (a) A phasing plan shall be submitted indicating:
 - (i) exact acreage of each phase;
 - (ii) proposed duration of excavation and reclamation of each phase; and
 - (iii) number of trees to be planted. [Ord. No. 97-63]
- e. **Area of record.** All reclaimed littoral and upland planting areas shall be identified graphically and in writing on a separate restrictive covenant. The graphic shall be signed and sealed by a Certified engineer or surveyor as applicable, recognized and approved by the FDPR. If a plat is required, pursuant to Article 8 (Subdivision, Platting, and Required Improvements), all planted littoral zones and upland reclamation planting areas shall be identified by reference to the restrictive covenant. The plat and restrictive covenant shall be reviewed and approved by the Zoning Division, ERM, and the County Attorney's office prior to recordation. A copy of the plat, if applicable, and recorded restrictive covenant shall be provided to ERM and PZB, prior to issuance of written approval of the Notice of Intent to Construct. Within thirty (30) days following plat recordation, a copy of the recorded plat shall be provided to ERM and Zoning Division.

The littoral area and reclaimed upland planting area shall be specifically and separately reserved to the owner, or if applicable, to the property owners' association as its perpetual maintenance responsibility, without recourse to PBC or any other governmental entity or agency. The plat, if applicable, restrictive covenant and property owners' association documents, shall contain the following statement:

It is a punishable violation of PBC Laws, Ordinances, Codes, Regulations and approvals to alter the approved slopes, contours, or cross sections or to chemically, mechanically, or manually remove, damage or destroy any plants in the reclaimed areas and planted littoral zone except upon the written approval from the Director of ERM or Zoning, as applicable. It is the responsibility of the owner or property owners association, its successors or assigns, to maintain the required survivorship and coverage of the reclaimed upland and planted littoral areas and to ensure on-going removal of prohibited and invasive non-native plant species from these areas.

4. Guarantee (Performance Guarantee) requirements..

- a. **General.** ERM shall administer guarantee requirements for the excavated area and littoral plantings. The Zoning Division shall administer guarantee requirements for reclaimed upland area, and upland plantings. The Land Development Division shall administer guarantee requirements associated with road maintenance and repair of haul routes.
- b. **Guarantees required.** The guarantees for phased projects may be bonded separately with approval by DRC.
 - (1) **Agricultural and Type II excavations.** Agricultural and Type II excavations shall be required to provide a guarantee for the littoral zones. If approved as a Class A Conditional Use, guarantees shall also be required for the excavated area, upland reclamation (excluding upland plantings) and roadway maintenance and repair.
 - (2) **Type III.** Approval of at least five (5) guarantees shall be required for Type III excavations:
 - (a) excavated areas;
 - (b) reclaimed upland areas;
 - (c) upland planting areas
 - (d) littoral zones; and,
 - (e) road maintenance and repair when a haul permit is required in accordance with Sec. 7.6.H.1.j.
- c. **Execution.** The performance guarantee shall be executed by a person or entity with a legal or financial interest in the property. Transfer of title to the subject property shall not relieve the need for the performance guarantee. The seller shall maintain, in full force and effect, the original performance guarantee until it is replaced by the purchaser.
- d. **Form of guarantee** The guarantee shall assure the project performs as approved by the BCC and in accordance with the standards of this code. The guarantee shall take the form of:
 - (1) A Cash deposit or certificate of deposit assigned to PBC;
 - (2) An escrow agreement for the benefit of PBC;
 - (3) A performance bond issued by a Florida registered guarantee company which shall be listed on the U.S. Department of Treasury Fiscal Services, Bureau of Government Financial Operations. Said bond may be canceled only upon written sixty (60) day advance notice and acceptance of cancellation by ERM, PZB or Land Development Division, as applicable;

- (4) An unencumbered, clean, irrevocable letter of credit which must be executed on a form provided by PBC; or
 - (5) Unless otherwise approved in writing by ERM, PZB or Land Development Division, as applicable, performance bonds or letters of credit shall be on forms provided by PBC.
- e. **Amount of guarantee.**
- (1) **General.** The amount of the guarantees shall be adjusted in accordance with the Consumer Price Index, as provided by the Congressional Budget Office and as approved by the County Attorney's Office.
 - (2) **Excavated area.** Guarantee shall be a minimum of one thousand (1,000) dollars per acre of permitted excavation area.
 - (3) **Littoral zones.** The guarantee shall be a minimum of ten thousand (10,000) dollars and shall be an amount of no less than one hundred and ten (110) percent of the total estimated cost for planting, maintaining, and monitoring the required littoral shelves. ERM retains the option for requesting a second cost estimate for which the performance guarantee is based.
 - (4) **Reclaimed upland and upland planting areas.** Guarantee shall be a minimum of ten thousand (10,000) dollars and shall be an amount of no less than one hundred and ten (110) percent of the total estimated cost for reclaiming, planting, maintaining, and monitoring the upland area and required upland planting areas. PZB retains the option for requesting a second cost estimate for which the guarantee is based.
 - (5) **Roadway maintenance and repair.** Streets which require a haul permit in order to be used as a haul route shall be required to post a minimum guarantee in the amount of fifty thousand (50,000) dollars per mile of affected streets within the radius of impact.
- f. **Submittal and approval of guarantee.** Except in the case of an application by a political subdivision or agency of the State, all applicants shall submit the guarantee instruments and obtain approval of the guarantee as provided below.
- (1) **Reclaimed upland area and upland planting areas.** Guarantees for the reclaimed upland area and upland planting areas shall be submitted with the DRC application and approved prior to DRC certification of the final excavation plan.
 - (2) **Excavated area and Littoral zones.** Guarantees for the excavated area and littoral zones shall be approved by ERM prior to issuance of written approval of the Notice of Intent to Construct.
 - (3) **Road maintenance and repair.** Guarantees for road maintenance and repair shall be approved by the Land Development Division prior to issuance by ERM of the applicants Notice of Intent to Construct.
- g. **Duration and release of guarantee.** The guarantee for the excavated area and upland reclamation area of Type III excavations may be reduced once the "as-built" plan is approved. However, the guarantee shall continue to cover the upland planting and littoral planting areas until released in accordance with this subsection.
- (1) **Excavated areas for Type III Excavations.** At the request of the applicant, the guarantees shall be released by ERM, after DRC certification of the final as-built reclamation plan, in accordance with Sec. 7.6.F.6.d.(4).
 - (2) **Upland reclamation area.** At the request of the applicant, the guarantees shall be released by PZB, after DRC certification of the final as-built reclamation plan, in accordance with Sec. 7.6.F.6.d.(4).
 - (3) **Littoral and Upland planting reclamation areas.** The Guarantees shall remain in effect a minimum of seven hundred thirty (730) days (two (2) years) after reclamation is completed in accordance with all requirements of this section. Guarantees shall not be released until approved

plats or separate instruments are recorded and proof of recordation is provided to ERM and PZB, pursuant to Sec. 7.6.I.3.e. Following verification of successful completion of reclamation through approval of the submitted as-builts, area of record, monitoring reports, and site inspection(s) by ERM and PZB, as applicable, guarantees shall be released.

- (4) **Road maintenance and repair.** The guarantee shall be released by the County Engineer and any applicable road maintenance authority after certification of the final phase of the as-built plan and upon final inspection and acceptance of the repair, maintenance and condition of the streets within the radius of impact.
 - h. **County use of guarantee.** Should PBC find it necessary to use the performance guarantee for corrective work or to fulfill the applicants reclamation, reconstruction or maintenance obligations as set forth herein, the applicant shall be financially responsible for all legal fees and associated costs incurred by PBC in recovering its expenses from the firm, corporation or institution that provided the performance guarantee.
5. **Maintenance and Monitoring.** The following maintenance and monitoring program is required for all planted littoral zones and reclaimed planted upland areas.
- a. **Excavation activity.** The applicant shall submit an annual report to DRC indicating the status of the excavation activity. The report shall include, but not be limited to, the status of:
 - (1) The current phase(s) of excavation,
 - (2) All phases of excavation and reclamation activities (including date(s) of completion and anticipated dates of completion).
 - (3) Amount of material extracted and amount of material removed from the site.
 - (4) Condition of perimeter buffers and landscaping, and
 - (5) Status of compliance with conditions of approval and applicable requirements in this section.
 - b. **Initial maintenance and monitoring of reclaimed upland areas and littoral and upland planting areas.** The planted littoral zones and planted upland areas shall be inspected and monitored for at least one (1) year after planting. Equipment storage, maintenance and service areas shall be monitored until completion of the excavation activity for contamination by regulated substances. The maintenance and monitoring program shall comply with the following requirements:
 - (1) **Maintenance.** Inspections, monitoring, exotic plant species removal and replanting during each monitoring period shall be required to maintain the minimum:
 - (a) eighty (80) percent coverage criterion for the planted littoral zone from the one hundred and eighty (180) day monitoring period; and,
 - (b) eighty (80) percent survivorship for the planted upland area from the one hundred and eighty (180) day monitoring period;
 - (2) **Exotic plant species.** Complete removal of the following plant species from the planted littoral zone and upland areas, as applicable:
 - (a) prohibited and invasive non-native plant species as defined by Sec. 9.5. (Vegetation Preservation and Protection); and
 - (b) invasive species, such as cattails, primrose willows and water hyacinth,
 - (3) **Regulated substances.** Inspections and monitoring of all equipment storage, maintenance and service areas shall be required to ensure the site has not been contaminated by regulated substances. Construction areas shall be maintained in accordance with the "Regulated Substance Best Management Practices for the Construction Industry."

- (4) **Submittals for monitoring programs.** Submittal of monitoring reports for each monitoring period shall be required. The planted littoral zone reports shall be submitted to ERM and the reclaimed upland planting reports shall be submitted to the Zoning Division. These monitoring reports shall represent the monitoring periods commencing with a time zero report, ninety (90) day, one hundred eighty (180) day and three hundred sixty (360) day reports.

The time zero monitoring report shall be submitted within thirty (30) days of the initial planting. Each subsequent report shall be submitted within thirty (30) days of the completion of the monitoring period. If following the first year of the maintenance and monitoring period, the County finds the planted littoral or reclaimed planted upland areas to be in non-compliance with the provisions herein, the land owner or entity having maintenance responsibility may be required by the County to extend their maintenance and monitoring period, until compliance with the maintenance and monitoring requirements is met. [Ord. No. 97-14]

- (5) **Content of monitoring reports.** Each monitoring report, including the time zero report, shall assess the species, numbers, and locations of planted littoral zones and reclaimed upland planting areas. The report shall also depict the equipment maintenance, storage and service areas and assess the condition of the ground as a result of possible leakage or spillage of regulated substances. The report shall include multiple photographs (panoramas are preferred) of the site clearly showing these areas. Photographs must be taken at approximately the same location(s) each time.

In addition, the report shall detail the species, numbers and locations of additional plantings that were made to attain the eighty (80) percent survivorship/coverage criteria, if such plantings were necessary.

- c. **Long-Term Maintenance and Monitoring of reclaimed upland areas and littoral and upland planting areas.** After the first year, the land owner or entity having maintenance responsibility for the planted littoral zone and planted upland reclamation area, shall maintain these areas in the following manner.
- (1) The reclaimed upland areas shall maintain a minimum survivorship of eighty (80) percent, and the planted littoral zone shall maintain a minimum coverage of eighty percent (80%).
 - (2) Exotic and invasive non-native plant species as defined by Section 9.5. (Vegetation Preservation and Protection) and invasive species, such as cattails, primrose willows and water hyacinth, shall be restricted to a coverage of less than ten (10) percent of the required planted littoral zone. No exotic or invasive non-native plant species shall be permitted in the upland areas.
- d. **Repair, reconstruction modification.** DRC approval shall be obtained prior to any reconfiguration of the approved lake or reclaimed upland area. Written approval from the Director of ERM shall be obtained prior to modification of the planted littoral zones.
[Ord. No. 97-63] [Ord. No. 99-37]

J. Administration and enforcement.

1. **Administrative waiver from construction criteria for Agricultural, WCAA, Type II and Type III excavations.**

- a. **Authority and criteria.** Administrative waivers from the slope, depth, or littoral zone standards contained in Sec. 7.6.I. for Agricultural, WCAA, Type II, and Type III excavations may be granted by ERM in accordance with the standards of this Section. ERM may grant the waivers to an applicant upon demonstration by a preponderance of evidence, that such administrative waivers will not be injurious to the area involved or otherwise detrimental to the public welfare, and that special or unique circumstances exist to justify the administrative waivers based on one or more of the following conditions:
- (1) That the literal application of these standards will create an unreasonable hardship and that the special and unique circumstances do not result from the actions of the applicant;
 - (2) That appropriate technology and methods will be used to insure consistency with the intent of the Code; or
 - (3) The proposed administrative waiver will not be adverse to the general intent and purpose of this Section.
- b. **Limitations.** No administrative waiver shall be approved for those separation items in Sec. 7.6.I.2.a., unless the item specifically allows approval by ERM; nor for any mining or excavation operation location which will reduce hydraulic recharge distances to a public water supply well in excess of two (2) percent; nor within two hundred (200) feet of a publicly-owned conservation area, environmentally sensitive land area, or publicly-owned preservation area. An administrative waiver may be granted for littoral areas within a lake supporting bona-fide agricultural operations. If the land use changes from bona-fide agricultural use, the littoral requirements for the new land use shall be required.
- c. **Review process.** The request shall be included with the Notice of Intent to Construct, unless a Notice of Intent to Construct has been previously approved. An appropriate fee and drawings of sufficient detail shall be required in order to provide the information needed to determine if granting approval of the waiver is appropriate. The application and drawings, excluding littoral planting plans, shall be signed and sealed by a professional recognized and approved by the Florida Department of Professional Regulation for this type of project.
- (1) Upon receipt of a request to deviate from the Construction Criteria, ERM shall have thirty (30) days to request any additional information.
 - (2) Within thirty (30) days of receipt of the requested additional information, ERM may only request information needed to clarify the additional information supplied or to answer new questions raised by or directly related to the additional information.
 - (3) If ERM does not ask for additional information within thirty (30) days of receipt of the request, the request shall be deemed complete upon date of receipt.
 - (4) If an applicant fails to respond to a request for the fee or any additional information within sixty (60) days, the request may be denied without prejudice. However, ERM may grant an extension of time as is reasonably necessary to fulfill the request for additional information. ERM action shall be approval or denial, and shall be included with the issued written approval of the Notice of Intent to Construct.

2. Violations, enforcement, and penalties..

- a. **Violations.** For each day or portion thereof, it shall be a violation of this Section to:
- (1) fail to comply with a requirement of this Section, a condition of an approval or an authorized exemption granted hereunder;
 - (2) fail to comply with the design specifications or littoral planting plan submitted with the Notice of Intent to Construct for which a written approval was issued by ERM.

- (3) alter or destroy the approved depths, slopes, contours, or cross-sections;
 - (4) chemically, mechanically, or manually remove, damage, destroy, cut, or trim any plants in the littoral zones, except upon written approval by the Director of ERM;
 - (5) dredge, excavate, or mine the lake or littoral zones without prior receipt of approval(s) from ERM and/or PZB; or
 - (6) cause water quality violations in excess of the standards contained in F.A.C. Chapter 62-302;
 - (7) dewater in Type 1(A) Type 1(B); and Agricultural excavations unless otherwise permitted by a State or Federal permitting agency.
3. **Enforcement.** Violation of each subsection of this section, any conditions of approval, or any of those violations listed in 2.a.(1)-(7) above, shall be deemed a separate violation and may be subject to fines not to exceed two hundred and fifty (250) dollars per day per violation. In order to enforce compliance with the provisions of this section, ERM, PZB and the County Engineer may issue a cease and desist order or require that future DRC certifications be denied or a building permit or C.O. be withheld. Violations of the provisions of this section shall be punishable by one or more of the following:
- a. Quadruple permit fees shall be assessed if permits were not obtained for violations involving activities which would otherwise have been permissible, as determined by ERM, PZB, or the Land Development Division.
 - b. This section shall be enforced through the remedies as outlined in Article 14, (Enforcement Proceedings and Penalties).
- However, the County is not prevented from enforcing the provisions of this section by any other measures allowable by law, including but not limited to, Chapters 125 and 162, Fla. Stat., as may be amended.
- c. If the applicant has violated the provisions of this Section, or a condition of approval, staff may place the subject development order back on a BCC agenda for re-consideration in accordance with the provisions of Sec. 5.8. (Compliance with Time Limitations) and Article 14 (Enforcement Proceedings and Penalties).
4. **Restoration.** Damage to upland reclamation areas, planted littoral shelves, littoral plants and/or streets may result in an order to restore to the approved conditions. Excavation operations that have occurred without approval and receipt of written approval from ERM, PZB or the County Engineer, as applicable may result in an order to restore the site or streets in the radius of impact to preexisting conditions.
5. **Additional remedies.** In addition to the sanctions contained herein, the County may take any other appropriate legal action, including but not limited to, administrative action, and requests for temporary and permanent injunctions, to enforce the provisions of this Section.
6. **Use of Collected Monies.** All monies collected by ERM as civil penalties for violations of this Section shall be deposited in the PBC Pollution Recovery Trust Fund.
7. **Appeals.** An applicant may appeal a final determination made by:
- a. **Director of ERM.** Appeal shall be made to the Environmental Ordinance Appeals Board pursuant to this Section. The applicant shall comply with the following appeal procedures.

- (1) **Submittal.** An appeal must be made within twenty (20) days of the applicant's receipt of the final action.
 - (2) **Hearing.** Each hearing shall be held within sixty (60) days of submittal of all documents which the Environmental Ordinance Appeals Board deems necessary to evaluate the appeal. At the conclusion of the hearing, the Environmental Ordinance Appeals Board shall orally render its decision (order), based on the evidence entered into record, The decision shall be stated in a written order and mailed to the applicant not later than ten (10) days after the hearing. Written order of the Environmental Ordinance Appeals Board shall be final.
- b. **Director of Zoning or Director of Land Development.** Appeal shall be made to the appropriate appeals board as provided in Sec. 5.6 (Development Review Appeals Board) or Sec. 5.7 (Board of Adjustment), as applicable.
- c. **Judicial Relief.** An applicant or ERM may appeal a final written order of the Environmental Ordinance Appeals Board within thirty (30) days of the rendition of the written order by filing a petition for Writ of Certiorari in Circuit Court of the Fifteenth Judicial Circuit in and for PBC, Florida.
[Ord. No. 96-28] [Ord. No. 97-63] [Ord. No. 97-64]

Amendment History:

[Ord. No. 96-28; September 25, 1996] [Ord. No. 97-63; December 24, 1997] [Ord. No. 97-64; December 24, 1997]
[Ord. No. 99-37; October 7, 1999]

SEC. 7.7 DRIVEWAYS AND ACCESS.

A. Purpose and intent. It is the purpose and intent of this section to promote safe and efficient traffic movement while affording reasonable access to abutting land.

B. Driveways. Driveways shall be subject to the following standards.

1. **Spacing.**

a. Local or residential access streets. Lots located on local or residential access streets shall have a maximum of two (2) accessways. Driveways for lots located on local or residential access streets at interior locations shall maintain a minimum setback from a side or rear lot line as follows:

- | | | |
|--|---|--------|
| (1) Single Family or Multifamily driveways | - | 2 foot |
| (2) Zero Lot Line driveways | - | 1 foot |
| (3) Townhouse driveways | - | 1 foot |

b. Arterial and collector streets. Driveway locations and spacing shall be accordance with the County standards for street connections along arterial and collector roads. Provided, however, that driveway connections to any road which is part of the State Highway System, as defined in Sec. 334.03, Fla. Stat., shall meet the permit requirements of FDOT for street connections, pursuant to Sec. 335.18, Fla. Stat.

