

20. Landscape Service

An establishment engaged in the provision of landscape maintenance or installation services, such as lawn mowing, tree, shrub or hedge trimming, leaf blowing, landscape design, and landscape installation. "Landscape Services" is an agricultural use which may include a business consisting of a landscape contractor or landscape maintenance. "Landscape Contractor" is a licensed and insured business as required by the State of Florida, Department of Agriculture, engaged in landscape horticulture, arbor services, landscape installation and maintenance services, and may include accessory irrigation services and Landscape Maintenance. "Landscape Maintenance" is a business engaged only in landscape maintenance such as lawn mowing, tree and hedge trimming, and application of necessary fertilizers, pesticides and herbicides, and may include accessory irrigation services.

a. Typical Uses

A Landscape Contractor use consists of a Department-of-Agriculture licensed business which grows landscape materials on-site, installs and maintains landscape materials, which may include trees, sod, hedges, shrubs, plants and related hardscape. Ancillary services may include landscape and irrigation design services, arbor services, Landscape Maintenance, and irrigation services.

A Landscape Maintenance use consists of a business providing primarily lawn-mowing, tree and hedge trimming, application of fertilizer, pesticides and herbicides, and general landscape management, and may include accessory irrigation services.

b. Hours of Operation

A landscape Service use on-site is limited to business hours of 6:00 a.m. to 7:00 pm, Monday through Saturday.

c. Access

Landscape Services within the Urban Suburban Tier shall have access from either an arterial or collector roadway, except where a local road or easement not utilized for residential access provides access from the Landscape Service to an arterial or collector road, in which case the local road or easement may serve as access. Landscape Services within the AGR Tier may have access from an arterial, collector, or local road, or rural (paved or unpaved) road or way-of-access established by dedication, easement, or historical use by agricultural uses.

d. Buffers

A Landscape Service within the AGR Tier shall be screened from public view by providing a buffer of a minimum of 10 feet in width along public roadways and perimeter property lines where adjacent to non-planned single family residential uses on less than 5 acres of land, except where adjacent to existing or approved buffers. The buffer shall contain a minimum 6' high opaque hedge, or a combination of hedge and/or nursery-plant material. The buffer may also include a 6' high chain link fence. Outdoor storage of materials, equipment, or debris is prohibited unless screened from public view or existing residential uses by a building, wall, fence or hedge.

e. Office and Storage Structures

Within the AGR Tier, structures which support the Landscape Contractor use are exempt from permitting pursuant to the Right to Farm Act. (F.S. 823.14 and F.S. 604.50)

f. Parking

Parking spaces for the Landscape Service use shall be provided for the office area and employees as required by Art. 6. All required parking shall be on-site and screened from public view with the buffer required in Paragraph d, above. Within the AGR Tier, the parking surface may be unpaved on shell-rock surface except for any handicap parking, which shall be paved. Access to the office structure shall be as required by the American's With Disabilities Act (ADA).

- g. Legal Positive Outfall:
Within the AGR Tier, a landscape service use is exempt from the legal-positive-outfall requirements of Article 11.
- h. Mulch/Yard Waste Area:
A Landscape Contractor may include an area to stockpile and process yard waste consisting solely of vegetative material or mulch subject to the area being screened from view from any public roadway or existing residential use by either a hedge, fence or wall. Composting of the yard waste is allowed on-site provided the compost shall be used by the business owner either on-site or on properties served by the Landscape Contractor. The mulch/yard waste stockpile cannot exceed 20 feet in height.
- i. Caretakers Quarters:
One caretaker's quarters for each five acres (or portion thereof on a site less than five acres) is allowed as an accessory use subject to issuance of a building permit or tie down permit.
- j. Approval Process. The Right-to-Farm Act applies to Landscape Services and approvals shall be processed thereunder. Business Tax Receipts are required for any Landscape-Service use.
- 1) Type 1 - A Landscape Contractor shall be permitted as a principal use by right and in accordance with the Right to Farm Act (F.S. 823.14 and F.S. 604.50) when:
- a) located within the AGR or AR RSA zoning districts.
 - b) collocated with an agricultural use such as a retail or wholesale nursery or bona fide agriculture that has been designated for agricultural exemption by the Palm Beach County Property Appraisal.
 - c) business offices, storage/maintenance buildings, yard waste/mulch piles, required parking and circulation does not occupy more than 50% of the overall property.
 - d) screened from a public roadway by the required buffer as indicated above
 - e) Issuance of a business tax receipt from Palm Beach County.
- 2) Type 2 - A Landscape Contractor shall be permitted as a principal use, subject to the issuance of a Special Permit when:
- a) located within the AGR or AR RSA zoning districts
 - b) collocated with an agricultural use such as a retail or wholesale nursery or bona fide agriculture that has been designated for agricultural exemption by the Palm Beach County Property Appraisal, and;
 - c) business offices, storage/maintenance buildings, yard waste/mulch piles, required parking and circulation exceeds more than 50% of the overall property.
 - f) screened from a public roadway by the required buffer as indicated above
 - d) Issuance of the Special Permit is subject to the applicant providing a current survey of the property and a plot plan identifying the area of the landscape service use.
 - e) Issuance of a business tax receipt from Palm Beach County.
- 3) Type 3 - A Landscape Maintenance use shall be permitted as a principal use, subject to DRO approval meeting the criteria of this Section 20 applicable to Landscape-Maintenance uses.

k. Home Occupation

- 1) A Landscape ~~service~~ Maintenance use, not including yard waste or mulch storage or processing, may be approved as a home occupation subject to the requirements of Article 4.B.1.A.70, Home Occupation and this section, subject to the following exemptions or requirements:
- 2) Buffers
 - a. The use shall be exempt from incompatibility buffer requirements.
- 3) AR District in RSA
 - a. A landscape service maintenance use may be permitted subject to the limitations of Art. 4.B.1.E.10, Home Occupation, except that parcels three acres or more in size may also be eligible for the following:
- 4) The use shall also be exempt from the outside storage limitations of Article 4.B.1.E.10.j, Outside Storage, provided that outside storage is limited to equipment such as lawnmowers, hedgers, weed eaters, small trailers, and light-duty vehicles; and
- 5) Storage areas shall be screened from view from any R-O-W or residential parcel through the use of existing or newly planted native vegetation provided the material provides an opaque screen within one year of the issuance of the business tax receipt. No additional vegetation shall be required where equipment is screened from view behind permitted fences or other structures.

