

ARTICLE 4

USE REGULATIONS

	Page
CHAPTER A USE CLASSIFICATION	11
Section 1 General	11
A. Use Matrix	11
B. PDDs and TDDs	11
C. Overlays	11
D. Airport Zones	11
E. District Specific Regulations	11
Section 2 Definitions	11
Section 3 Use Matrix	11
A. Standard Use Matrix	11
1. Permitted.....	11
2. DRO	11
3. General Requirement.....	11
4. Special Permit	11
5. Class B Conditional Use.....	11
6. Class A Conditional	11
7. Prohibited Uses.....	11
8. Supplementary Use Standards	12
Table 4.A.3.A-1 – Use Matrix.....	12
Table 4.A.3.A-2 - Thresholds for Projects Requiring DRO Approval	18
Section 4 Development Thresholds	19
A. General	19
Table 4.A.3.A.3 - Thresholds for Projects Requiring Board of County Commission Approval	19
CHAPTER B SUPPLEMENTARY USE STANDARDS	19
Section 1 Uses	19
A. Definitions and Supplementary Standards for Specific Uses	19
1. Accessory Dwelling	19
2. Adult Entertainment.....	20
3. Agriculture, Bona Fide.....	25
3.1 Agriculture, Research and Development.....	27
4. Agriculture, Light Manufacturing	28
5. Agriculture, Packing Plant	28
6. Agriculture, Sales and Service	28
7. Agriculture, Storage.....	28
8. Agriculture, Transshipment	29
9. Air Curtain Incinerator	29
10. Airport, Landing Strip or Helipad	30
11. Air Stripper	30
12. Arena, Auditorium or Stadium	32
13. Asphalt or Concrete Plant.....	32
14. Assembly, Nonprofit Institutional	32
15. Assembly, Nonprofit Membership.....	32
16. Auction	33

17. Auto Paint and Body Shop.....	33
18. Auto Service Station	33
19. Aviculture.....	34
20. Bed and Breakfast.....	34
21. Broadcast Studio	35
22. Building Supplies.....	35
23. Butcher Shop, Wholesale.....	35
24. Campground.....	35
25. Car Wash.....	36
26. Catering Service	36
27. Cemetery.....	36
28. Chipping and Mulching	37
29. Place of Worship	37
30. College or University	38
31. Communication Towers, Commercial.....	38
32. Community Vegetable Garden.....	38
33. Composting Facility.....	39
34. Congregate Living Facility	39
Table 4.B.1.A-4 - Maximum Permissible Occupancy in Type 3 Congregate Living Facilities	40
35. Contractor Storage Yard	42
36. Convenience Store.....	42
37. Convenience Store with Gas Sales	42
38. Data and Information Processing.....	43
39. Day Camp.....	43
40. Day Care.....	43
41. Day Labor Employment Service	44
42. Dispatching Office	45
43. Dog Daycare	45
44-1. Electric Power Facility	45
44-2. Electric Transmission Facility.....	45
45. Entertainment, Indoor.....	46
46. Entertainment, Outdoor.....	46
Table 4.B.1.A-5 – Outdoor Entertainment Setbacks	47
47. Equestrian Arena, Commercial.....	47
48. Estate Kitchen	47
49. Excavation	47
50. Farm Residence	47
51. Farm Workers Quarters	47
52. Farmers Market	48
53. Farrier	48
54. Film Production Studio.....	48
55. Financial Institution	48
56. Fitness Center	49
57. Flea Market, Enclosed	49
58. Flea Market, Open	49
59. Funeral Home	49
60. Garage Sale	49
61. Gas and Fuel, Wholesale.....	49
62. Golf Course.....	49
63. Government Services	50
64. Green Market	50
65. Groom's Quarters.....	50
Table 4.B.1.A-6 - Number of Bedrooms and Bathrooms	51
66. Guest Cottage.....	51
67. Gun Club	51
68. Gun Range, Private	52
69. Heavy Industry	52
70. Home Occupation	52
71. Hospital or Medical Center.....	54