2. **Construction.** Driveway connections to streets under the jurisdiction of Palm Beach County shall be constructed in accordance with the County standards. Construction standards and details for driveways shall be available from the DEPW.

C. Double frontage lots. Where a double frontage residential lot is located adjacent to a collector or an arterial road, it shall also be required to front on a local or residential access street. A limited access easement shall be placed along the land line that abuts either the collector or arterial road.

D. Exceptions. The County Engineer shall have the authority to grant a permit for driveway and access plans with lesser or greater dimensions than designated in this section, giving consideration to the following factors:

1. lot size;
2. lot configurations;
3. proposed land use;
4. traffic generation or anticipated traffic volume along adjoining rights-of-way;
5. traffic characteristics of the land use;
6. driveway locations on contiguous land or land on the opposite side of the street;
7. median opening locations;
8. safe sight distance; and
9. such other factors as may be deemed pertinent by the County Engineer.

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SEC. 7.8 MISCELLANEOUS STANDARDS.**A. Performance Standards.**

1. **Purpose and intent.** The purpose and intent of this section is to eliminate and regulate sources and occurrences of noise, vibration, smoke, dust or other particulate matter, toxic or noxious waste materials, odors, fire and explosive hazards or glare that interfere with the peaceful enjoyment of land or which are contrary to the public health, safety or welfare or constitute a nuisance to the public at-large.
2. **Applicability.** This section shall apply to all development within unincorporated Palm Beach County unless specifically exempted pursuant to Sec. 7.8.A.3.
3. **Exemptions.** The following shall be exempted from the standards of this section.
 - a. Sound emitted from the operation of motor vehicles legally operating on any public right-of-way which are regulated by Chapter 316, Fla Stat., the Uniform Traffic Control Law.
 - b. Any noise generated by interstate motor carriers operating on any public R-O-W which is regulated by Chapter 316, Fl. Stat. Any noise generated by interstate rail carriers operating on any railroad R-O-W. All airport operations unless otherwise restricted by a development order approved by the Palm Beach County Board of County Commissioners. Any other subjects to the extent preempted by applicable State or Federal laws or regulations. [Ord. No. 97-64]
 - c. Any noise generated as a result of emergency work, as a danger warning device, or for the purpose of alerting persons to the existence of any emergency.
 - d. Any noise generated by any government sanctioned activity conducted on public land.
 - e. Any noise generated within any public R-O-W, including parades, when appropriately sanctioned by the governing body.
 - f. Non-amplified crowd noises at sporting events.
 - g. Any noise emitted from a source located within the Research and Technology Overlay (R&T-0) district.
 - h. Noise; vibration; smoke, emissions and particulate matter; odors; and outdoor lighting by farm operations conforming to generally accepted agricultural and management practices in the Agricultural Reserve district. [Ord. No. 98-11]
4. **Noise.**
 - a. **Maximum permissible sound levels.**
 - (1) **Specific prohibitions.** The following activities shall be prohibited.
 - (a) **Horns, signaling devices.** The sounding of any horn or audible signal device of any motor vehicle, boat, train, engine, machine or stationary boiler of any kind except as required by law or as a warning. The sounding of any warning device for an unnecessary or unreasonable period of time is also prohibited.

- (b) **Public streets and parks.** The operating or playing of any radio, television, phonograph, musical instrument or similar device on the public rights-of-way or in public parks in a manner as to be plainly audible at a distance of one hundred (100) feet from the sound source at any time.
 - (c) **Loud speakers and sound amplifiers.** The using or operating of any loud speaker, loud speaker system, sound amplifier, radio, television, phonograph, musical instrument or other similar device within or adjacent to inhabited residential land such that the sound therefrom is plainly audible across the property line of the inhabited residential land at any time. This section shall not apply to any special events, such as parades, festivals or sporting events, but shall apply to lounges, restaurants or night clubs.
 - (d) **Street sales advertising.** The use or operation of any loudspeaker, sound amplifier or musical instrument which produces or reproduces sound which is cast or emitted upon the public streets and sidewalks for the purpose of commercial advertising or for attracting the attention of the public to any particular building, structure or place when such sound that is emitted is plainly audible across the land line of any inhabited residential land.
 - (e) **Machinery construction work.** The operation of any machinery, demolition equipment, construction equipment, excavating equipment, power tools, equipment of semi-mechanical devices or undertaking construction work which emits sound across the land line of an inhabited residential land between the hours of 10:00 PM and 7:00 AM, Monday through Saturday with no construction permitted on Sunday. This shall not prohibit the use of pumps or machinery which, because of its very nature and purpose, is required to be operated twenty-four (24) hours a day. [Ord. No. 97-64]
 - (f) **Lawn equipment.** The operation of lawn and garden equipment which emits sound across the line to inhabited residential land between the hours of 10:00 PM and 7:00 AM.
- (2) **General prohibitions.** No person shall operate or cause to be operated any source of sound from any location in such a manner as to create a sound level which exceeds the limits set forth in Table 7.8-1 for inhabited residential and commercial land more than ten (10) percent of any measurement period, which period shall not be less than ten (10) minutes when measured at or within the boundary of the complaining landowner. For the purpose of this section, inhabited shall mean regularly occupied by the complainant and occupied at the time of complaint. Sound Level Measurement shall be made with a Type 2 or equivalent sound level meter using the A-Weighting Scale in accordance with the standards of the American National Standards Institute (ANSI). All measurements shall be made with a sound meter at or within the boundary of the complaining landowner.

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**TABLE 7.8-1
PROHIBITED SOUND LEVELS**

Receiving Land	Noise Source	Time of Day	Sound Level Limit
Residential	Fixed mechanical equipment	Any time	60 dB
Residential	All other sources	7 AM to 8 PM	60 dB
		8 PM to 11 PM	55 dB
		11 PM to 7 AM	50 dB
Commercial	All sources	Any time	70 dB

- b. **Public nuisance/injunctive relief.** Any emission of noise from any source in excess of the limitations established in or pursuant to this section shall be deemed and is hereby declared to be a public nuisance. Upon receipt of written complaint of violation of this section, the Code Enforcement Officer may investigate and request the County Attorney to file injunctive proceedings to abate the nuisance. Such proceedings shall be cumulative and in addition to the penalties provided herein.

5. Vibration.

- a. **Non-industrial districts.** In all districts except the IL, IG and PIPD districts, no use shall be operated so as to produce ground vibration noticeable without instruments, at the lot line of the premises on which the use is located.

6. Smoke, emissions and particulate matter.

- a. **Generally.** No use or activity shall be operated except in full compliance with the standards controlling air pollution as provided in the laws of the State of Florida, Palm Beach County Health Department (PBCHD) and the ordinances of Palm Beach County.
- b. **Smoke.** In all districts, unless otherwise covered by a specific visible emission limiting standard by a FDEP Rule or County Ordinance, every use shall be operated so as to prevent the emission of smoke from any source whatever, the density of which is equal to or greater than that designated as Number 1 on the Ringlemann Chart, or the opacity of which is equal to or greater than twenty (20) percent. For the purpose of grading the density of smoke, the Ringlemann Chart, as published and used by the United States Bureau of Mines, or Method 9, as published in Chapter 17-2 F.A.C. and used by DER, is incorporated herein by reference. All measurements shall be at the point of emission.
- c. **Dust and particulates.** Every use shall be operated to prevent the emission into the air of dust or other solid particulate matter which may cause danger to land and the health of persons or animals at or beyond the lot line of the premises on which the use is located.

7. **Odors.** No use shall be operated so as to produce the emission of objectionable or offensive odors in such concentration as to be readily perceptible at any point at or beyond the lot line of the land on which the use is located. The guides and standards of the FDEP regarding air pollution shall be considered guides in determining the quantities of offensive odors. [Ord. No. 01-01]
8. **Toxic or noxious matter.** No use shall for any period of time, discharge across the boundaries of a lot on which it is located, toxic or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or general welfare, or cause injury or damage to persons, land, or the use of land, or render unclean the waters of the state to the extent of being harmful or inimical to the public health, or to animal or aquatic life, or to the use of such waters for domestic water supply, industrial purposes, recreation, or other legitimate and necessary uses.
9. **Radiation.** Any operation involving radiation, i.e., the use of gamma rays, X-rays, alpha and beta particles, high speed electrons, neutrons, protons, and other atomic or nuclear particles, shall be permitted only in accordance with the codes, rules, and regulations of the State Department of Health and Rehabilitative Services, Office of Radiation Control and FDEP.
10. **Electromagnetic radiation and interference.**
 - a. **Radiation.** No person shall operate or cause to be operated for any purpose any planned or unplanned source of electromagnetic radiation which does not comply with the current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation. Any operation in compliance with the Federal Communications Commission regulation shall be deemed unlawful if such radiation causes an abnormal degradation of performance of any electromagnetic receptor of quality and proper design. The determination of "abnormal degradation of performance" and "of quality and proper design" shall be made in accordance with good engineering principles and the standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Electronic Industries Association.
 - b. **Interference.** No use, activity, or process shall be conducted which produces electromagnetic interference with normal radio or television reception in any district.
[Ord. 95-8] [Ord. No. 96-28] [Ord. No. 97-64]

B. Outdoor lighting standards.

1. **Purpose and intent.** The purpose and intent of this section is to reduce the hazard and nuisance caused by the spillover of light and glare on to drivers, pedestrians and land uses near artificial lights. By allowing safe and efficient lighting of outdoor areas and by reducing the negative effects of exterior lighting, the regulations contained in this section are intended to promote land use compatibility, traffic and pedestrian safety, energy efficiency and community appearance. Outdoor lighting shall also be consistent with the Palm Beach County Security Code and Sec. 9.1, (Coastal Protection).
2. **Applicability.** This section shall apply to all exterior lighting in unincorporated Palm Beach County, except street lights that meet the requirements of the appropriate public utility.

3. **Outdoor lighting standards.** Outdoor lighting shall meet the following standards.
 - a. **Light confinement.** All outdoor lights shall, to the greatest extent possible, confine emitted light to the property on which the light is located, and shall not be directed upwards, to avoid urban sky glow.
 - b. **Spillover light.** Spillover light on to residential property shall not exceed three-tenths (0.3) of one footcandle when measured six (6) feet above grade at the residential property line.
 4. **Prohibited lights.** The following types of lights are prohibited in unincorporated Palm Beach County:
 - a. Any unshielded light source in a luminaire with no light cutoff that is visible within the normal range of vision from any residential property;
 - b. Any light that creates glare observable within the normal range of vision of any public right of way or glare that creates a safety hazard;
 - c. Any light that resembles an authorized traffic sign, signal or device, or that interferes with, misleads or confuses vehicular traffic as determined by the Zoning Director; and
 - d. Beacon or search lights except for temporary grand openings or special events, as required by state or federal law.
 5. **Certification.** For all developments that include free-standing luminaires exceeding sixty (60) feet in height, written certification of compliance with this section, bearing the seal of an engineer registered to practice in Florida, shall be required prior to the issuance of a building permit.
 6. **Measurement.** Illumination levels shall be measured in footcandles with a direct-reading, portable light meter. The light meter shall be placed not more than six (6) inches above ground level at the property line of the subject parcel. Measurements shall be made after dark with the lights in question on, then with the same lights off. The difference between the two (2) readings shall be compared to the maximum permitted illumination in order to determine compliance with this section.
 7. **Effect on previous approvals.** Exterior lights installed prior to February 1, 1990, shall not be considered nonconforming.
- C. **Major intersection criteria.** As specified in this Code, certain specific uses shall be located at major intersections or internal to a planned development district that is located at a major intersection. For the purpose of this section, to be considered a major intersection each roadway at the intersection shall meet at least one (1) of the following standards:
1. **Four lanes.** The roadway currently exists at four (4) lanes or more, link to link, and is shown on the Thoroughfare R-O-W Protection Map. Dedication of R-O-W or construction of additional lanes solely in front of a property shall not satisfy this standard;
 2. **Five year road plan.** The roadway appears in the Five Year Road Plan to be constructed as a major arterial of at least four (4) lanes;
 3. **Traffic volume.** The average traffic volume on the roadway is greater than ten thousand (10,000) trips per day as shown on the Metropolitan Planning Organization (MPO) Traffic Volume Map;
 4. **R-O-W.** The roadway is shown on the Thoroughfare Plan as one hundred twenty (120) foot R-O-W or greater;

5. Upgrade agreement. The applicant agrees to improve the roadway system to meet the standards in this section, as a condition of approval.

D. Drainage. For all development in all districts, drainage shall be designed and constructed in accordance with the drainage and stormwater management standards of Art. 8, Subdivisions, Platting, and Required Improvements: except that the requirement for legal positive outfall, per Sec. 8.24.A.3, shall not apply to:

1. Development that meets both of the following criteria.

- a. The primary use is a parking lot, open storage, open sided structure with no utilities, or similar use as determined by the County Engineer.
- b. The property is not located adjacent or contiguous to a drainage facility which provides access to a point of legal positive outfall.

2. Individual lots designated as Industrial on the FLUA which have a zoning designation of IL, IG, MUPD, PIPD or SWPD, are limited to industrial uses, are located three hundred (300) feet or more away from connecting to legal positive outfall, and which provide either:

1.

- a. Adequate on-site lake area to store the one hundred (100) year, three (3) day rainfall event within the limits of the lake; or
- b. Store a one hundred (100) year, three (3) day rainfall event on site in a combination of lake and surface storage conditioned upon providing a hydrological study showing that inundation of the parking lot areas and driveways does not persist for more than seventy-two (72) hours following cessation of the one hundred (100) year, three (3) day rainfall event.

3. Security trailers or caretakers quarters allowed in conjunction with an exempted use.

Any parcel meeting the above listed exemptions from the provisions of legal positive outfall shall connect to a central sewer system and shall not utilize a septic tank system. [Ord. No. 01-01]

Amendment History:

[Ord. No. 93-4] [Ord. No. 95-24] [Ord. No. 96-28][Ord. No. 93-4] [Ord. No. 95-8] [Ord. No. 95-24]
[Ord. No. 96-28] [Ord. No. 01-01]

SEC. 7.9 RESERVED FOR FUTURE USE [Ord. No. 95-24].

SEC. 7.10 RESERVED FOR FUTURE USE [Ord. No. 95-24].

SEC. 7.11 RESERVED FOR FUTURE USE [Ord. No. 95-24].

SEC. 7.12 RESERVED FOR FUTURE USE [Ord. No. 95-24].

SEC. 7.13 ARCHAEOLOGICAL RESOURCES PROTECTION

A. Purpose and intent. It is hereby declared that the protection, enhancement and examination of significant archaeological resources is in the interest of the health, safety and welfare of the people of Palm Beach County. It is acknowledged that within Palm Beach County there exist sites which are of significant archaeological value as prehistoric, historic and cultural resources. A map identifying known archaeological sites has been prepared by a qualified archaeologist and is adopted as part of this section.

THE MAP OF KNOWN ARCHAEOLOGICAL SITES IS LOCATED IN THE ZONING DIVISION

The purposes of this section are to:

1. Establish a procedure for review of development proposals on lands which have been identified as containing archaeological resources and which will be applicable to lands identified by the predictive model when added to this section by amendment;
2. Establish a method to review the potential archaeological value of previously unidentified sites after the discovery of prehistoric and historical artifacts, skeletal or fossilized human remains, or non-human vertebrate fossils during development;
3. Establish a mechanism to protect, when appropriate, resources of significant archaeological value identified pursuant to this section that are deemed important by a qualified archaeologist to the prehistory or history of the County, State or Nation; and,
4. Facilitate protection of resources of significant archaeological value without substantially delaying development.

B. Applicability. This section is applicable in the unincorporated area of Palm Beach County and regarding County owned property in municipalities unless otherwise regulated by municipal archaeological protection regulations and shall apply to:

1. All parcels of land which are identified as archaeological sites on the map entitled "Map of Known Archaeological Sites;"
2. A parcel on which a previously unidentified artifact or any human skeletal or fossilized human remain or non-human vertebrate fossils of significant archaeological value is found during site development or during any other activity which may disturb an archeological site; and,
3. All applications for Type III Excavation.

C. Development subject to archaeological review. Development shall be subject to this section as follows:

1. **Parcels on identified sites.** Parcels on the map of known archaeological sites and proposals for type III excavation. Owners of parcels located on the Map of Known Archaeological Sites or owners of parcels requesting approval for Type III Excavation must receive a Certificate to Dig prior to issuance of a development order.

2. **Parcels on previously unidentified sites.** Previously unidentified archaeological sites discovered during development. When one or more artifacts or human skeletal or fossilized remains or non-human vertebrate fossils which were previously undiscovered are found on a site during development or during other activity disturbing the site, all development or disruptive activity directly over the find shall cease. Before any further development or disruptive activity continues, the following procedure shall apply:
 - a. The area directly over the find shall be staked by the property owner or agent of the property owner, contractor or subcontractor, or other party discovering the potential find;
 - b. Within one (1) working day of discovering the potential find, the Department and, if applicable, the property owner shall be notified;
 - c. Within three (3) working days, the County Archaeologist shall inspect and evaluate the site for the purpose of determining whether artifacts or human skeletal or fossilized remains or non-human vertebrate fossils are located on a site. If the qualified archaeologist determines a significant archaeological resource is on site or likely to be on site, the Director of the Planning, Zoning and Building Department shall issue an order suspending construction and define the area where the order suspending construction applies, based upon the archaeologist's assessment. Such order does not have the effect of a stop work order and shall not stop construction activity not directly impacting the defined potential archaeological site;
 - d. The County Archaeologist shall evaluate the significance of the archaeological find and send a written Archaeological Evaluation Report to the property owner and Director of the Department of Planning, Zoning and Building postmarked within seven (7) working days from issuance of the suspension order; and,
 - e. In the Archaeological Evaluation Report, the County Archaeologist shall require an application for a Certificate to Dig be prepared if the archaeologist determines the site contains artifacts of significant archaeological value. If the County Archaeologist determines that there is no reasonable possibility that artifacts of significant archaeological value are contained on the site, the archaeologist shall make such a finding to the Department in the Archaeological Evaluation Report and the Department shall immediately lift the suspension order.
 - f. In order to encourage individuals to bring potential artifacts to the County's attention, private citizens engaged in disruptive activity which does not require a development order and uncover a potential artifact, fossil, or remains, may request a waiver of application fees and shall not be subject to the timeframes required in this subsection.
3. **Sites containing human skeletal remains.** If human skeletal remains are found, then Sec. 872.05, Fla. Stat. (1989), as amended from time to time, controls. [Ord. No. 93-4]

D. Certificate to dig.

1. **Application.** Owner of parcels required by 7.13.C., above, (Development Subject to Archaeological Review, Parcels on the Map of Known Archaeological Sites and Proposals for Type III Excavation, and Previously Unidentified Archaeological Sites Discovered During Development), to make application for a Certificate to Dig to the Department for review by the Historic Resources Review Board (HRRB) shall make such application prior to the issuance of a development order. The application for the Certificate to Dig shall be made on a form available from the Department. Only one (1) Certificate to Dig shall be required to develop a site unless additional resources are found during site development.

2. **Report contents of a certificate to dig.** The application for a Certificate to Dig shall be subject to a fee established by the Department, governed by Sec. 7.13.D.3.d., below, and include a report prepared by a qualified archaeologist. The report shall at minimum contain a documented search of the Florida Master Site Files, a brief history of the area, an archaeological survey and field inspection performed in a professionally acceptable manner, an assessment of the archaeological significance of the site, and a proposed plan for management.

All reports submitted to the Department on properties determined to be of archaeological significance shall include the preparation of a Florida Master Site File (FMSF) form, which shall be forwarded by the Department to the Division of Historical Resources of the Florida Department of State. Copies of FMSF forms shall be available at the Department.

3. **Standards for issuance of a certificate to dig.** Within three (3) working days of receiving an application, the Department shall make a determination of the completeness of the application. If the application is determined to be incomplete, the Department shall request additional information by certified mail. When the application is complete, the Department shall forward the application to the HRRB. The HRRB shall hold a public hearing within thirty (30) days of the date of receipt of the application by the HRRB. The Department shall prepare its evaluation of the application and notify the applicant of its findings at least ten (10) working days prior to the public hearing. Evaluation of the application by the Department and the HRRB shall be based upon guidelines in this section, recommendations included in the archaeologist's report, and the recommendation of the County Archaeologist, if required. The HRRB's evaluation shall do one of the following:
 - a. If the property is determined to have no significant archaeological value or insignificant value, the HRRB shall, if applicable, issue the Certificate to Dig, or lift the construction suspension order, if applicable, and the development may proceed; or
 - b. If the property is determined to have significant archaeological value, the Board shall issue a Certificate to Dig with conditions that are deemed necessary to protect or permit the excavation of any part of the site found to be of significance, including conditions regarding site design. In order to protect archaeological resources of significant value, the Board may require the applicant to do one or more of the following as part of receiving the Certificate to Dig:
 - (1) preserve the archaeological site within open space of the development;
 - (2) redesign the development to accommodate preservation of all or a portion of a site containing the significant archaeological resources;
 - (3) the property owner may voluntarily fund or seek funding for excavation of the resource, if agreed to by the County.
 - c. If the HRRB finds it is impossible to adequately preserve the significant archaeological resource using the standards and procedures in b., above, and the proposed development plan would adversely affect any significant archaeological resources found on the site, the HRRB may delay issuance of a Certificate to Dig for up to eight (8) weeks after the submittal of a completed application so that either:
 - (1) Appropriate archaeological excavation may be conducted to properly extract and interpret the significant archaeological resources found on the site; or
 - (2) The County may approach any recognized historic preservation agency to seek alternate solutions; or
 - (3) A buyer may be found to purchase a site for either site preservation or in order to allow detailed excavation, analysis and interpretation of the site.

- d. **Fee for application for certificate to dig.** The Department shall charge a fee covering the direct and indirect costs associated with reviewing an Application for a Certificate to Dig, issuing the certificate and monitoring compliance with the certificate. Fees for the issuance of a Certificate to Dig shall be added to the Department Fee Schedule by resolution approved by the Board of County Commissioners. [Ord. No. 93-4]
- E. **Map of known archaeological sites.** A map of known archaeological sites is attached to this section as Exhibit "A" and is adopted as part of this section. The above referenced map may be amended by resolution or ordinance adopted by the Board of County Commissioners pursuant to Sec. 125.66, Fla. Stat. after considering a recommendation of the HRRB. The map shall be amended upon determination by the County that additional sites of significant archaeological value have been discovered. At a minimum, the map and the Florida Master Site Files shall be reviewed annually for possible map amendment. [Ord. No. 93-4]
- F. **Appeals.** Within thirty (30) days of a written decision by the HRRB regarding an application for a certificate to dig, an aggrieved party may appeal the decision by filing a written notice of appeal, and pay a filing fee, established by the Board of County Commissioners, with the Clerk of the Board of County Commissioners. A copy of the notice of appeal shall be filed with the Executive Director of Planning, Zoning and Building Department. The notice of appeal shall state the decision which is being appealed, the grounds for the appeal, and a brief summary of the relief which is sought. Within forty-five (45) days of the filing of the appeal or the first Board of County Commissioners meeting which is scheduled, whichever is later in time, the Board of County Commissioners shall conduct a public hearing at which time they may affirm, modify or reverse the decision of the Department. The applicant shall be notified by certified mail, return receipt requested, of the date, time, and place of such hearing. At this hearing, the party shall set forth the alleged inconsistencies or non-conformities with procedures or criteria set forth in this code; however no new materials or evidence shall be presented to or considered by the Board of County Commissioners. The Board of County Commissioners shall vote to approve, modify or overrule the decision of the HRRB. The decision of the Board of County Commissioners shall be in writing and a copy of the decision shall be forwarded to the appealing party. An applicant may appeal a final decision of the Board of County Commissioners within thirty (30) days of the rendition of the decision by filing a petition for Writ of Certiorari in Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida. [Ord. No. 93-4]
- G. **Procedure for addressing violations, hearing and penalties.** Upon detection by the County that a property owner, agent of property owner, contractor or subcontractor has violated this section, the County shall notify the violator(s) and the property owner, if applicable, that a hearing has been set before the Code Enforcement Board. The notice, hearing and fines shall occur pursuant to Chapter 8.5 of the Code of Laws and Ordinances of Palm Beach County. Further, if the Code Enforcement Board finds that a willful violation of this section has occurred, the County shall fine the violator a fine of up to five hundred dollars (\$500.00) per day or impose imprisonment in the county jail not to exceed sixty (60) days or by both fine and imprisonment as provided in Sec. 125.69, Fla. Stat. In addition to the sanctions contained above, the County may take any other appropriate legal action, including, but not limited to, requests for temporary and/or permanent injunctions to enforce the provisions of this section. It is the purpose of this section to provide additional cumulative remedies. [Ord. No. 93-4]

SEC. 7.14 SIGNAGE.

A. Purpose and intent. The purpose and intent of this section is to establish standards for the placement and use of signs, symbols, markings, or advertising devices within unincorporated Palm Beach County. These standards are designed to protect the health and safety of persons within Palm Beach County and to assist in the promotion of tourism, business and industry by providing standards which allow and encourage creativity, effectiveness, and flexibility in the design and use of such devices, and minimize the unreasonable restraint upon the needs of the community, while protecting the aesthetic appearance of Palm Beach County.

B. Applicability. The provisions of this section shall apply to all signs unique property control number in unincorporated Palm Beach County, unless specifically exempted by Sec. 7.14.E. (Exemptions). These regulations apply individually to all parcels of land whether or not the parcels are included in a development of a larger scale. All signs shall be referenced in relation to the parcel of land on which it is located and each parcel shall be identified by a parcel control number. Any sign authorized by this section may contain non-commercial copy in lieu of other copy. [Ord. No. 96-28]

C. Effect on previously permitted signs.

1. **General.** Previously permitted signs and sign structures which do not meet the provisions of this Code with permanent locations shall be considered nonconforming uses or structures subject to Article 13 of this Code, except:

- a. a sign face may be replaced with a valid permit but not enlarged;
- b. permits for lighting and electrical alterations may be issued.

Other than as outlined above or pursuant to a certificate of conformity, a sign structure may not be enlarged, altered or moved without the entire sign being brought into compliance with these regulations.

2. **Electronic message center signs.** To forward the purpose of this Code, it is the intent of the Board of County Commissioners that all electronic message center signs conform to the standards herein. Within thirty (30) days of the effective date of this Code, all electronic message center signs shall comply with the standards of Sec. 7.14.I.6.d., except the signs shall not be required to be moved to meet locational standards, or reduced in area, and existing reflectorized lamps and lamps over thirty (30) watts may continue to be used until they require replacement.

Any relocation, enlargement or other alteration to electronic message center signs shall require Board of County Commissioners' approval pursuant to Sec. 7.14.I.6.d.

3. **Off-premises signs.** There shall continue to be a prohibition on billboards and similar large off-premises signs in order to improve the aesthetic appearance of unincorporated Palm Beach County. However, this prohibition shall not include the repair, maintenance, relocation, or replacement of billboards constructed consistent with applicable zoning codes and building permit procedures prior to November 15, 1988, and included within the billboard stipulated settlement agreement and billboard survey. The Stipulated Settlement Agreement referred to herein and appropriately filed in the official records of the Board of County Commissioners of Palm Beach County shall be a primary source of information for construing and implementing the intent and purpose of these amendments. [Ord. No. 93-4] [Ord. No. 96-28]

D. Definitions. For the purposes of this Section, except as specifically provided herein, the terms defined in Article 3 shall have the meaning therein. In the event of conflict between the other Sections of the ULDC and this Section, this Section shall prevail. Terms in this Section shall have the following definitions and shall apply only to the signage procedures as provided for in this Section.

Multiple occupancy building means a building containing two (2) or more tenants.

Wall means any exterior surface area.

[Ord. No. 01- 01]

E. Required signs and required procedure.

1. **Required signs.** One (1) address sign shall be required for each principal building or use on premises showing only the numerical address designation on the premises upon which they are maintained. Multi-unit buildings which utilize a roadside marquee/signboard, the full building address shall be posted on such marquee/signboard. The address shall be posted in a color contrasting that of the marquee/signboard and of sufficient size to be plainly visible and legible from the roadway. When the building utilizes multiple address, such as multiple occupant mercantile buildings, the address range shall be posted as indicated above. Signs shall be plainly visible from the street or R-O-W providing access to the lot and shall be installed and maintained pursuant to Palm Beach County Building Security Code. This requirement shall apply to all new and existing structures, provided that single family homes and duplexes built prior to January 1984 shall be given a six (6) month grace period after the effective date of this provision to comply.
2. **Application procedure.** Only approved signs or signs specifically exempt under this Code shall be erected. Signs shall be erected and maintained only as permitted and, unless exempt from permitting, signs not erected and maintained pursuant to a valid permit are illegal. All illegal signs shall be subject to Sec. 7.14.P. [Ord. No. 93-4]

F. Exemptions. The following shall be exempt from the provisions of this Code and may be erected without a permit.

1. Signs erected by a governmental body governing vehicular and pedestrian travel on public and private rights-of-way.
2. Safety, directional and highway memorial signs placed in public rights-of-way erected by a governmental body.
3. Temporary signs denoting architect, engineer, landscape architect, planner, or contractor on a construction site, not exceeding thirty-two (32) square feet in surface area and twelve (12) feet in height, and provided it is immediately removed upon the issuance of a Certificate of Occupancy or abandonment of work.
4. Required address signs.
5. Off-premises signs incorporated into county owned, contracted or operated bus shelters, pursuant to the county contract dated August 22, 1989, as may be amended. All existing county owned, contracted or operated bus shelters with signage shall be considered nonconforming signs.
6. Outdoor temporary display of merchandise under a structural canopy for special promotion and not exceeding ten (10) days.

7. Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily fixed to vending machines, menu boards and gasoline pumps.
8. Words or letters printed on an umbrella affixed to a permanent table where the use at which the umbrella is located is lawfully allowed.
9. Public warning signs on private property to indicate the dangers of trespassing, swimming, no parking, animals or similar hazards. These signs shall be no larger than four (4) square feet unless specifically provided for by law. Signs shall be spaced a minimum of two hundred (200) feet unless superseded by Florida Statutes.
10. Temporary search lights for ten (10) days, four (4) times a year per each business per location and with Federal Aviation Administration approval.

[Ord. No. 93-4]

G. Prohibited signs. The following signs are prohibited:

1. Motion picture and video mechanisms in conjunction with any outdoor advertising or any advertising statuary used in such a manner as to permit or allow the images to be visible on or from any public street or sidewalk.
2. Signs which produce noise or sounds capable of being heard even though the sounds produced are not understandable sounds. This shall not be construed to prohibit voice units at menu boards.
3. Signs which emit visible smoke, vapor, particles, or odor.
4. Signs or other advertising materials as regulated by this section that are erected at the intersection of any street or in any street R-O-W in such a manner as to obstruct free and clear vision; or at any location where, by reason of position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device; or which makes use of the words "stop," "look," "drive-in," "danger," or any other word, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse vehicular traffic.
5. Signs in safe distance triangles.
6. Signs erected, constructed, or maintained so as to obstruct, or be attached to any fire fighting equipment, unless approved or required by the Fire Marshall.
7. Signs with any lighting or control mechanism which causes radio or television or other communication interruption or interference.
8. Flags, banners, streamers, pennants, twirling, "A" type, sandwich type, sidewalk or curb signs, blank copy signs and unanchored signs, except where expressly provided for in this section.
9. Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means. This prohibition shall not be construed to prohibit electronic message center signs.

10. Moving or stationary advertising signs if displayed on a vessel on the waterways.
11. Outdoor advertising of any kind or character where any live animal or human being is used as part of the advertising and is visible from any public street or public place. This shall not be construed to include religious displays.
12. Any sign which exhibits thereon any obscene material.
13. Any snipe sign.
14. Any signs attached to trees, utility poles, trailers, and any other unapproved supporting structures.
15. Portable signs, except where expressly provided for in this section.
16. Roof signs.
17. Flashing signs and beacons, except for highway or other warning lights operated or required by a governmental agency. Also prohibited are signs with chasing borders and twinkling lamps visible from public or private rights-of-way. This shall not be constructed to prohibit time and temperature signs or electronic message center signs.
18. Off-premises signs, except as provided for in Sec. 7.14.C.3. and 7.14.Q.
[Ord. No. 96-28]
19. Signs placed upon benches, bus shelters or waste receptacles, except as may be authorized by a governmental agency or superseded by State Statutes.
20. Signs that are in violation of the building code or electrical code adopted by the County.
21. Merchandise displays located inside buildings, oriented to outside, within one (1) foot of a window, and visible through the glass window.
22. Projecting signs, except where expressly permitted in this section.

H. Signs requiring a special permit from Zoning Division. These permits shall be obtained by application made on the appropriate form, accompanied by a fee and approved by the Zoning Division. As specified below, a building permit may also be required.

1. **Temporary signs announcing a campaign drive or civic event.** These signs shall be allowed sixty (60) days prior to the campaign drive or event, shall not exceed thirty-two (32) square feet and shall be removed within thirty (30) days following the campaign drive or event and shall not be placed on public property.
2. **Temporary sale sign.** One (1) temporary, on-site, non-illuminated freestanding sign announcing a legally permitted temporary sale shall be permitted for thirty (30) days. This sign shall not exceed twenty (20) square feet in sign area, shall not exceed eight (8) feet in height above finished grade and shall be located at least five (5) feet from all base building lines and comply with all regulations of Sec. 6.4.D.

3. **Temporary signs for grand openings.** A temporary sign for a grand opening shall be permitted, one (1) per business per location, including banners, for no longer than ten (10) days, consistent with the standards of Sec. 7.14.I.6.
4. **Temporary residential development signs.** A special permit shall be required for temporary on-premises freestanding residential development sale signs. The special permit shall be permitted for three (3) years or until eighty (80) percent of the development is sold-out. Allowable temporary signage shall be calculated by utilizing the standards of Sec. 7.14.I.6 and by using the C/R classification on Table 7.14-1.
5. **Temporary balloon type signs.** The following regulations shall apply to all temporary balloon type signs:
 - a. the leading edge of the balloon on the ground shall be set back a minimum of fifteen (15) feet from all base building lines;
 - b. the balloon itself shall be no higher than thirty (30) feet from base to top and no more than thirty (30) feet in width;
 - c. if placed on buildings, balloons shall only be allowed on one or two story buildings and maximum height shall not exceed sixty (60) feet from the ground;
 - d. balloons shall be erected no closer than one (1) mile in any direction from any other legally permitted balloon;
 - e. no parcel or development shall be issued more than two (2) permits in any calendar year. The maximum duration of any permit shall be for ten (10) days. There shall be a minimum of thirty (30) days between subsequent permits from the day the balloon is removed;
 - f. balloons shall not be located in any required vehicular use area and shall comply with the parking code and all other Palm Beach County codes;
 - g. balloons shall only be allowed in the CG-General Commercial, PO-Public Ownership, CRE-Commercial Recreation, IL-Light Industrial or IG-General Industrial zones;
 - h. only cold air shall be used in the balloons, no hazardous gas or air;
 - i. no balloon shall be allowed in any R-O-W; and,
 - j. a copy of the following shall be provided to the Zoning Division for processing the special permit application:
 - (1) legal description, property control number and address of location;
 - (2) written permission of property owner or owner's designated agent;
 - (3) cold air balloon installation occupational license;
 - (4) evidence of installer's liability and property damage insurance;
 - (5) copy of a survey or site plan showing location of balloon, centerline of any rights-of-way and
 - (6) demonstrating compliance with these regulations; and,
 - (7) a photograph of the balloon.

I. Signs subject to special standards and requiring no permit.

1. **Freedom of speech sign.** A temporary sign, not more than eight (8) square feet, may be erected on private land. It shall be constructed so as not to create any hazardous or dangerous condition to the public impede flow of traffic, or affect safe sight distances. [Ord. No. 97-64]
2. **Temporary political sign.** A temporary political sign not more than thirty-two (32) square feet, may be erected on private land or in the R-O-W in any zoning district, and constructed so as not to create any hazardous or dangerous conditions to the public, impede flow of traffic or affect safe sight distances. [Ord. No. 96-28]
3. **On-premises directional signage.** On-premises directional signs for individual parcels shall be permitted for communicating directions for vehicle maneuvering or location of site features. The total surface area shall not exceed eight (8) square feet nor be over five (5) feet in height.
4. **Window signs.** Window signs shall not exceed twenty five (25) percent coverage of the glass area. All glass doors shall be included in the calculation for total glass area. Any sign on display or hung in front of or within one (1) foot behind the window is considered a window sign.
5. **Vehicle signs.** The purpose and intent shall be to regulate and limit vehicles with advertising from continuously parking adjacent to a R-O-W.
 - a. Unless there is only one (1) row of parking, between the building and the R-O-W, vehicles with advertising shall not park in the row of parking or any area adjacent to the R-O-W.
 - (1) The following are exempt:
 - (a) vehicles with advertising signs, when the vehicles are making deliveries to that business (U.S. Postal Service, UPS, Federal Express) or vehicles used in conjunction with a special promotion with a valid permit;
 - (b) vehicles with advertising signs with letters less than eight (8) inches in height and less than eight (square feet in area); and,
 - (c) vehicles in an industrial zone parked in vehicular use areas.
6. **Real estate signs.** A temporary sign conveying instructions with respect to the sales, rental, or lease of a lot, premises, dwelling, structure or a combination thereof, shall relate only to the premises upon which the sign is located, and shall be exempt if in compliance with the following standards:
 - a. One real estate sign per R-O-W frontage on which the premises abuts shall be permitted on residential parcels of less than five (5) acres. Signs shall not exceed eight (8) square feet and a maximum height of five (5) feet;
 - b. One real estate sign per R-O-W frontage on which the premises abuts shall be permitted on residential parcels of five (5) acres or more and all non-residential parcels. Signs shall not exceed thirty-two (32) square feet and a maximum height of twelve (12) feet; and
 - c. The minimum setback of the sign shall be five (5) feet from all base building lines.
7. **Mobile vendor sign.** Signage for vendors shall be limited to one sign, with a maximum sign face area of ten (10) square feet. The sign shall be no closer to any property line than the vendor's display. Banners, pennants, balloons or flags shall be prohibited. If the mobile vendor vehicle signage is greater than eight (8) square feet then the vendor shall not be permitted any additional signage.

8. **Removal of temporary signs.** All temporary signs shall be removed within 30 days after completion of the event for which the sign was erected.

[Ord. No. 93-4] [Ord. No. 94-23] [Ord. No. 96-28] [Ord. No. 97-64]

J. **On-site signs subject to special standards.** The following on-site signs shall be permitted by building or special permit and subject to the following special standards.

1. **Electrical sign.** An electric sign in any zoning district, shall be subject to the technical requirements contained in the Palm Beach County Electrical Code.

2. **Entrance wall signage.** No sign shall be placed on fences or walls in any zoning district except a development identification sign located at an entrance and placed on a entrance wall in that development. An entrance wall with signage shall be for the purpose of identifying the development and shall be subject to the following standards:

a. entrance wall signage shall not be located in any safe distance triangle;

b. entrance wall signage shall be located a minimum of five (5) feet from any and all base building lines and shall be within 250 feet of any access point or the intersection of two collector or higher classification streets; [Ord. No. 01-01]

c. if the entrance wall sign exceeds eight (8) feet in height, it shall meet the height and setback standards in the zoning district in which it is located; and

d. lettering shall be no greater than twenty-four (24) inches in height and the sign surface area shall not exceed sixty (60) square feet. The copy or logo shall only identify the development and shall be affixed on the face of a wall or fence.

3. **Freestanding flagpole and flag size.**

a. There shall be a maximum of three (3) flags allowed on any one parcel. Flagpoles require a building permit, but flags flown from an approved structure do not require a permit.

b. The maximum height of any flagpole shall not exceed fifty (50) feet.

c. A flag pole suspended from or mounted on a building shall not exceed fifteen (15) feet above the highest point (peak) of the building or structure, not including structures exempt from this Code's height limits, such as spires or steeples.

d. The setback for a flagpole shall be one hundred and three (103) percent of the flag's largest possible dimension.

e. The maximum height of a flag shall be thirty (30) percent of the total height of the flagpole. The length of the flag shall be no greater than two (2) times its maximum allowable height.

f. A flag not attached to a flag pole shall not exceed five (5) feet by ten (10) feet.

4. **Directional signage internal to residential developments.** Directional signage within residential developments and subdivisions shall be for communicating directions within the residential community. The following regulations shall apply:

- a. The directional signs shall be of similar type and style throughout the planned development;
 - b. The directional signs shall not exceed twenty- four (24) square feet and a maximum height of eight (8) feet; and,
 - c. The directional sign shall contain no advertising copy, other than logo or company name.
5. **Directional signage internal to non-residential development.** Directional signage within non-residential development shall be for communicating directions to the general public. The following regulations shall apply:
- a. A maximum of four (4) directional signs internal to the development shall be permitted. In planned developments, each parcel shall be treated as a separate development.
 - b. The directional signs shall not exceed twenty (20) square feet and a maximum height five (5) feet;
 - c. The directional sign shall contain no advertising copy, other than logo or company name.
[Ord. No. 01-01]
6. **Directional signage for non-residential development internal to a LS/MU or MLU overlay.** Directional signage for non-residential development within a LS/MU or MLU shall be for communicating directions to the general public. The following regulations shall apply:
- a. A maximum of four (4) directional signs internal to the LS/MU or MLU shall be permitted.
 - b. The directional signs shall not exceed twenty (20) square feet and a maximum height five (5) feet;
 - c. The directional sign shall contain no advertising copy, other than logo or company name.
[Ord. No. 01-01]
7. **Project identification signs.** Project identification signs shall be permitted for PUDs for the purpose of identifying the limits of the project. The following regulations shall apply:
- a. Project identification signs shall be limited to PUDs with a minimum of two thousand two hundred (2,200) feet of frontage along a collector or arterial street.
 - b. A maximum of two (2) project identification signs per road frontage with PUD access.
 - c. The project identification sign shall not exceed twenty-five (25) square feet. Signs shall only be permitted to be attached to a buffer wall or project identification feature a maximum of six (6) feet in height.
 - d. Lettering shall be no greater than twelve (12) inches in height.
 - e. The project identification sign shall contain the name of the project only.
 - f. Project identification signs shall be permitted at the project corners only.
 - g. Each sign shall be setback a minimum of five (5) feet from the base building line.

h. Project identification signs shall be constructed of stone, marble, wood, and/or masonry block, concrete or stucco consistent with the PUD's entrance wall signage.
[Ord. No. 01-01]

8. **Point of purchase signs.** Point of purchase signs in any zoning district are subject to the standards of this section.

a. **Freestanding signs.** The maximum number, height, and area and the location of freestanding signs shall be governed by the following Table and supplementary standards. [Ord. No. 01-01]

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**TABLE 7.14-1
TABLE OF SIGN STANDARDS**

Right-of-Way in Width ¹ in Feet	Maximum Height in Feet			Maximum Single Face Sign Area in Square Feet			Maximum Number of Signs by R-O-W Frontage
	C/C	C/R	R	C/C	C/R	R	
≥110	30	20	10	240	180	100	3≥400 2<400 1≤250
≥80 <110	25	15	10	180	140	80	3≥400 2<400 1≤250
< 80	10	8	6	124	96	60	3≥400 2<400 1≤250

¹ The ultimate rights-of-way distances indicated on the Thoroughfare R-O-W Protection Map adopted by Palm Beach County shall be used for determining sign height and sign area. See Section 6.5.G.7 (Base building line). [Ord. No. 01-01]

Notes to TABLE 7.14-1:

- < = less than
 - > = greater than
 - ≤ = less than or equal to
 - ≥ = greater than or equal to;
 - C/C = commercial, industrial or non-residentially zoned parcels adjacent to commercial, industrial or non-residentially zoned parcels
 - C/R = commercial, industrial or non-residentially zoned parcels adjacent to any residentially zoned parcel
 - R = residentially zoned parcels.
- [Ord. No. 01-01]

(1) Location.

- (a) Freestanding signs shall be located at least five (5) feet from all base building lines, or from the existing R-O-W when encroachment approval has been granted pursuant to Sec. 6.5.C.7.c. In addition, signs shall be located so as to meet visibility requirements for landscaping within safe sight distance triangles in accordance with Sec. 7.3. [Ord. No. 01-01]

- (b) There shall be a minimum of a forty-eight (48) foot separation measured by a radius between all signs on non-residentially zoned parcels, including between signs on adjacent parcels, except that all parcels shall be entitled to at least one sign unless prohibited by other sections of this Code.
- (c) There shall be a minimum of a ninety-six (96) foot separation, measured by a radius, maintained between signs on residentially zoned parcels.
- (d) In determining maximum height and maximum sign area, a distance radius of one-hundred and twenty (120) feet, measured by a radius, shall be extended in every direction outward from the location of the sign to determine the appropriate zone classification of the adjacent parcels. When using Table 7.14-1, the following classifications shall apply:
 - i) When the parcel where the sign is to be located is zoned non-residential the C/C classification shall apply if the radius only intersects the parcel lines of non-residentially zoned parcels;
 - ii) When the parcel where the sign is to be located is zoned non-residential the C/R classification shall apply if the radius intersects the parcel lines of both non-residentially and residentially zoned parcels;
 - iii) When the parcel where the sign is to be located is zoned non-residential the C/C classification shall apply if the radius does not intersect any other parcel; or,
 - iv) When the parcel where the sign is to be located is zoned residential the R classification shall apply. the radius only intersects the parcel lines of residentially zoned parcels.
- (e) Freestanding signs erected in a median within an access way to a development shall not exceed sixty (60) square feet. Such signs shall be set back a minimum of four (4) feet from the face of curb, or from the edge of adjacent pavement where no curb exists, and a minimum of ten (10) feet from the nearest R-O-W of any adjacent street. There shall be at least thirteen and a half (13.5) feet clearance above the adjacent pavement if the sign overhangs the access way. In addition, such signs shall be located so as to meet visibility requirements for landscaping within safe sight distance triangles in accordance with Sec. 7.3. (Landscape & Buffering).

[Ord. No. 99-37]

(2) Sign face area.

- (a) The maximum accumulative total square footage of sign area of all signs allowed per R-O-W frontage for any parcel shall not exceed four-hundred and eighty (480) square feet or the amount determined in (d) below whichever is less.
- (b) For the purpose of this Code, all sign face square footage calculations shall be computed for a single-face. When a sign has two (2) or more faces, it is a multifaced sign. The computation of the area for a multifaced sign shall be as follows:
 - i) the total square footage of a multifaced sign shall be calculated by enclosing all vertical planes to create a solid geometric shape (excluding horizontal planes, support structures, or other decorations without copy and area devoted to address). The total of all surface areas determined above shall be divided by two (2) to determine a single face sign area equivalent for the multifaced sign. Refer to Table 7.14-1 for the maximum single-face equivalent sign area allowable.
- (c) The total square footage for any single-faced sign shall be no larger than the square footage allowed on Table 7.14-1.
- (d) To determine maximum single face sign area square footage allowed per R-O-W frontage for any parcel calculate the following:

- i) Land area of a parcel in square footage unless the depth of the parcel exceeds the frontage by four (4) times or more, whereupon multiply by 0.4 and then calculate ii) or iii) below whichever applies;
 - ii) If the total square footage is 130,680 square feet or less, maximum single face sign area allowable shall be equal to the total parcel square footage (i above) times .003 or three hundred (300) square feet whichever is less; or,
 - iii) If the total square footage is greater than 130,680 square feet, the maximum single face sign area allowable shall be equal to the total parcel square footage (i above) times .002 or three hundred (300) square feet whichever is greater.
- (e) If the parcel's frontage is fifty (50) feet or less, maximum single face sign area shall not exceed one hundred twenty (120) square feet or the maximum single-face sign area as calculated in (d) above, whichever is less.
 - (f) Address/street numbers are required on at least one freestanding sign per parcel with a minimum height of six (6) inches for the numbers. This shall not be calculated in the total sign area.
- (3) Freestanding signs shall not be permitted in conjunction with roof signs or projecting signs.
 - (4) The primary identification sign at a shopping center may show name or logo of an outparcel, outbuilding, or adjacent parcel, provided;
 - (a) Access to the outparcel, outbuilding, or adjacent parcel can be made through the shopping center; and,
 - (b) The outparcel, outbuilding or adjacent parcel and the shopping center are common to a planned commercial development or both parcels are subject to a recorded Unity of Control document with Palm Beach County as a third party beneficiary, insuring reciprocal ingress and egress. However, the land area of the outparcel, outbuilding or adjacent parcel shall not be included when calculating the allowable sign area for the shopping center identification sign.
 - (5) Changeable copy shall cover no more than ten percent (10%) of the face area. [Ord. No. 01-01]
 - (a) **Exception.** The following uses shall be exempt from the changeable copy restriction: church or place of worship and indoor and outdoor theaters. [Ord. No. 01-100]

b. Wall signs.

- (1) No sign shall be mounted at a distance measured perpendicular to the surface of a building greater than thirty-six (36) inches from the surface of the building to the face of the sign. The total square footage of all wall signs on any wall of the individual business establishment shall not exceed in surface area or sign area one and one-half (1 1/2) times the length of the wall to which it is attached. A wall shall be considered continuous if the recesses or projections are less than five (5) feet in any direction. [Ord. No. 01-01]
- (2) Side wall or rear wall signage shall not exceed fifty (50) percent of the maximum square footage specified by Sec. 7.14.J.8.b.1. Side wall or rear wall signage adjacent to residential parcels shall not exceed twenty-five (25) percent of the maximum square footage specified by Sec. 7.14.J.8.b.(1). [Ord. No. 01-01]
- (3) There shall be a minimum separation of three (3) feet between wall signs. No wall sign shall cover wholly or partially any required wall opening.
- (4) No wall sign shall coexist with any projecting sign, except projecting signs under cover in Sec. 7.14.J.6.c. [Ord. No. 01-01]
- (5) Signs located on the building shall be considered wall signs. The top of a wall sign shall be located at least six (6) inches below the peak of the roof. [Ord. No. 01-01]
- (6) Solid doors with signage shall be included in calculating the maximum allowed square footage of wall signage.
- (7) **Awning signs.** Awning signs are considered wall signs.

- (a) **Non-functional awnings.** When signage is attached to or incorporated into non-functional awnings, the entire awning shall be considered a sign.
- (b) **Functional awnings.** Signage attached or incorporated into awnings which function as cover or shade, shall be calculated by enclosing the copy area of the lettering or logo and applying the wall sign standards of Sec. 7.14.J.6.b. [Ord. No. 01-01]
- (8) **Maximum number of wall signs.**
 - (a) **Single occupancy building.** A maximum of one (1) wall sign per front wall facade per principal tenant shall be permitted.
 - (b) **Multiple occupancy building.** A maximum of one (1) wall sign per front wall facade per tenant shall be permitted provided the tenant has a licensed building frontage and direct ground level walk-in access from a street or sidewalk. [Ord. No. 01-01]
- (9) Wall signs shall contain no advertising copy, other than logo or company name. [Ord. No. 01-01]
- (10) **Changeable copy.** Changeable copy shall cover no more than ten percent (10%) of the face area. [Ord. No. 01-01]
 - (a) **Exception.** The following uses shall be exempt from the changeable copy restriction: church or place of worship and indoor and outdoor theaters. [Ord. No. 01-100]
- c. **Projecting signs under cover.** Projecting signs shall be permitted under canopies or covers in conjunction with pedestrian walkways, however, the sign copy shall not be readable from the street.
 - (1) The maximum square footage shall not exceed six (6) square feet. [Ord. No. 01-01]
- d. **Electronic message center signs.**
 - (1) It is the intent of Palm Beach County Board of County Commissioners to provide electronic message center signs as signage option for regional facilities or specialized attractions which by their operating characteristics are unique in their sign requirements. Facilities which may be found by the Board of County Commissioners to be appropriate for electronic message signage would typically be mixed use in character have serial performances and be regional in attraction and scale.
 - (2) All the following electronic message center signs are exempt from the requirements of this subsection regulating electronic message center signs. Exempt electronic message center signs shall comply with all substantive and procedural requirements of the building, electrical and sign code as applicable.
 - (a) Electronic message center signs that display time, date, temperature or related weather information only, provided the message unit is less than twenty (20) square feet in area or twenty-five (25) percent of the total allowable sign area, whichever is greater.
 - (b) Electronic message center signs that are interior to a project and are not readable from any of the following:
 - i) any adjacent parcel;
 - ii) within any structure on any other parcel; or,
 - iii) six foot or less above grade level from any adjacent public or private R-O-W.
 - (3) The following are prohibited:
 - (a) Flashing lights or signs alone or in conjunction with an electronic message center sign;
 - (b) Electronic message center signs for restaurants, golf courses, hotels or motels, professional or medical offices, or retail establishments, except regional malls in excess of one (1) million square feet. This prohibition shall not be construed to prohibit electronic message signs at mixed use facilities;
 - (c) Any message that resembles traffic controlled devices or any items or messages that are determined to be confusing or misleading as a traffic control device;
 - (d) Electronic message center signs in windows, such as stock market reader boards;

- (e) Computer attention getting message delivery systems including but not limited to the following: twinkle; flash; zoom; roll; scroll;
 - (f) No reflectorized lamps; and,
 - (g) No lamps over thirty (30) watts.
- (4) Development permits for electronic message center signs shall require approval as a Class A conditional use. The application, review and approval processes shall occur pursuant to Sec. 5.4.E of this Code. [Ord. No. 01-01]
- (5) Criteria for Issuance of a Permit. The criteria set forth herein are in addition to the development regulations set forth in this section and this Code. In the event of a conflict in regulations, the most strict shall apply.
- (6) Prior to certification by the DRC of an application for a development permit for an electronic message center sign, staff shall find that the proposed sign complies with the following locational and design requirements: [Ord. No. 01-01]
- (a) **Locational criteria.**
 - i) All electronic message center signs shall be located in a General Commercial (CG), Commercial Recreation (CRE), Public Ownership (PO), or Light Industrial (IL) zoning district. [Ord. No. 01-01]
 - ii) No electronic message center sign shall be located on any parcel or within any development that is contiguous on any side parcel line to land that is designated by the Comprehensive Plan or is used as residential.
 - iii) Electronic message center signs shall not be readable from any land that is designated by the comprehensive plan or used as residential.
 - iv) Electronic message center signs shall only be located or fronting on roadways classified as arterials or expressways.
 - v) Electronic message center signs shall be located a minimum of one thousand (1,000) feet from any expanded signalized intersection and shall not be readable from the intersection.
 - vi) No more than one electronic message center sign shall be permitted per development or event.
 - (b) **Design requirements.**
 - i) The height of all electronic message center signs shall be determined by utilizing Table 7.14-1.
 - ii) The applicant shall provide assurance that the message unit:
 - a) shall not change copy, light, color, intensity, words or graphics more than once per two (2) seconds;
 - b) shall not exceed thirty-five (35) percent of allowable single-face square footage in area; and,
 - c) shall not exceed fifty (50) percent of allowable single-face square footage in area on expressways.
 - (c) Electronic message center signs shall comply with the following minimum setback requirements:
 - i) front = fifteen (15) feet.
 - ii) side interior = thirty (30) feet.
 - iii) side corner = fifty (50) feet.
- (7) In reviewing applications for electronic message center signs, the Board shall impose conditions as necessary to assure that the sign is compatible with and minimizes adverse impacts on the area surrounding the proposed sign, including but not limited to conditions related to:
- (a) enhanced landscaping;
 - (b) visual buffers of earth or vegetation material;
 - (c) height limitations;

- (d) additional restriction on the frequency of message change;
 - (e) orientation or location of the proposed sign;
 - (f) find that the sign will be designed to minimize potential distraction or confusion to passing motorists;
 - (g) find that the sign is of the same architectural character as the principal use;
 - (h) find that the sign will not be a nuisance to occupants of adjacent and surrounding properties by its size, brightness, movement or location; and,
 - (i) find that the sign is accessory to a use which by its nature demonstrates a unique need to communicate more information than is ordinarily needed for a business or attraction. Further, the Board shall find that the use is regional in scale and attraction.
- (8) Effect of issuance of a permit for an electronic message center sign. The development order for the electronic message center sign shall be subject to the time limitation on use of development orders pursuant to Sec. 5.8 of this Code.
[Ord. No. 93-4] [Ord. No. 94-23] [Ord. No. 99-37]

K. Master sign plan. The purpose and intent of a master sign plan is to provide a master record of signs on a parcel and to assure compatible sign applications. Further, the intent of this section is to create unification of signage within parcels but not between parcels that are common to a planned commercial development and out-parcels. [Ord. No. 01-01]

1. PDDs and all uses subject to the ZC, BCC or DRC approval shall be required to submit a master sign plan to the Zoning Division at the time of application. [Ord. No. 01-01]
2. A master signage plan shall be submitted prior to site plan certification and shall consist of the following:
 - a. An accurate plot plan of the subject parcel, with the property control number for reference, at such scale as the Zoning Director may reasonably require;
 - (1) Location of buildings, parking lots, driveways, and landscaped areas on subject property;
 - (2) Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the subject property;
 - (3) An accurate indication on the plot plan of the proposed location of each present and future sign of any type; and,
 - (4) A visual representation of unified color, unified graphics, base planting details, materials and illumination and conformance to all sign related standards. Colors utilized by a business or corporation which are recognized on a national basis as an identification factor or element may be exempted by the Zoning Director.

L. Sign and Premises Maintenance. All freestanding signs and premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary, and inoffensive condition, and free and clear of all noxious substances, rubbish and weeds.

M. Technical standards.

1. Construction generally. Unless exempted signs shall be constructed and installed in accordance with the technical standards administered in the Building Codes Enforcement Administrative Code, as amended from time to time, which is incorporated herein by reference.
2. General standards for all zoning districts.

- a. Where other sign or outdoor advertising regulations are in effect and are more restrictive than the provisions of this section, the more restrictive provisions shall prevail.
- b. Reflectors and lights shall be permitted on ground signs and wall signs, provided, however, that the light source shall provide proper shielding so as to prevent glare upon adjacent residential land.
- c. No sign shall exceed thirty (30) feet in height, except as provided herein.
- d. No portion of any sign shall project over a public sidewalk or R-O-W. Any sign located in required landscaped areas shall comply with Sec. 7.3 (Landscaping and Buffering).

N. Removal or alteration of certain signs. Unsafe or dangerous signs shall be removed or improved in accordance with the Palm Beach County Building Codes Enforcement Administrative Code.

O. Labels.

1. Every sign erected, constructed, painted, or maintained, for which a permit is required shall be plainly marked with the name of the person erecting, painting, and maintaining such sign, and shall have painted or affixed on the sign and visible from the parcel the number corresponding to the permit issued for the sign.
2. Upon issuance of a sign permit to a sign contractor, the contractor shall provide, in a clearly visible location, the permit number in a contrasting color, a minimum of one inch (1") high, or request an adhesive sticker from the Building Department to be applied to the sign.
3. The absence of the permit number shall be prima facie evidence that the sign or advertising structure is being operated in violation of this section. [Ord. No. 97-14]

P. Persons responsible for compliance. Persons who shall be charged with violations of this section are:

1. The owner, agent, lessee, tenant, contractor, or any other person using the land, building, or premises where such violation has been committed or shall exist;
2. Any person who knowingly commits, takes part or assists in such violation; and,
3. Any person who maintains any land, building, or premises in which such violation shall exist.

Q. Administration and enforcement of this section.

1. **Authority.** The Board of County Commissioners by itself or through PZB shall adopt procedures for enforcing and administering this section and to employ those persons necessary for such administration and enforcement.
2. **Building Codes Enforcement Administrative Code.** The Building Codes Enforcement Administrative Code, as may be amended from time to time, is hereby adopted by reference and is incorporated herein, and is intended to provide for the administrative aspects of the Sign Code.
3. **Removal of signs in violation of this section.**

- a. **Illegal signs in general.** All signs, banners and other fixtures or structures governed by this section (Signs) shall conform to the regulations herein. A sign not erected, constructed or located in conformance with this section is an illegal sign.
- b. **Procedures for notification, removal and storage of illegal signs.** Except as provided in subsection c (Illegal Signs In Rights-of-Way) below, Palm Beach County shall enforce sign regulations according to the procedures outlined in this subsection and as provided for in the Palm Beach County Code Enforcement Citation Ordinance.
- (1) **Tagging.** If a sign is erected, constructed or located in violation of this Code, the County shall attach a notice to the sign stating the violation and any corrective measures needed to bring the sign into compliance with this section. The notice shall further specify that the sign will be removed after 10 days have lapsed from the date the tag was placed on the sign, if the specified corrective measures have not been taken.
- (2) **Removal and storage.** If corrective measures have not been complied with after 10 days of placement of the tag on the sign, the Department shall remove and store the sign in an appropriate storage facility at the expense of the sign owner or the owner of the parcel upon which the sign is located. The storage period shall be at least 30 days.
- (3) **Notice.** Upon removal and storage of the sign, a Notice of Violation and Removal and Storage shall be sent directly to the named owner of the sign, if the owner's address can be readily ascertained from the sign or the address where the sign was located. The notice shall also provide information as to where the sign is stored, how the sign may be reclaimed and the owners right to appeal.
- (4) **Return or destruction.** Any sign which has been removed from private property pursuant to the above provisions, may be claimed by and returned to the property owner. Release of any sign shall be by written authorization of the Director of Code Enforcement upon showing of ownership and payment of a sum appropriate to compensate the County for the expenses of locating, tagging, notice, removal, and storage of the sign.
- Any sign that remains unclaimed after 30 days from the date of removal shall become the property of the County and may be disposed of in any manner deemed appropriate by the County. Destruction of the illegal sign shall not extinguish any claim for payment of unpaid fees. Any cost associated with removal of an illegal sign, including cost of collecting unpaid license fees, may also be assessed to the sign owner and the owner of the property upon which the sign is located. No new sign permit application shall be accepted from the owner of the illegal sign until all fees and costs associated with removal and storage of any illegal sign(s) are paid.
- c. **Illegal signs in public rights-of-way.** Unless explicitly provided for in this Section or otherwise by law, or agreement with the appropriate government agency, no sign shall be located in public rights-of-way. Signs or other structures located in public rights-of-way shall be considered illegal, a safety hazard and a trespass upon public property.
- Illegal signs in public rights-of-way shall be immediately removed by the County. Such signs need not be stored and may be immediately disposed of in any manner deemed appropriate by the County. However, if the approximate reasonable value of the sign or other structure is greater than three hundred dollars (\$300) and the sign bears the name of the owner, the sign owner shall be notified and the sign shall be removed and stored, and returned or destroyed in accordance with procedures in Sec. 7.14.P.3.b (Procedures for Notification, Removal and Storage of Illegal Signs), above.
- d. **Use and removal of political campaign signs.** Use and removal of political campaign signs shall be governed by Sec. 106.1435, Fla. Stat. (Usage and removal of political campaign advertisements), except that the good faith effort to remove all signs shall be made within ten (10) days after the election.

- e. **Procedure for appealing the removal of a sign in violation of this section.** The sign owner may appeal the action of Palm Beach County by delivering a written request for an administrative hearing to the Director of Code Enforcement within 30 days from the date of removal of any sign. Said request shall identify the specific sign in question and state the reason why the sign owner believes the removal of the sign was improper. In the event the County finds the sign to be legal, the fee for locating, tagging, noticing, removal or storage shall be waived.
4. **Other legal remedies.** In addition to all criminal penalties and other enforcement procedures, the Board of County Commissioners may institute any lawful civil action or proceeding to prevent, restrain or abate the following violations of this chapter:
 - a. The unlawful construction, erection, reconstruction, alteration, rehabilitation, expansion, maintenance or use of any sign or sign structure.
 - b. The illegal act, conduct, business, or use of, in or about such premises related to any sign or sign structure.

R. Off-premises signs.

1. **Purpose and intent.** It is the purpose and intent of the Board of County Commissioners to prohibit billboards and similar large off premises signs in order to improve the aesthetic appearance of unincorporated Palm Beach County. It is also the purpose and intent of the Board of County Commissioners to remove and amortize all billboards and similar large off-premises signs in order to cure the visual and aesthetic degradation caused by these structures and to achieve the goal of an aesthetically improved built environment. Small off-premises signs which are directional in nature are permissible.
2. **Types prohibited.** No off-premise sign greater than twenty-four (24) square feet in sign face or eight (8) feet in height shall be permitted.
3. **Permitted off-premises directional signs.** Off-premises signs shall be for communicating information directional in nature to the general public and shall be permitted and approved with conditions and upon compliance with the following:
 - a. Off-premises directional signs shall only be permitted to be erected at a property line adjacent to an arterial or collector street and shall be within fifty (50) feet of the point of ingress.
 - b. Off-premises directional signs shall only be allowed where parcels have access but have no frontage on that arterial or collector street.
 - c. All off-premises directional signs shall be located a minimum of five (5) feet from all base building lines.
 - d. Each parcel, on which the off-premises directional sign is erected, shall not have more than one freestanding off-premises directional sign per access or frontage. Outparcels of a valid planned commercial developments shall be considered separate parcels.
 - e. Off-premises directional signs shall not exceed twenty-four (24) square feet nor be more than eight (8) feet in height.

- f. Off-premises directional signs shall only be directional in nature. At least fifty (50%) percent of the sign shall be for directional purposes with no more than fifty (50%) percent of the sign dedicated for name or logo identification. The standard sign size shall be four (4) foot by six (6) foot.
 - g. Off-premises directional signs shall only be permitted on parcels as follows:
 - (1) parcels adjacent (common property lines) to the parcel identified on the directional sign; and,
 - (2) parcels subject to a recorded unity of control document, with Palm Beach County as a third party
 - (3) beneficiary, insuring ingress and egress to the parcel identified on the directional sign.
4. **Freestanding structure required.** Off-premises signs shall be completely independent, freestanding structures. They shall not be attached to any other structure, nor shall any structure, including other signs, be attached to an off-premises sign.
5. **Prohibited in rights-of-way and easements.** No off-premises sign shall be erected in any public or private R-O-W or easement.
6. **Applicability of the other provisions.** Unless expressly provided to the contrary, all other provisions of this section shall apply to the construction, reconstruction, establishment, and maintenance of an off-premises sign.
7. **Special inspection requirements.** No off-premises sign shall be erected, reconstructed, or replaced without having been subject to a final, on-site inspection by the PZB Department.
- a. A tie-in survey shall be provided to the PZB Department prior to or at the time of final on-site inspection for each off-premises sign which shall be erected, replaced, or substantially reconstructed after March 10, 1986. The tie-in survey shall be prepared by a land surveyor licensed to practice in the State of Florida. The survey shall certify that the off-premises sign has been properly placed with respect to all height, setback, spacing, and other locational standards of this section and of Florida law.
 - b. Any off-premises sign which is erected, replaced, or substantially reconstructed in contravention of this section shall be considered to be an illegal sign and subject to enforcement as provided by law.
8. **Removal of illegal signs.**
- a. The PZB Department shall remove any illegal off-premises sign without further notice if the permit holder does any of the following:
 - (1) Fails to appeal within the time permitted.
 - (2) Fails to pay required license fees within the time allowed.
 - (3) Violates this section in any other way.
 - b. The PZB Department may remove the illegal off-premises sign itself or arrange to have it removed by a contractor.
 - c. Removal of the illegal off-premises sign shall not extinguish any claim for payment of unpaid fees. Any costs associated with removal of an illegal off-premises sign, including costs of collecting unpaid license fees, shall also be assessed to the permit holder. No new permit applications shall be accepted from the same permit holder until all fees and costs associated with removal of illegal off-premises signs are paid.
9. **Nonconforming off-premises signs.**

- a. All off-premises signs and structures existing and in place on November 28, 1988, except those that are less than twenty (20) square feet in sign face and eight (8) feet in height, are declared nonconforming to this section. Any legally issued building permits for off-premises signs issued prior to this date shall be honored, but shall be subject to the amortization schedule established by this section. Such building permits shall not be renewed if they expire for any reason.
- b. All signs and sign structures which are non-conforming to the standards of this section but which were erected lawfully because of a variance previously granted or because of conformance with the previously existing sign regulations at the time their permit was issued or the time the sign was erected, shall be removed according to the schedule in Sec. 7.14.R.9.d. by the owner of the sign or the owner of the land or be brought into compliance with the terms contained herein, except for the following:
[Ord. No. 01-01]
 - (1) Any nonconforming sign located on an interstate or federal aid primary highway, which is protected from removal by the Federal Highway Beautification Act or Chapter 479, Florida Statutes, by reason of providing compensation for removal shall be exempted from the removal terms of this subsection. This shall not, however, preclude Palm Beach County from seeking to remove any such sign through an eminent domain proceeding, nor achieving sign conformance by other lawful means. In the event the Federal Highway Beautification Act or Chapter 479, Florida Statutes, is repealed, amended or adjudicated to not require compensation, then the removal provisions contained in (c) below shall apply.
- c. Amortization schedule.
 - (1) For the purposes of this section, an amortization schedule is hereby established. The date of notice of amortization to the underlying land owners and sign owners shall be nine (9) months from the effective date of this section. The amortization period set out in section (2) below shall commence at the date of notice of amortization.
 - (2) The following is the amortization schedule for those prohibited, nonconforming off-premises signs:
 - (a) Off-premises signs shall be removed five (5) years from the official amortization date, November 28, 1988.
 - (b) Additional amortization shall be provided for signs in existence five (5) years or less upon timely request of the sign owner to the director of the planning, zoning and building department, submission of adequate documentation regarding the sign, and approval of the request by the director as provided below:
 - i) Those off-premises signs that have been in existence for less than three (3) years shall be removed eight (8) years from the official amortization date.
 - ii) Those off-premises signs that have been in existence from the three (3) years to five (5) years shall be removed six (6) years from the official amortization date.
 - (c) It shall be the responsibility of a sign owner or underlying property owner seeking additional amortization based on the existence of the sign for five (5) years or less to submit a written request to the director of the planning, zoning and building department at least ninety (90) days prior to the expiration of the five-year amortization period. Such requests shall contain sufficient documentation to determine the age of the sign. Documentation shall be by copy of a building permit, construction contract, or other documentation determined to be sufficient by the director to determine the age of the sign. Documentation shall also include a copy of the current tag number of the sign and the legal description of the property on which the sign is located. The director shall make a written determination regarding the request for additional amortization. If the director determines the information provided is insufficient to determine the age of a sign, the request for additional amortization shall be denied. [Ord. No. 93-4]

- (3) If a land owner of the sign or sign structure believes the schedule in section 2 above does not minimize its loss, recoup its initial investment, or is generally unreasonable given the specific conditions of that sign or sign structure, the land owner or sign owner may petition the Board of Adjustment for an extension of the amortization time period. The Board of Adjustment may extend the amortization time period for up to an additional five (5) years if it concludes that a particular sign or sign structure requires additional time to minimize its loss or recoup its investment. The petition for additional amortization shall be submitted to the Board of Adjustment at least ninety (90) days prior to the expiration of the five (5) year amortization period.
 - (4) In an effort to encourage compliance with the schedule in (2) and reduce litigation expense, the underlying land and sign owner may waive the right in (3) in exchange for an additional two (2) years of amortization. The waiver shall be in the form of a legal instrument signed by the sign owner, the underlying land owner and any person or entity having a legal and equitable interest.
- d. Pursuant to Sec. 171.062 of Fla. Stat., legal nonconforming signs which exist on land annexed into a city on or before the city amends its comprehensive plan and zoning code to directly conflict with the provisions of this section shall be subject to the removal or compliance provisions contained in this section.

S. License.

1. Required.

- a. No person shall erect, operate, use, or maintain, or cause to be erected, operated, used or maintained, any off-premises sign within the unincorporated area of the county without first obtaining an annual license. This annual license shall apply both to each off-premises sign existing on March 10, 1986, as well as to each off-premises sign which may be erected after such date. Legally permitted off-premises directional signs as allowed by Sec. 7.14.Q.3. shall be excluded from obtaining an annual license.
- b. Any off-premises sign which is erected, operated, used or maintained in violation of this section shall be considered an illegal sign, and immediately subject to enforcement action as provided by law.

2. Fee.

- a. No person shall erect, operate, use or maintain, or cause to be erected, operated, used or maintained, any off-premises sign within the unincorporated area of the county without first paying an annual license fee. This annual license fee requirement shall apply both to each off-premises sign existing on March 10, 1986, as well as to each off-premises sign which may be erected after such date. The proceeds of the annual license system shall be used by the PZB Department to defray the costs of administering this chapter.
- b. The annual license fee for an off-premises sign shall be fifty dollars (\$50.00) for each off-premises sign face. For signs to be erected hereafter, the annual license fee shall be paid upon application for a permit to erect an off-premises sign. For all off-premises signs existing on March 10, 1986, the annual license fee shall be payable upon the expiration date established below. The annual permit fee shall be prorated in the first year that an off-premises sign is erected by payment of an amount equal to twenty-five (25) percent of the annual fee for each remaining whole quarter or partial quarter of the permit year remaining. The license fee shall be reviewed in 1988 and each year thereafter and may be adjusted as necessary to defray the costs of administering this chapter.
- c. On or before July 1 of each year, the PZB Department shall:

- (1) Provide an inventory to each permit holder of all currently valid permits which were issued to him prior to that date.
 - (2) Notify the permit holder of all annual license fees due.
 - (3) Inform the permit holder of the procedures he shall follow to pay required license fees.
 - (4) Inform the permit holder of the consequences of failure to pay required license fees. The permit holder shall thereupon notify the PZB Department no later than September 1 of each year of any additions, deletions, omissions, or errors in the annual inventory and license fee calculations. Upon receipt of a corrected inventory list from the permit holder, the PZB Department may adjust the amount of license fees charged or may reject the permit holder's claims.
3. **Expiration; renewal; license tags.** Each annual off-premises sign license shall expire on September 30 of each calendar year. All license fees shall become due and payable on October 1 of each calendar year. License tags shall be prominently displayed upon the off-premises sign in order to be visible from the street.
- a. **Violations.**
- (1) If a permit holder fails to submit fees required by this section prior to or upon the annual expiration date, the PZB Department shall:
 - (a) Immediately issue a notice of violation as specified below; and [Ord. No. 01-01]
 - (b) Suspend acceptance of any new applications for off-premises signs from the same permit holder. No new permit applications shall be accepted from the same permit holder until final resolution of any disputes arising from the PZB Department's actions.
 - (2) In the event that disputes arise regarding the amount of annual license fees charged, the permit holder may establish an escrow account into which he shall pay an amount equal to that portion of fees and other charges assessed by the PZB Department which is in dispute. The PZB Department shall be named as the beneficiary of the escrow account. This escrow account shall be established prior to the annual expiration date and shall remain in effect until final resolution of the dispute. Affected off-premises signs shall continue to be treated as illegal signs; however, as long as the escrow account remains in effect, they shall not be removed as provided in this division.
 - (3) The notice of violation shall be sent by certified mail, return receipt requested. At a minimum, it shall:
 - (a) Indicate the total amount of annual license fees due.
 - (b) Indicate that the permit holder has thirty (30) days from the date of mailing in which to pay the total fee due.
 - (c) Assess an additional delinquency fee equal to twenty-five (25) percent of the amount due.
 - (d) Inform the permit holder that failure to pay all required fees within the time allowed shall constitute a violation of this chapter and his off-premises signs shall thereupon be considered to be illegal.
 - (e) Inform the permit holder of the process established by this chapter for the removal of illegal signs.
 - (f) Inform the permit holder of his right to appeal the action of the PZB Department, as provided in this division.
- b. A copy of the notice of violation may also be prominently affixed to each off-premises sign.

- T. **Billboard replacement and relocation.** The following definitions shall be utilized for the purposes of this section.

Billboard means a billboard structure and its attached billboard faces.

Billboard, changeable copy sign face means a sign face containing one or more advertisements or promotions that are changed automatically or mechanically.

Billboard company means any firm, organization, or individual which owns one or more billboards.

Billboard demolition permit means the permit issued by the Building Division which allows demolition of an existing billboard.

Billboard height shall be measured from finished grade to the highest point of a billboard face, excluding temporary embellishments.

Billboard inventory means the official inventory, as updated by the signatories to the billboard stipulated settlement agreement, of billboards existing in unincorporated Palm Beach County.

Billboard, lawfully erected means any billboard erected in Palm Beach County consistent with applicable zoning code and building permit procedures and described on the official inventory prepared by the Planning, Zoning and Building Department in 1988, and as updated pursuant to the billboard stipulated settlement agreement.

Billboard location means an area within a radius of not more than 100 feet from the location of an existing billboard structure.

Billboard registration permit means the annual permit issued by the Zoning Division for existing billboards that can be replaced or relocated.

Billboard relocation shall mean the removal of an existing billboard structure from a billboard location included in the updated billboard inventory to a different location consistent with the terms of this Code and the billboard stipulated settlement agreement.

Billboard relocation permit means the permit issued by the Zoning Division which allows relocation of an existing billboard to another location.

Billboard replacement means the removal of an existing billboard structure and construction of a new billboard within the permitted billboard location.

Billboard setback means the required minimum horizontal distance between a billboard structure and all property lines.

Billboard sign face means the fixed or changeable portion of the billboard structure upon which one or more advertising messages are displayed.

Billboard stipulated settlement agreement means the agreement between Palm Beach County, Ackerley Advertising, 3M National Advertising, and any other affected parties who may agree to the stipulations therein, approved on February 6, 1996 by the Board of County Commissioners to terminate legal proceedings initiated by Case No. 92-8752, Case No. CL92-1187-AO, Case No. 92-1187-AO, and Case No. CL93-7958AH.

Billboard structure means all structural elements of a billboard, including but not limited to structural framework and supports, and lighting.

Billboard temporary embellishment means additional billboard area attached to and extending beyond the side and top of a billboard.

1. **Billboard inventory.** Each billboard company, by March 30, 1996, shall provide the Zoning Division with a complete inventory of all billboards such company owns or controls. The billboard inventory shall be completed as provided below.
 - a. Each billboard company shall be provided with a complete copy of the 1988 billboard inventory.
 - b. The 1988 billboard inventory shall be revised by each billboard company to reflect the current status of billboards it owns or controls.
 - c. The revised billboard inventory shall include the location, height, size, and number of billboard faces.
2. **Billboard registration permits.** The Zoning Division shall establish a system of billboard registration permits. A registration permit shall be issued for each billboard not to be removed pursuant to the billboard stipulated settlement agreement. Billboard registration permits shall be issued as special permits, as provided in Section 5.5 of the ULDC. Billboard registration permits shall be issued as provided below.
 - a. An application for a billboard registration permit shall include the following information:
 - (1) name, address, and telephone number of the billboard company owning or controlling the billboard;
 - (2) name of applicant;
 - (3) agent's authorization for the applicant to act on behalf of a billboard company;
 - (4) location, height, number of sign faces, and size of sign faces; and
 - (5) permit number or other acceptable evidence the billboard was lawfully erected.
 - b. Billboard registration permits shall be issued annually.
 - c. Applications for initial billboard registration permits shall be submitted no later than January 1, 1998. [Ord. No. 97-64]
 - d. Billboard registration permits shall be valid for a period of one year and shall be renewed annually upon compliance with the terms of this section and the billboard stipulated settlement agreement.
 - e. Renewals for billboard registration permits shall be submitted at least sixty (60) days prior to expiration date of the existing registration permit.
 - f. The County may charge a fee of \$50.00 for the issuance of each billboard registration permit. This fee may be increased by the Board of County Commissioners from time to time.
 - g. Billboard registration permits shall be transferable if ownership of the billboard changes.
 - h. This billboard registration system shall not require "tagging" of billboards by the owner of the billboard structure.
3. **Billboard owners not party to the stipulated settlement agreement.** Any firm or individual owning billboards may become eligible to utilize the provisions of this Section provided they execute an agreement consistent with the stipulated billboard settlement agreement. Such firms or individuals shall execute an agreement as approved by the County Attorney's Office.

- 4. Removal of billboard sign faces.** Each billboard company that has signed or agreed to the stipulated billboard settlement agreement, or similar agreement as approved by the County Attorney, shall permanently remove ten percent (10%) of the total of sign faces it owns or controls. Billboard companies that have signed the stipulated settlement agreement shall remove the sign faces within one year following adoption of this amendment to the ULDC. Billboard companies that execute an agreement approved by the County Attorney shall remove the sign faces within one year following execution of the agreement.

The total amount of sign faces to be removed shall be calculated utilizing the billboard inventory. The sign faces shall be removed utilizing the procedure set forth below.

- a. The sign faces to be removed shall be identified in Exhibit "A" of the billboard stipulated settlement agreement or similar agreement. However, the sign faces to be removed as identified in Exhibit "A" may be substituted for reasons established in the stipulated billboard settlement agreement.
 - b. The Building Division, with the written approval of the Zoning Division, shall issue a demolition permit for each sign face to be removed.
 - c. The demolition permit shall be in a form prepared by the Zoning Division, and shall include the location, permit number, name of billboard company, and date when such sign face is to be removed.
 - d. Each billboard company shall provide a statement, in a form approved by the County Attorney's Office, certifying the removal of a sign face. Removal of the sign face shall include the entire billboard structure.
- 5. Relocation of billboards.** Billboards may be relocated subject to the provisions of the billboard stipulated settlement agreement or similar agreement. Billboard relocation shall occur as indicated below.
- a. A billboard company must notify the Zoning Division in writing of its intent to relocate a billboard.
 - b. The written notification must be provided at least thirty (30) days prior to the intended date of demolition and relocation, unless otherwise waived by the Zoning Director.
 - c. Each billboard to be relocated must be assigned a billboard registration permit.
 - d. The Zoning Division shall verify the request for relocation, subject to the billboard stipulated settlement agreement.
 - e. Upon verification of the request for relocation, the Building Division shall issue a demolition permit for removal of the affected billboard.
 - f. For each billboard demolished, a billboard company shall provide verification of the demolition. The verification shall be provided in a form acceptable to the County Attorney's Office.
 - g. Each billboard demolished subject to this section may be relocated. The combination of a demolition permit and assignment of a registration permit shall be deemed to be a billboard relocation permit.
 - h. A billboard relocation permit shall be valid for a period of four (4) years from the issuance of the demolition permit.
 - i. A billboard relocation permit shall permanently lapse if relocation does not occur within four (4) years following issuance of the demolition permit.
 - j. Once a relocation permit has lapsed, the affected billboard shall not be relocated.

- k. A billboard relocation permit shall allow construction of a billboard with the same or lesser number of faces as contained on the demolished billboard. Two relocated single face, single billboard structures may be combined into a new two face billboard structure.
- l. A relocated billboard may be constructed only within the following comprehensive plan land use categories: "CH" (Commercial High), "CL" (Commercial Low), or "I" (Industrial).
- m. Within the "CH" (Commercial High), "CL" (Commercial Low), and "I" (Industrial) future land use plan categories, a relocated billboard may only be located within the following zoning districts: "CG" (Commercial, General), "CC" (Community Commercial), "IL" (Industrial, Light), "IG" (Industrial, General), "MUPD" (Multiple Use Planned Development), and "PIPD" (Planned Industrial Park District).
- n. Any billboard proposed for relocation within a conditional use, planned development, or similar project with an approved signage plan must obtain approval for the relocation from the Board of County Commissioners, which shall retain the same discretion it exercised when granting the original development approval. If the billboard relocation requires modification of a signage plan that does not require Board of County Commissioners approval, the relocation shall be approved by the Development Review Committee, subject to the requirements of this section and the billboard stipulated settlement agreement.
- o. Relocation of a billboard to a planned development district shall comply with the height and setback requirements for structures approved in the master plan.
- p. If modification of signage located within a planned development district does not require Board of County Commissioners approval, such modification of signage shall be approved by the Development Review Committee.
- q. A relocated billboard shall not be relocated on property assigned a residential, agricultural, or conservation zoning designation. For the purposes of this section, residential, agricultural, and conservation zoning districts shall be as described in the billboard stipulated settlement agreement.
- r. All relocated billboards must be located within an area containing a front dimension containing at least five hundred (500) linear feet. This linear dimension may include property abutting a public R-O-W.
- s. The height of any relocated billboard shall not exceed forty (40) feet above finished grade, excluding temporary embellishments.
- t. A relocated billboard shall comply with the setbacks listed below:
 - (1) The following general setbacks shall apply to all relocated billboards:
 - (a) **Front:** the lesser of fifteen (15) feet or the required district setback.
 - (b) **Side:** the lesser of the billboard's previous setback or the required district setback.
 - (c) **Rear:** the lesser of the billboard's previous setback or the required district setback.
 - (d) **Side corner:** the lesser of the billboard's previous setback or the required district setback. If applicable, the required district side corner setback may be reduced to fifteen (15) feet when the specific lot configuration makes relocation of the sign structure impossible based on application of the required district setback.
 - (2) A relocated billboard shall not be constructed within a lateral distance of at least two hundred fifty (250) feet of any residential zoning district located on the same side of the street. The lateral distance shall be measured along the street R-O-W, and shall include public rights-of-way. This requirement shall supersede any other setback requirements established by this section.

- (3) When a relocated billboard will be constructed adjacent to a public R-O-W which:
- (a) is designated by the County for an ultimate width of 120 feet or less, and,
 - (b) abuts a residential zoning district across the street,
- then a residential "clear zone" must be established.

The "clear zone" must extend at least fifty (50) feet from the residential zoning district line. The "clear zone" shall not contain any existing residential structures. The "clear zone" shall be measured from front setback of the billboard to the nearest intersection of the ultimate R-O-W line.

- (4) When a relocated billboard will be placed on a public R-O-W which:
- (a) is designated by the County for an ultimate width of more than 120 feet but less than 170 feet, and,
 - (b) abuts a residential zoning district across the street,
- then a residential "clear zone" must be established.

The "clear zone" must extend at least 170 feet from the front setback of the billboard. The "clear zone" shall include the public R-O-W. Any portion of the "clear zone" located within the abutting residential district shall not contain any existing or proposed residential use.

- (5) When a relocated billboard will be placed on a public R-O-W which:
- (a) is designated by the County for an ultimate width of more than 170 feet, and,
 - (b) abuts a residential zoning district across the street, then a residential "clear zone" is not required.
- (6) For the purposes of this Section, a residential "clear zone" may include such uses as landscaping, perimeter buffers, vegetation preservation areas, drainage facilities, roads, recreational areas, and similar nonresidential uses.
- (7) A relocated billboard shall not be placed within 120 feet of any residential zoning district located across from, but not directly abutting, a public R-O-W. For the purposes of this section, the 120 feet distance shall be measured from the rear of the billboard to the nearest point of the residential zoning district.
- (8) For relocated billboards, the setback shall be measured from the property line.

u. A billboard shall not be relocated to a site on a road with a R-O-W width of less than eighty (80) feet. [Ord. No. 00-15]

v. The number of billboards to be relocated during any twelve (12) month period shall be limited by the stipulated billboard settlement agreement.

w. A minimum separation of at least 500 feet from any other existing or relocated billboard that is not on the same structure must be maintained. [Ord. No. 00-15]

6. **Billboard replacement.** A replacement for an existing billboard may be constructed consistent with the provisions of this Section.

- a. A replacement billboard shall be located within the permitted billboard location.
- b. A replacement billboard shall remain on the same side of the public R-O-W.
- c. A replacement billboard may retain the lesser of the front, side, and rear setbacks of the existing billboard or the setbacks provided by the zoning district.
- d. For replacement billboards, the front setback shall be measured from the property line.
- e. A replacement billboard may be constructed at the same or lesser height of the existing billboard.

- f. The sign face or faces of the replacement billboard shall not exceed the size of the sign face or faces of the existing billboard.
- g. A replacement billboard shall contain the same number, or lesser number, of sign faces as the existing billboard.
- h. When an existing billboard is located on property that is being or has been acquired for public road R-O-W purposes, the billboard location criteria of this Section may be waived by the Zoning Director. The Zoning Director may waive the billboard location criteria when the width of the R-O-W to be acquired will not allow billboard replacement consistent with the intent of this Section.

7. Supplemental billboard regulations.

- a. Roof-mounted billboards are prohibited.
- b. Billboards shall not be relocated to a site on a road with a R-O-W width of less than eighty (80) feet. [Ord. No. 00-15]
- c. The number of billboards to be relocated during any twelve (12) month period shall be limited by the stipulated billboard settlement agreement.
- d. Billboard illumination shall be directed only towards the billboard face.
- e. Following execution of the stipulated billboard settlement agreement, billboards shall be legal, conforming structures, and may be repaired and maintained as provided by the applicable building codes of the County. Billboards to be removed by the operation of the stipulated billboard settlement agreement may be repaired and maintained as legal structures. However, any expenses incurred for such repair and maintenance shall be the sole responsibility of the billboard owner, and the County shall incur no liability for such expenses.
- f. Billboard registration permits may be sold, transferred, or exchanged without regard to participation in the stipulated billboard settlement agreement.
- g. Unless otherwise provided by this Section, the maximum size of the sign face of any relocated billboard or replacement billboard shall not exceed the size of the sign face that is being relocated or replaced. If two single face billboard structures are combined into one double faced billboard, then the maximum size of each of the two faces shall be no larger than the size of the smaller sign face that is affected by the relocation or replacement.

- 8. Repair and maintenance of billboards.** All billboards shall be maintained in good repair. Repair and maintenance of billboards shall be exempt from the limitations of Section 1.7.B.1. of this Code. Repair and maintenance of billboards shall not include any improvement which increases the height, size, or number of billboard faces. Temporary embellishments may be included as part of normal maintenance and repair of billboards.

9. Effect of annexation.

- a. Any billboard included within the billboard stipulated settlement agreement that is annexed shall not be eligible for relocation into any unincorporated area.
- b. The billboard registration permit for any billboard included within the billboard stipulated settlement agreement that is annexed shall be void upon annexation.

- 10. Appeals.** Appeals of any decision by the Zoning Division or Building Division regarding interpretation or implementation of this Section or the billboard stipulated settlement agreement shall be made to the Board of County Commissioners in accordance with Sec. 5.4.G. [Ord. No. 01-01] [Ord. No. 96-28] [Ord. No. 97-64] [Ord. No. 00-015]

Amendment History:

[Ord. No. 93-4; February 16, 1993] [Ord. No. 94-23; October 18, 1994] [Ord. No. 96-28; September 25, 1996] [Ord. No. 97-64; December 24, 1997] [Ord. No. 99-37; October 7, 1999] [Ord. No. 00-015; April 12, 2000] [Ord. No. 01-01; January 18, 2001] [Ord. No. 01-100; December 28, 2001]

SEC 7.15 MAINTENANCE AND USE DOCUMENTS.

- A. Purpose and Intent.** This section is established to ensure that adequate ownership and maintenance measures will be provided in residential and other developments to protect and perpetually maintain all Common Areas or other required areas (including improvements located upon or within the Common Areas) required pursuant to this Code or other applicable County ordinances or regulations. This section is also established to ensure the continued availability and utility of the Common Areas for the residents or occupants of the development and to prevent such facilities or the need for such facilities from becoming an unnecessary burden or nuisance to the County or surrounding property. Nothing in this section shall be construed as creating any obligation upon the County to maintain such Common Areas or their improvements or to otherwise ensure their availability and condition.
- B. Applicability.** This section shall apply to all developments subject to review by the Development Review Committee as delineated elsewhere in this Code. Developments for which waivers of platting are administratively obtained shall also comply with the requirements of this section.
- C. Exception.** Generally, the maintenance and use documents requirement shall not apply to lands or improvements to be owned and maintained under a condominium or cooperative. The developer of any lands to be owned and maintained under a condominium or cooperative shall establish and regulate those in accordance with the requirements set forth by The State of Florida. If the condominium or cooperative is located within a Planned Unit Development, though, additional County document requirements may apply.
- D. General Requirements.** A developer shall submit documents establishing maintenance and use of the Common Areas of a proposed development and other required areas at the point in the development process set forth in Article 8 Sec. 8.20 of this Code or as required as a condition of approval by any decision making or administrative body of the County. All documents shall be reviewed and approved by the County Attorney's office prior to recording in the public records. The recording of the documents and all associated fees shall be the responsibility of the developer. All documents shall be recorded as approved by the County Attorney's office, and copies of the recorded documents shall be submitted to the County when requested.
- E. Documents Establishing Maintenance and Use.** The type of document required to establish use rights and responsibility for maintenance of the Common Areas and private preserve areas of a development depends upon the nature of the development. [Ord. No. 98-11]
- 1. Developments including a subdivision of five (5) or more lots.** A Property Owners' Association shall be required. Developer shall submit a Declaration of Covenants and Restrictions, Articles of Incorporation, and By-Laws. If there are to be party walls within the development, the Declaration of Covenants and Restrictions shall include a Declaration of Party Wall. This requirement applies to both residential and non-residential developments.
 - 2. Subdivisions of a maximum of four (4) lots.** A Property Owners' Association may or may not be required depending upon the individual subdivision. The determination shall be made by the County Attorney's Office. If a Property Owners' Association is required, then the submittal requirement shall be as listed above. If a Property Owners' Association is not required, then the Developer shall submit a Unity of Control. If there are to be party walls within the development, a Declaration of Party Wall shall be included in the submission.
 - 3. Rental Projects.** A Unity of Title shall be submitted for a development that will be owned and maintained by a landlord for the benefit of lessees residing on or occupying leaseholds on a Lot or Parcel.

F. **Content Requirement for Documents.** The following shall be the minimal content requirements for documents. Provisions which do not conflict with any County requirements may also be included.

1. **Property Owner's Association Documents.**

a. **Declaration of Covenants and Restrictions.**

- (1) **Legal description.** For master associations: All property included within the Master Plan for a development (no matter how many phases in which it shall be developed) shall be subjected to the terms of the Declaration at the time the first plat of the development is recorded. Property shall not be withdrawn from the terms of the Declaration unless it is also withdrawn from the Master Plan.

For sub-associations: All property included within a plat in which a sub-association is named in a dedication/reservation shall be subjected to the terms of the Declaration for that sub-association at the time the plat is recorded.

- (2) **Definition.** There shall be a section in the Declaration in which, minimally, the following terms (or similar terms) are defined: Association, Common Areas, Member, Properties, Declarant/Developer, Unit/Lot/Parcel.

The definition of Association shall include the name of the property owners' association responsible for maintaining the Common Areas of the development. The association named here must be the same association that accepts the dedications/reservations on any plat of the development. The Association shall be a Florida corporation not for profit.

The definition of Common Areas shall include the phrase "any area dedicated to or reserved for the Association on any recorded plat or replat of the Properties".

The definition of Member shall reflect the requirement that all persons or entities holding title to any portion of the Properties shall be voting members of the Association. In the case of a master association, this may be accomplished either by direct membership by all owners or by the owners' sub-association membership with the sub-association(s) being the voting member(s) of the master association. The definition must specifically allow direct membership for any owner who is not a member of a represented sub-association.

The definition of Properties shall include all the property subject to the terms of the Declaration including any added by amendment to the Declaration. The definition of Declarant/Developer shall include successors and assigns. The definition of Unit/Lot/Parcel shall identify the division of property by which membership in the Association is defined and shall be consistent with the terms used to define Member in the Declaration.

- (3) **Association structure and responsibilities.** There shall be provisions for the following:
- (a) All persons or entities owning any portion of the development shall automatically become members of the Association.
 - (b) All members of the Association shall be entitled to vote on Association matters.
 - (c) The Association shall have the authority to assess all members for Association expenses including, but not limited to, the cost of maintaining the Common Areas.
 - (d) All members of the Association, except any governmental entity which may own property in the development, shall be subject to assessments by the Association. The developer shall either pay assessments or fund the deficit in the Association's operating budget until he has turned over control of the Association. After he has turned over control of the Association, he shall pay assessments for any lot(s) he may still own.
 - (e) The Association shall have the authority to place a lien on a member's property for any unpaid assessment.
 - (f) The developer may control the Association while development is ongoing. He must, however, establish in the Declaration a definite time by which he will turn over control of the Association to the owners.

- (g) The Declaration shall provide that the Association shall be responsible for the maintenance of the Common Areas and private preserve areas. Maintenance responsibility may be delegated to a sub-association or to an individual lot owner (in the case of certain limited use areas), but the delegating association shall be responsible in the event the sub-association or the lot owner fails to maintain any portion of the Common Area or other required areas. [Ord. No. 98-11]
- (4) **Common areas.** The common areas shall be defined to include any area dedicated to or reserved for the Association on any recorded plat of the Properties. The developer shall state at what point he will deed the Common Areas to the Association.
- (5) **Easements.** The following easements shall be granted (or confirmed if already established by recorded plat or grant of easement):
- (a) Ingress/egress easements for members, their guests, and licensees.
 - (b) Utility easements for installation, maintenance, and repair by any utility company, including cable, servicing the development.
 - (c) Drainage easements.
 - (d) Maintenance easements for maintenance of the Common Areas. If the Association will need access to an owner's property to fulfill its maintenance obligation, the easement should be granted here.
 - (e) Encroachment easements for accidental encroachment onto the Common Area.
 - (f) Common Area easement for use by all members of the Association and their guests.
 - (g) Developer's easement to allow developer access as needed to complete construction of development.
 - (h) Public Service for police protection, fire protection, emergency services, postal service, and meter reading.
 - (i) Zero-lot line easement, if applicable. A three foot easement contiguous to the zero-lot line boundary shall be established for the purpose of incidental encroachment, access and maintenance.
- All easements, with the exception of the developer's easement, shall be perpetual.
- (6) **Architectural control.** Any provisions included in the Declaration regarding architectural control should be consistent with Palm Beach County regulations. It should be noted in the Declaration that nothing in the Declaration should be interpreted as an exemption from compliance with County regulations.
- (7) **General provisions.** There shall be provision for the following.
- (a) **Duration.** The Declaration shall run with the land for a minimum of twenty (20) years with provision for automatic renewal.
 - (b) **Enforcement.** The Association, the individual members, and the developer shall all have the ability to enforce the terms of the Declaration.
 - (c) **Amendment.** The method by which the Declaration may be amended shall be established. If the developer is given a separate right for amending the Declaration, his right shall not survive the turnover of control. No amendment that withdraws property from the terms of the Declaration shall be recorded unless approved in writing by the County Attorney's office. No amendment inconsistent with the requirements of this section shall be recorded unless approved in writing by the County Attorney's office. Nothing contained herein shall create an obligation on the part of the County Attorney's office to approve any amendment.
 - (d) **Dissolution.** Any owner may petition the Circuit Court for the appointment of a Receiver to manage the affairs of the Association in the event of dissolution of the Association.
- b. Articles of Incorporation.**
- (1) All terms shall be consistent with the terms of the Declaration and By-Laws.
 - (2) The Property Owners' Association shall be a Florida corporation not for profit with, minimally, the authority to maintain Common Areas or other required areas, assess members for operating costs, place liens on members' property for failure to pay assessments, and enter into agreements with governmental entities.
- c. By-Laws.** All terms shall be consistent with the terms of the Declaration and Articles of Incorporation.

2. **Declaration of Party Wall.** A Declaration of Party Wall shall be recorded whenever there are shared walls in a development. The Declaration may be a part of a Declaration of Covenants and Restrictions or it may be recorded as a separate instrument. It should address the following:
 - a. Repair of the wall is a joint obligation and expense unless damage is caused by the negligence of one party; in that case the cost of repair is the obligation of that party alone.
 - b. Repair or replacement of the wall shall be to its original construction.
 - c. Each party shall have the right to file a lien for the cost of repairs.
 - d. The mortgagee shall have the same rights as the mortgagor.
 - e. Structural changes in the wall are prohibited.
 - f. If there is a common roof, the same provisions shall apply.
 - g. If access and/or parking are to be shared, there should be an easement granted to accommodate that.
 - h. This shall be a covenant running with the land.
3. **Unity of Control.** A Unity of Control shall be recorded against a subdivision of a maximum of four (4) lots if the County Attorney's Office has exempted the subdivision from the requirements for a Property Owner's Association. The Unity of Control shall contain the following.
 - a. Legal description of the property subject to the terms of the Unity of Control. This shall include all property included in the master plan for the development.
 - b. Creation of perpetual cross-access, parking, drainage, and utility easements for the benefit of all owners of the development.
 - c. Maintenance responsibilities for all common areas of the development and method by which maintenance costs shall be shared.
 - d. Establishment of these provisions as covenants running with the land.
4. **Unity of Title.** The owner of a rental project shall record against his property a Unity of Title. The Unity of Title, which shall be a covenant running with the land, shall provide that the property shall be considered one plot and parcel and that no portion of the property may be conveyed to another owner. The County Attorney's office, after consulting with the Zoning and Land Development Divisions, may agree to release the Unity of Title provided that covenants establishing maintenance and use are recorded in its place. The cost of recording the Unity of Title and/or a release shall be the responsibility of the owner.

SEC. 7.16 RESERVED FOR FUTURE USE

SEC. 7.17 HISTORIC PRESERVATION PROCEDURES

A. Purpose and Intent. The purpose and intent of this section is to promote the health, safety and welfare of existing and future residents of Palm Beach County by protecting, enhancing and examining the historic resources of Palm Beach County. It is recognized that there are within unincorporated Palm Beach County and on County owned property in municipalities historic sites worthy of preservation and concentrations of historic buildings worthy of designation as historic districts. This section provides mechanisms to promote historic preservation in Palm Beach County by the designation of historic sites and districts, and the regulation of construction and demolition of historic sites and within historic districts.
[Ord. No. 95-8]

B. Definitions.

Subsection 1. Other Definitions. For purposes of this Section, except as specifically provided herein, the terms defined in the Unified Land Development Code of Palm Beach County, Florida, and the Plan, shall have the meaning therein.

Subsection 2. Terms Herein. The following terms shall have the meanings set forth below.

Adaptive Use: The process of converting a building to a use other than that which it was originally designed.

Alteration: Any change affecting the exterior appearance of an existing structure or improvement by additions, reconstruction, remodeling, maintenance or structural changes involving changes in form, texture, materials or color or any such changes in appearance in specially designated historic sites, or historic interiors.

Appurtenance: A part, possession, or other incidental part which is generally subordinate to, or adjoins the principal use of structure, i.e. fences, walls, steps, paving, sidewalks, signs and light fixtures.

Archeological Resources: All evidences of past human occupations which can be used to reconstruct the life ways of past peoples and evidence of past animal life in the form of non-human vertebrate fossils. These include sites, artifacts, environmental and all other relevant information and the contexts in which they occur. Archaeological resources are found in prehistoric and historic period sites and areas of occupation and activity.

Architectural Features: Architectural features include the architectural style, scale, massing siting, general design and general arrangement of the exterior of the building or structure, including the type, style and color of roofs, type and texture of building material, public access open courtyards, windows, doors, and appurtenances. These features will include interior spaces where the interior has been given historic designation under the procedures listed in Sec. 7.17.D.

Certificate of Appropriateness: A written document, issued under the terms and conditions of this ordinance, allowing specified alterations, demolition, construction, or other work to a designated historic site, or for a building or structure within a designated historic district.

Contributing Resource: Building, site, structure, or object adding to the historic significance of a property or district.

Cultural Resources: Districts, sites, structures, and objects and evidence of some importance to a culture, a subculture, or a community for scientific, traditional, religious, and any other reasons. These resources and relevant environmental data are important for describing and reconstructing past life ways, for interpreting human behavior, and for predicting future courses of cultural development.

Demolition: The act or process of wrecking, destroying, or removing any building or any exterior or structural part thereof.

Designation: The act of designating specific historic sites or districts pursuant to the provisions of this Code.

Designated Exterior: All outside surfaces of any improvement, building, or structure as defined in the historic preservation survey and pursuant to Section VI or an exterior designated under Section VI as having significant value to the historic character of the building, district, or County.

Exterior: The outside surfaces of a building.

Historic District: A geographically defined area with a significant concentration, linkage, or continuity of sites, improvements, or landscape features united by historic events or by plan or physical development, and which area has been designated as a historic district, pursuant to Section VI. Any historic district may have within its area contributing and non-contributing buildings or other structures that contribute to the overall visual character of the district.

Historic Resources: All evidences of human occupations that date from historic (i.e., recorded history) periods. These resources include documentary data (i.e., written records, archival material, photographs, maps, etc.) sites, artifacts, buildings, structures and all other cultural resources and relevant information pertaining to them. Historic resources are cultural resources and may be considered archaeological resources when archaeological work is involved in their identification.

Improvement: Any building, structure, fence, gate, wall, walkway, parking facility, light fixture, bench, foundation, sign, work of art, earthworks, sidewalk, or other man-made objects constituting a physical change or betterment of real property, or any part thereof.

Landscape Feature: Any improvement or vegetation including, but not limited to: outbuildings, walls, courtyards, fences, shrubbery, trees, sidewalks, planters, plantings, gates, street furniture or exterior lighting.

Mitigation: A process designed to ameliorate adverse impact of an activity on a cultural resource by the systematic removal of the prehistoric, historic, or architectural data in order to acquire the fundamental information necessary for understanding the property within its proper historic context.

National Register of Historic Places: Official Federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture.

Non-contributing Resource: Building, site, structure, or object that does not add to the historic significance of a property or district.

Ordinary Maintenance or Repair: Any work for which a building permit is not required by law, where the purpose and effect of such work is to correct any physical deterioration or damage of an improvement, or any part thereof by restoring it, as nearly as practical, to its appearance prior to the occurrence of such deterioration or damage.

Palm Beach County Register of Historic Places: Official County list of archeological sites identified on the Map of Known Archeological Sites, and historic sites and districts designated by the Board of County Commissioners.

Preservation: The identification, evaluation, recordation, documentation, analysis, recovery, interpretation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, or reconstruction of historic properties.

Protection: The act or process of applying measures designed to affect the physical condition of a property by defending or guarding it from deterioration, loss or attack, or to cover or shield the property from danger or injury. In the case of buildings and structures, such treatment is generally of a temporary nature and anticipates future historic preservation treatment; in the case of archaeological sites, the protective measure may be temporary or permanent.

Rehabilitation: The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historic, architectural and cultural value.

Restoration: The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time, by means of the removal of later work or by replacement of earlier work.

Site: For purposes of historic preservation, any area or location occupied as a residence or utilized by humans for a sufficient length of time to leave physical remains or traces of occupancy. Such localities are extremely variable in size, and may range from a single hunting camp to an extensive land surface with evidence of numerous settlements and activities areas, and the transportation networks linking them. A site may consist of secondarily deposited archaeological remains.

Structure: Means that which is three (3) feet or more in height which is built or constructed or erected or tied down having a fixed location on the ground or attached to something having a permanent location on the ground, such as buildings, homes, mobile homes, towers, walls, fences, billboards, shore protection devices and poster panels.

Undue Economic Hardship: An exceptional financial burden that might otherwise result in a taking of property without compensation or otherwise denies use of the property in an economically viable manner. [Ord. No. 93-4]

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C. Criteria for Designation of Historic Sites and Districts.

1. To qualify as a designated historic site or historic district, individual properties, structures, sites or buildings, or groups of properties, structures, sites or buildings, the proposed site or district shall meet one or more of the following criteria:
 - a. is associated in a significant way with the life or activities of a major person important in County, State or National history, (i.e., the homestead of a local founding family), or
 - b. is the site of a historic event with significant effect upon the County, State or Nation, or
 - c. is associated in a significant way with a major historic event whether cultural, economic, military, or political, or
 - d. exemplifies the historic, political, cultural, or economic trends of the community in history, or
 - e. is associated in a significant way with a past or continuing institution which has contributed to the life of the County.
 - f. portrays the environment in an era of history characterized by one or more distinctive architectural styles, or
 - g. embodies those distinguishing characteristics of an architectural style, period or method of construction, or
 - h. is a historic or outstanding work of a prominent architect, designer, landscape architect, or builder, or
 - i. contains elements of design, detail, material or craftsmanship of outstanding quality or which represented, in its time, a significant innovation or adaptation to the South Florida environment.
2. A building, structure, site, or district will be deemed to have historic significance if, in addition to, or in the place of the previously mentioned criteria, the building, structure, site, or district meets the historic development standards as defined by and listed in the regulations of and criteria for the National Register of Historic Places, as prepared by the U.S. Department of the Interior under the Historic Preservation Act of 1966, as amended.
3. Properties not generally considered eligible for designation include cemeteries, birthplaces or graves of historic figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, buildings or sites primarily commemorative in nature, reconstructed historic buildings, and properties that have achieved significance less than fifty (50) years prior to the date the property is proposed for designation. However, such properties will qualify if they are integral parts of districts that do meet the previously described criteria or if they fall within one (1) or more of the following categories.
 - a. A religious property deriving primary significance from architectural or artistic distinction of historic importance.
 - b. A building or structure removed from its location but which is primarily significant for architectural value, or is the surviving structure most importantly associated with an historic event or person.
 - c. A birthplace or grave of a historic figure of outstanding importance if there is no other appropriate site or building directly associated with his/her productive life.

- d. A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, distinctive design features, or from association with historic events.
- e. A property primarily commemorative in nature if design, age, tradition or symbolic value have invested it with its own historic significance.
- f. A building, structure, site or district achieving significance less than fifty (50) years from the date it is proposed for designation if it is of exceptional historic importance.

D. Application for Historic Site or District Designation.

1. Applications for historic site or district status may only be initiated by the Board of County Commissioners, the Historic Resources Review Board (HRRB) or the property owner of an individual site. A neighborhood or community association may initiate an application for historic district status. Application for historic district or historic site status for public property may also be initiated by any resident of Palm Beach County.
2. Upon receipt of an application for historic or district site status, the Department shall conduct a preliminary evaluation of the application to determine whether or not it has sufficient information to process the application. The Department shall make the determination that an application is sufficient within ten (10) working days of receipt of an application. If the application is not sufficient to process, the Department shall specify what additional information is necessary.
3. In the event the application as submitted is sufficient, the Department shall prepare a Designation Report for consideration at the next schedule HRRB meeting which shall contain the following information:
 - a. Proposed legal boundaries of the historic building, archaeological site, structure, or district; and,
 - b. Any proposed waiver of development regulations per subsection G - Waiver of Unified Land Development Code Provision.
 - c. Any conditions beyond the standards contained in the ULDC or conditions based on the standards of subsection 7-17 of this Code - Development Standards for Historic Districts and Sites.
 - d. An analysis of historic significance and character of the nominated property; and,
 - e. An analysis of public historic interiors for those buildings and structures with interior features of exceptional architectural, aesthetic, artistic or historic significance of those buildings which have public access.

E. Public Hearings Required for Historic Site or District Designation.

1. After the Department prepares its Designation Report, the HRRB shall conduct a public hearing to evaluate and receive comments regarding the application.
2. The Department shall transmit, by certified mail, a copy of the designation report and a notice of public hearing to the property owner(s) of record as of the date of nomination. This notice shall serve as notification of the intent of the HRRB to consider designation and must be mailed at least thirty (30) calendar days prior to the public hearing. In addition, all property owners within a 300-foot radius of the nominated site or district shall be sent courtesy notice of the public hearing. However, failure to receive such courtesy notice shall not invalidate the hearing. Notice shall also be provided by publishing a copy thereof in a newspaper of general circulation in Palm Beach County at least ten (10) calendar days prior to the date of the hearing. All interested parties shall be given an opportunity to be heard at the public hearing.

3. After a public hearing, the HRRB shall vote on the designation within thirty (30) calendar days at a public meeting.
[Ord. No. 97-64]
4. The Board of County Commissioners shall hold a public hearing at the next available meeting to consider the recommendation of the HRRB regarding the designation of historic sites and districts.
5. At the conclusion of the public hearing the Board of County Commissioners shall consider the application, all relevant support materials, the Designation Report, the recommendations of the HRRB and the standards contained in Sec. 7.17 thereby adopting a resolution enacting or denying the historic district or site designation. The resolution designating a historic site shall be approved or denied by not less than a majority of the quorum present unless an affected property owner objects to the designation of a historic site, in which case a majority of the total membership of the Board of County Commissioners is required to approve the designation. The Board of County Commissioners shall take no action upon a proposed district designation if a majority of property owners in the proposed district or the owners of a majority of the land area in the proposed district object in writing filed with the Board of County Commissioners before the hearing. The identity of the property owners shall be determined by the Palm Beach County property tax roll. The resolution designating the historic site or historic district shall be recorded in the public records of Palm Beach County, Florida. The designation shall be noted on the Official Zoning Atlas by placing the designation H on the appropriate atlas page and indicating the boundaries of the historic district or site on the Zoning Atlas.
6. Any agency with authority to issue demolition permits shall be notified of all historic site or district designations. No later than eighteen (18) months after the first property or district is designated pursuant to this Code, the County shall amend the 1989 Comprehensive Plan to include an inventory of historic district boundaries and historically significant structures designated pursuant to this ordinance. Subsequent to the initial inclusion of the historic inventory in the Comprehensive Plan, the inventory shall be updated consistent with provisions for evaluation and appraisal of the Comprehensive Plan as provided in Sec. 163.3191, Fla. Stat., and submitted to the Florida Department of State for inclusion into the Florida Master Site File. [Ord. No. 97-64]

F. Development Standards For Historic Districts and Sites.

1. For the purpose of this ordinance, exterior architectural features shall include those characteristics as defined in Article 7 of this code.
2. A historic building, structure, appurtenance, site or district shall only be moved, reconstructed, altered or maintained in accordance with this ordinance in a manner that will preserve the historic and architectural character of the historic building, structure, appurtenance, site or district.
3. In considering proposals for alterations to the exterior of historic buildings and structures and in applying development and preservation standards, the documented, original design of the building may be considered, among other factors.
4. A historic site, building, structure, archaeological site, improvement, or appurtenance either within a historic district or individually designated, shall only be altered, restored, preserved, repaired, relocated, demolished, or otherwise changed in accordance with the Secretary of the Interior's Standards for Rehabilitation, as same may be amended from time to time.
5. Relocation of historic buildings and structures to other sites shall not take place unless it is shown that their preservation on their existing or original sites is inconsistent with the purposes of this ordinance or would cause undue economic hardship to the property owner. Relocation of any structures shall not affect the designation of an underlying archaeological site.

6. Demolition of historic sites, archaeological sites or buildings, structures, improvements and appurtenances within historic districts shall be regulated by the Historic Resources Review Board in the manner described in Sec. 7.17-I of the Unified Land Development Code.
7. The construction of new buildings or structures, or the relocation, alteration, reconstruction, or major repair or maintenance of a non-contributing building or structure within a designated historic district shall meet the same compatibility standards as any material change in the exterior appearance of an existing contributing building. Any material change in the exterior appearance of any existing non-contributing building, structure or appurtenance in a designated historic district shall be generally compatible with the form, proportion, mass, configuration, building material, texture, color and location of historic buildings, structures, or sites adjoining or reasonably proximate to the contributing building, structure or site.
8. All improvements to buildings, structures and appurtenances within a designated historic district shall be visually compatible. Visual compatibility shall be defined in terms of the following criteria:
 - a. **Height.** The height of proposed buildings or modifications should be visually compatible in comparison or relation to the height of existing structures and buildings.
 - b. **Front facade proportion.** The front facade of each building or structure should be visually compatible with and in direct relationship to the width of the building and to the height of the front elevation of other adjacent or adjoining buildings within a historic district.
 - c. **Proportion of openings (windows and doors).** The openings of any building within a historic district should be visually compatible with the openings exemplified by the prevailing historic architectural styles within the district. The relationship of the width of windows and doors to the height of windows and doors among buildings within the district should be visually compatible.
 - d. **Rhythm of solids to voids – front facades.** The relationship of solids to voids in the front facade of a building or structure should be visually compatible with the front facades of historic buildings or structures within the district.
 - e. **Rhythm of buildings on streets.** The relationship of building(s) to open space between it or them and adjoining building(s) should be visually compatible with the relationship between historic sites, buildings or structures within a historic district.
 - f. **Rhythm of entrance and/or porch projections.** The relationship of entrances and porch projections to the sidewalks of a building should be visually compatible with the prevalent architectural styles of entrances and porch projections on historic sites, buildings and structures within a historic district.
 - g. **Relationship of materials, texture and color.** The relationship of materials, texture and color of the facade of a building should be visually compatible with the predominant materials used in the historic sites, buildings and structures within a historic district.
 - h. **Roof shapes.** The roof shape of a building or structure should be visually compatible with the roof shape(s) of a historic site, building or structure within a historic district.
 - i. **Walls of continuity.** Appearances of a building or structure such as walls, wrought iron, fences, evergreen landscape masses, or building facades, should form cohesive walls of enclosure along a street to insure visual compatibility of the building to historic buildings, structures or sites to which it is visually related.
 - j. **Scale of a building.** The size of a building, the building mass in relation to open spaces, windows, door openings, balconies and porches should be visually compatible with the building size and building mass of historic sites, buildings and structures within a historic district.

- k. **Directional expression of front elevation.** A building should be visually compatible with the buildings, structures and sites in its directional character: vertical, horizontal or non-directional.

G. Waiver of Unified Land Development Code Provisions.

1. The HRRB may recommend to that the Board of County Commissioners approve waiver of Code requirements for designated historic resources or contributing properties to a designated historic district. The waiver may occur concurrently with the designation process or may be requested regarding any property subject to the historic site or district designation. Waivers may include setbacks, lot width, depth, area requirements, height limitations, open space requirements, vehicular requirements, design compatibility requirements, and other similar development regulations other than changes in permitted uses, density increases, or waiver of environmental or health standards. Before granting a waiver of code requirements, the Board of County Commissioners must find:
 - a. That the waiver will be in harmony with the general appearance and character of the community.
 - b. That the waiver will not be injurious to the area involved or otherwise detrimental to the public health, safety or welfare.
 - c. That the project is designed and arranged on the site in a manner that minimizes aural and visual impact on the adjacent properties while affording the owner(s) a reasonable use of their land.
 - d. The waiver is the minimum necessary to allow reasonable use of the property while preserving the historic attributes of the property.
2. In approving a waiver, the Board of County Commissioners may prescribe any appropriate conditions necessary to protect and further the interests of the area and abutting properties, including but not limited to:
 - a. Landscape materials, walls and fences as required buffering.
 - b. Modifications of the orientation of any openings.
 - c. Modifications for site arrangements.
3. The waiver shall be incorporated into the resolution designating the historic site or district with conditions and standards applicable to the property or district. If the waiver process occurs separately from the designation process, the notification and public hearings procedures required for historic designation shall be followed and a resolution approving the waiver shall be recorded in the public records of Palm Beach County, Florida.

H. Palm Beach County Register of Historic Places.

1. If the County Commission approves the nomination of a property for designation as a historic site or group of properties for designation as a historic district, said site or district shall be listed on the Palm Beach County Register of Historic Places and recorded in the official records of Palm Beach County. The Palm Beach County Register of Historic Places shall be administered by the Board.
2. The Board shall issue an official Certificate of Historic Significance to the owner of properties listed individually on the Palm Beach County Register of Historic Places or judged as contributing to the character of a historic district listed on the Palm Beach County Register of Historic Places. The County Administrator, or his/her appointee, is authorized to issue and place official signs denoting the geographic boundaries of each historic district listed on the Palm Beach County Register of Historic Places.

I. Certificate of Appropriateness.**1. Activities Requiring Certificate of Appropriateness.**

- a. No building, structure, appurtenance, improvement or landscape feature within Palm Beach County, which has been designated a historic site, pursuant to Part V of this ordinance, shall be erected, altered, restored, renovated, excavated, relocated, or demolished until a Certificate of Appropriateness regarding any exterior architectural features, landscape feature, or site improvements has been issued by the Board pursuant to the procedures of this ordinance.
- b. A Certificate of Appropriateness shall be required for the erection, alteration, restoration, renovation, excavation, relocation, or demolition of any building, structure or appurtenance within any historic district established by Palm Beach County.
- c. A Certificate of Appropriateness shall be required for any material change in existing walls, fences and sidewalks, change of color, or construction of new walls, fences and sidewalks.
- d. Landscape features. Landscape features and site improvements shall include, subsurface alterations, site regrading, fill deposition, paving, landscaping walls, fences, courtyards, signs, and exterior lighting.
- e. Plan approval required. No Certificate of Appropriateness shall be approved unless the architectural plans for said construction, reconstruction, relocation, alteration, excavation, restoration, renovation, or demolition has been approved by the Board.

2. Certificate not required.

- a. A Certificate of Appropriateness shall not be required for general and occasional maintenance and repair of any historic building, structure or site, or any building or structure within a historic district, except where proscribed or regulated by archaeological considerations.
- b. A Certificate of Appropriateness shall not be required for any interior alteration, construction, reconstruction, restoration or renovation. General and occasional maintenance and repair shall include lawn and landscaping care and minor repairs that restore or maintain the historic site or current character of the building or structure. General and occasional maintenance and repair shall also include any ordinary maintenance which does not require a building permit from the County. General and occasional maintenance and repair shall not include any of the activities described and defined subsections 1.a-e of this Section, above, nor shall it include exterior color change, addition or change of awnings, signs, or alterations to porches and steps or other alterations which require excavation or disturbance of subsurface resources.

3. Review Guidelines.

- a. The Historic Resources Review Board shall utilize the most recent U.S. Secretary of the Interior's Standards for Rehabilitation as the standards by which applications for Certificate of Appropriateness are to be evaluated.
- b. Applications for Certificates of Appropriateness must be made on forms approved and provided by the Board. Applications must be accompanied by appropriate site plans, scaled drawings, architectural drawings, photographs, sketches, descriptions, renderings, surveys, documents or any other pertinent information the Board may require to understand the applicant's planned alteration, construction, reconstruction, relocation, restoration, renovation, or demolition.

- c. The application shall be submitted to the Planning, Zoning and Building Department for review by the HRRB with a non-refundable application fee that is established by the Board of County Commissioners from time to time to defray the actual costs of processing the application.
- d. An applicant may request a pre-application conference with the HRRB or appropriate County staff members to obtain information and guidance regarding the application process. The HRRB may designate subcommittees of at least one member to hold these conferences with potential applicants. The purpose of the pre-application conference will be to discuss and clarify preservation objectives and HRRB regulations and guidelines and any other questions which may arise during the Certificate of Appropriateness process. If at least two (2) Board members are present, these conferences shall be public meetings subject to appropriate public meetings laws and notice requirements. However, in no case will any statement or representation made prior to official HRRB review of an application bind the HRRB, the Board of County Commissioners or any County departments regarding for the certification process.
- e. If or when the application is determined sufficient, the Executive Director shall place the application on the agenda of the next available meeting of the HRRB. The HRRB shall receive an application at least thirty (30) days prior to the public hearing. If no meeting of the HRRB is scheduled within sixty (60) days of the date an application is determined sufficient, a special meeting shall be scheduled by the chairperson.
- f. If it is determined that the application is not sufficient, written notice shall be delivered to the applicant specifying the deficiencies. The Zoning Director shall take no further action on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within twenty (20) working days, the application shall be considered withdrawn.
- g. The HRRB shall act upon the application within sixty (60) days of the determination of an application sufficiency. Nothing herein will prohibit a continuation of a hearing on an application which the applicant requests or to which the applicant consents.
- h. The HRRB may advise the applicant and make recommendations in regard to the appropriateness of the application. The Board may delay final action until its next regularly scheduled meeting, or, if the Board so chooses and the applicant agrees, until a special meeting to be held within fourteen (14) calendar days of the meeting at which the application was first considered. In no case will the Board delay taking action by approving, denying, or deferring any application more than thirty (30) calendar days after such application is formally brought before the Board.
- i. The HRRB may approve, modify or deny an application for a Certificate of Appropriateness. For purposes of granting a Certificate of Appropriateness, the Board shall have access to the designated site. If the Board approves the application, a Certificate of Appropriateness shall be issued. The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other development permits, orders and approvals required by Palm Beach County. A building permit or other development permit, order or approval shall be invalid if it is obtained without the Certificate of Appropriateness required for the work. Construction for which a Certificate of Appropriateness is issued shall commence within eighteen (18) months from the date of issuance, and said certificate shall expire if twenty-five per cent (25%) of the approved improvements have not been completed within twenty-four (24) months from the date of issuance. The Board may not approve extensions for Certificates of Appropriateness. If the HRRB denies the application, a Certificate of Appropriateness shall not be issued. The HRRB shall state its reasons for denial in writing and present these written reasons to the applicant within ten (10) calendar days of the HRRB's denial.

- j. Within thirty (30) days of a written decision by the HRRB regarding an application for a certificate of appropriateness, an aggrieved party may appeal the decision by filing a written notice of appeal and pay a filing fee, established by the Board of County Commissioners, with the Clerk of the Board of County Commissioners. A copy of the notice of appeal shall be filed with the Executive Director of Planning, Zoning and Building Department. The notice of appeal shall state the decision which is being appealed, the grounds for the appeal, and a brief summary of the relief which is sought. Within forty-five (45) days of the filing of the appeal or the first Board of County Commissioners meeting which is scheduled, whichever is later in time, the Board of County Commissioners shall conduct a public hearing at which time they may affirm, modify or reverse the decision of the Department. The applicant shall be notified by certified mail, return receipt requested, of the date, time, and place of such hearing. At this hearing, the appealing party shall set forth the alleged inconsistencies or non-conformities with procedures or criteria set forth in this code; however, no new material or evidence shall be presented to or considered by the Board of County Commissioners. The Board of County Commissioners shall vote to approve, modify or overrule the decision of the HRRB. The decision of the Board of County Commissioners shall be in writing and a copy of the decision shall be forwarded to the appealing party. An applicant may appeal a final decision of the Board of County Commissioners within thirty (30) days of the rendition of the decision by filing a petition for writ of certiorari in Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida.

4. Demolition of Designated Historic Sites and Within Historic Districts.

- a. Public agencies having the authority to demolish unsafe structures shall receive notice of designation of individual sites, districts, pursuant to Part V of this ordinance. The HRRB shall be deemed an interested party and shall be entitled to receive notice of any public hearings conducted by said public agency regarding demolition of any designated property. The HRRB may make recommendations and suggestions to the public agency and the owner(s) relative to the feasibility of and the public interest in preserving the designated property.
- b. A certificate of appropriateness for demolition shall not be required when a building, structure or appurtenance designated as a historic site, or a contributing building, structure or appurtenance within a designated historic district, has been condemned by the County. A demolition permit shall not be issued unless the HRRB has been notified of the proposed demolition and provided an opportunity to provide input as provided in Subsection 4.a above.
- c. In the event the HRRB determines that a historic site is in the course of being demolished by neglect, it shall notify the owner of record of such preliminary finding stating the reason therefore and shall give the owner of record thirty (30) calendar days from the date of notice in which to commence work rectifying the evidences of neglect cited by the Board. Such notice shall be accomplished in the following manner:
- (1) by certified mailing to the last known address of the owner of record, or
 - (2) in the event the procedure outlined in (a) above is not successful, then by attaching such notice to the historic site twice within a week.
 - (3) upon the owner of record's failing to commence work within thirty (30) calendar days of such notice, the HRRB shall notify the owner of record in the manner provided above to appear at the next public hearing of the HRRB. The HRRB shall cause to be presented at said public hearing the reasons for the notice, and the owner of record shall have the right to present any rebuttal thereto. If, thereafter, the HRRB shall determine that the historic site is being demolished by neglect, the Board shall forward a complaint to the Code Enforcement Division for action.
- d. When an applicant seeks a Certificate of Appropriateness for the purpose of demolition of a non-condemned, contributing building, structure or appurtenance, the applicant must satisfactorily demonstrate to the Board the applicant's plans to improve the property.

- e. The HRRB's refusal to grant a Certificate of Appropriateness for the purpose of demolition will be supported within fifteen (15) calendar days by a written statement describing the public interest that the Board seeks to preserve.
- f. The HRRB may grant a Certificate of Appropriateness for demolition which may provide for a delayed effective date of up to six (6) months from the date of the Board's action. The effective date of the certificate will be determined by the HRRB based on the relative significance of the structure and the probable time required to arrange a possible alternative to demolition. The HRRB may delay the demolition of designated historic sites and contributing buildings within historic districts for up to six (6) months, while demolition of non-contributing buildings within historic districts may be delayed for up to three (3) months.
- g. During the demolition delay period, the HRRB may take such steps as it deems necessary to preserve the structure concerned. Such steps may include, but not be limited to, consultation with community groups, public agencies, and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one or more structures or other features.
- h. In connection with any Certificate of Appropriateness for demolition of buildings, structures or appurtenances as defined in this ordinance, the HRRB may request the owner, whether public or private, at the owner's expense, to salvage and preserve specified classes of building materials, architectural details and ornaments, fixtures, and the like for reuse in the restoration of other historic properties. The HRRB may require, at the owner's expense, recording of the historic resource's details for archival purposes prior to demolition by an interested, qualified, non-profit group(s) selected by the HRRB. The recording may include, but will not be limited to, photographs, documents, and scaled architectural drawings. The HRRB may also require the owner, at the owner's expense, to excavate, record, and conserve archaeological resources threatened by the alterations so permitted. With the owner's consent, an interested, qualified, non-profit group selected by the HRRB may salvage and preserve building materials, architectural details and ornaments, textures and the like at their expense respectively.
- i. The HRRB shall consider, at a minimum, the guidelines listed below in evaluating applications for a Certificate of Appropriateness for demolition of designated historic sites or buildings, structures or appurtenances within designated historic districts:
 - (1) Is the structure of such interest or quality that it would reasonably fulfill criteria for designation for listing on the National Register?
 - (2) Is the structure of such design, texture, material, detail, size, scale, or uniqueness of location that it could be reproduced only with great difficulty and/or economically unreasonable expense?
 - (3) Is the structure one of the few remaining examples of its kind in the neighborhood, County or designated historic district?
 - (4) Would retaining the structure promote the general welfare of Palm Beach County by providing an opportunity to study local history, architecture and design, or by developing an understanding of the importance and value of a particular culture and heritage?
 - (5) Are there definite plans for immediate reuse of the property if the proposed demolition is carried out, and what effect will those plans have on the architectural, historic, archaeological, or environmental character of the surrounding area and district?
 - (6) Does the building or structure contribute significantly to the historic character of a designated historic district and to the overall ensemble of buildings within the designated historic district?
 - (7) Have reasonable measures been taken to save the building from further deterioration, collapse, arson, vandalism or neglect?
 - (8) Has demolition of the designated building or structure been ordered by the appropriate public agency due to unsafe conditions?

- j. Notice of application for demolition shall be posted on the premises of the building, structure or appurtenance proposed for demolition in a location and manner clearly visible from the street by the applicant using sign provided by the Planning, Zoning and Building Department. Such notice shall be posted within three (3) working days of receipt of the application for demolition by the HRRB.
 - k. Notice of demolition shall also be published in a newspaper of general circulation at least three times prior to demolition, the final notice of which shall not be less than fifteen (15) calendar days prior to the date of the issuance of the demolition permit. The first notice shall be published not more than fifteen (15) calendar days after the application for a Certificate of Appropriateness for demolition is filed with the HRRB.
5. **Criteria for Relocation of Historic Resources.** The HRRB shall consider the following criteria for applications for Certificates of Appropriateness for the relocation of all historic resources and contributing properties or historic resources and contributing properties located within a designated historic district.
- a. The historic character of the building or structure contributes to its present setting.
 - b. The reasons for the proposed move.
 - c. The proposed new setting and the general environment of the proposed new setting.
 - d. Whether the building or structure can be moved without significant damage to its physical integrity, or change in or loss of significant characteristics. Elements removed in order to move the building or structure shall be replaced following relocation.
 - e. Whether the proposed relocation site is compatible with the historical and architectural character of the building or structure.
 - f. When applicable, the effect of the move on the distinctive historical and visual character of a designated historic district.
 - g. The effect of relocation on subsurface resources.
6. **Amendments to Designations.** Applications for amendments to existing designated historic sites or designated historic districts shall be processed according to the provisions and procedures of Part VI of this ordinance. Where the HRRB has issued a Certificate of Appropriateness for demolition or relocation, the historic designation classification shall only be changed through the amendment process as described herein.
7. **Undue Economic Hardship.** No decision of the Board shall result in undue economic hardship for the property owner. The Board shall have the authority to determine the existence of such hardship in accordance with the criteria for undue economic hardship set forth in this ordinance. In any instance where there is a claim of undue economic hardship as defined in the Ordinance, the property owner may submit, by affidavit, to the HRRB, at least fifteen (15) calendar days prior to the public hearing, the following information.
- a. For all property:
 - 1) the amount paid for the property, the date of purchase, or other means of acquisition, such as gift or inheritance, and the party from whom purchased,
 - 2) the assessed value of the land and improvements thereon, according to the two (2) most recent assessed valuations,
 - 3) real estate taxes for the previous two (2) years,
 - 4) annual debt service, or mortgage payments, if any, for the previous two (2) years,

- 5) all appraisals, if any, obtained within the previous two (2) years by the owner(s) or applicant(s) in connection with the purchase, financing or ownership of the property, and
 - 6) any information that the property is not marketable or able to be sold, considered in relation to any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two (2) years, including testimony and relevant documents regarding:
 - a) any real estate broker or firm engaged to sell or lease the property.
 - b) reasonableness for the price or rent sought by the applicant.
 - c) any advertisements placed for the sale or rent of the property.
 - 7) Any information regarding the infeasibility of adaptive or alternative uses for the property that can earn a reasonable economic return for the property as considered in relation to the following:
 - a) a report from a registered professional engineer in the State of Florida or an architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation,
 - b) an estimate of the cost of construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the recommendation and decision of the Board concerning the appropriateness of the proposed alterations,
 - c) the estimated market value of the property in the current condition, after completion of the demolition, after completion of the proposed construction, and after renovation of the existing property for continued use,
 - d) in the case of a proposed demolition, the testimony of an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or use of the existing structure on the property,
 - e) financial documentation of the ability to complete the replacement project which may include but is not limited to a performance bond, a letter of credit, or letter of commitment from a financial institution, and
 - f) the current fair market value of the property, as determined by at least two (2) independent certified appraisals.
 - 8) Any State or Federal income tax returns relating to the property for the past two (2) years.
 - 9) Any other information the applicant feels is relevant to show extreme economic hardship.
- b. For income property (actual or potential):
- 1) annual gross income from the property for the previous two (2) years, if any,
 - 2) depreciation, deduction and annual cash flow, if any, for the previous two (2) years before and after debt service,
 - 3) status of leases, rentals or sales for the previous two (2) years,
 - 4) itemized operating and maintenance expenses for the previous two (2) years, including proof that adequate and competent management procedures were followed, and
 - 5) any other information, including the income tax bracket of the owner, applicant, or principal investors in the property, considered necessary by the Board to a determination as to whether the property does yield or may yield a reasonable return to the owners.
- c. The applicant shall submit all necessary materials to the HRRB staff by the closing date for the next scheduled Board hearing in order that staff may review the documentation. The staff comments shall be forwarded to the Board for review and made available to the applicant for consideration prior to the hearing.
- d. In the event that any of the required information is not reasonably available to the property owner and cannot be obtained by the property owner, the property owner shall file with his/her affidavit, a statement of the information which cannot be obtained and the reasons why such information cannot be reasonably obtained. Where such unobtainable information concerns required financial information, the property owner will submit a statement describing estimates which will be as accurate as are feasible.

- e. The HRRB may require that an applicant furnish such additional information as the HRRB believes is relevant to the HRRB's determination of any alleged undue economic hardship. The HRRB may also require, in appropriate circumstances, that information be furnished under oath.

8. Enforcement, Penalties.

- a. **Enforcement of Maintenance and Repair Provisions.** Where the HRRB determines that any improvements within the exterior of a designated historic site, or within a designated historic district, are endangered by lack of ordinary maintenance and repair, or of deterioration, or that other improvements in visual proximity to a designated site or designated historic district are endangered by lack of ordinary maintenance and repair, or of deterioration, to such an extent that it detracts from the desirable character of the designated historic site or designated historic district, the Board shall request appropriate officials or agencies of the County government to require correction of such deficiencies under the authority and procedures of applicable ordinances, laws, and regulations.
- b. **General Enforcement Procedures.** Violators of this ordinance shall be subject to a hearing before the Palm Beach County Code Enforcement Board. The Code Enforcement Board may require any person deemed to be in violation of this ordinance to repair or cause to be repaired, or otherwise restore, the subject improvement, building, site structure, appurtenance, landscape or design feature to its appearance as it existed prior to the action taken by the violator which caused the violation. Further, if the Code Enforcement Board finds that a willful violation of this ordinance has occurred, the County shall fine the violator a fine of up to five hundred dollars (\$500.00) per day or impose imprisonment in the county jail not to exceed sixty (60) days or by both fine and imprisonment as provided in Sec. 125.69, Fla. Stat. In addition to the sanctions contained above, the County may take any other appropriate legal action, including, but not limited to, requests for temporary and/or permanent injunctions to enforce the provisions of this ordinance. [Ord. No. 93-4]

Amendment History:

[Ord. No. 93-4; February 16, 1993] [Ord. No. 95-8; April 3, 1995] [Ord. No. 97-15; May 23, 1997]
[Ord. No. 97-64; December 24, 1997] [Ord. No. 99-37; October 7, 1999]

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