72. Hotel, Motel, SRO, and Rooming and Boarding House	54
73. Kennel, Type I Private	54
74-1. Kennel, Type II (Commercial)	55
74-2. Kennel, Type III Commercial.....	55
75. Kiosk.....	56
76. Laboratory, Research	56
77. Landscape Service.....	57
78. Laundry Service	57
79. Lounge, Cocktail	57
80. Machine or Welding Shop	57
81. Manufacturing and Processing	58
82. Marine Facility	58
83. Medical or Dental Office	58
84. Medical or Dental Laboratory	58
85. Mobile Home Dwelling	58
86. Monument Sales, Retail.....	59
87. Multi-family	59
88. Nursery, Retail.....	59
89. Nursery, Wholesale.....	60
Table 4.B.1.A-7 - Residential Districts in the USA.....	62
Table 4.B.1.A-8- AR District in RSA	62
90. Nursing or Convalescent Facility	63
91. Office, Business or Professional.....	63
92. Park, Neighborhood Infill	64
93. Park, Passive	64
94. Park, Public.....	65
95. Parking Garage/Structure	65
96. Parking Lot, Commercial.....	65
97. Pawnshop	65
98. Personal Services	65
99. Potting Soil Manufacturing	65
100. Printing and Copying Services	66
101. Produce Stand	66
102. Real Estate Sales Model, Non-PDD	68
103. Recycling Center	69
104. Recycling Drop-Off Bin	70
105. Recycling Plant	70
106. Recycling Collection Station	71
107. Repair and Maintenance, General.....	72
108. Repair Services, Limited.....	72
109. Restaurant, Type I	73
110. Reserved for Future Use.....	74
111. Restaurant, Type II	74
112. Reserved for Future Use.....	75
113. Retail Sales, Auto Accessories and Parts	75
114. Retail Sales, General	75
115. Retail Sales, Mobile or Temporary.....	76
116. Salvage or Junk Yard	77
117. Sanitary Landfill or Incinerator	77
118. School, Elementary or Secondary	78
Table 4.B.1.A-9 - Minimum Building Setbacks	78
119. Security or Caretaker Quarters	81
120. Self-Service Storage.....	81
121. Shade House	83
Table 4.B.1.A-10 - Minimum Setbacks 12 feet or Less In Height	83
Table 4.B.1.A-11- Minimum Setbacks Over 12 feet in Height.....	83
122. Single-family	84
123. Solid Waste Transfer Station.....	85
124. Special Event	85

125.Stable, Commercial	86
126.Stable, Private	86
127.Sugar Mill or Refinery	86
128.Theater, Drive-In	86
129.Theater, Indoor	86
130.Towing Service and Storage	87
131.Truck Stop	87
132.Townhouse.....	87
133.Transportation Facility	87
134.Utility, Minor	87
135.Vehicle Sales and Rental	88
136.Veterinary Clinic	90
137.Vocational School	92
138.Warehouse	92
139.Water or Treatment Plant.....	92
Table 4.B.1.A-12 - Wastewater Treatment Facility Setbacks.....	93
Table 4.B.1.A-13 - Water Treatment Facility Setbacks.....	93
140.Wholesaling, General	94
141.Work/Live Space.....	95
142.Zero Lot Line Home.....	95
143.Zoo	95
CHAPTER C COMMUNICATION TOWER, COMMERCIAL.....	95
Section 1 States of Emergency	95
Section 2 Definitions	95
Section 3 Siting Requirements.....	95
A. Stealth Towers	95
1. Permitted Districts	95
2. Separation and Setbacks	95
3. Criteria.....	95
4. Stealth Towers in Certain Residential Zoning Districts	96
5. Waivers from Required Dimensional Criteria	96
6. Mandatory Collocation	96
7. Public Parks Five Acres or Greater	96
B. Camouflage Towers	96
1. Permitted Districts	96
2. Separation and Setback	96
3. Criteria.....	96
4. Camouflage Towers in Certain Residential Zoning Districts	97
5. Waivers	97
6. Additional Submission Requirements	97
7. Public Parks Five Acres or Greater.....	97
C. Electrical Transmission Line Streets	97
1. Transmission Poles	97
2. Combined Transmission/Communication Structures.....	97
3. Separation of New Combined Transmission/Communication Structures	98
D. Florida Department of Transportation (FDOT) Streets	98
1. Installation of Antennas and Panels	98
2. Construction of New Towers	98
3. Separation of New Towers	98
E. Monopole Towers	99
1. Permitted Districts	99
2. Separations and Setbacks	99
3. Increase in Height	99
F. Self Support/Lattice Towers	99

1. Permitted Districts	99
2. Separations and Setbacks	99
G. Guyed Towers	99
1. Permitted Districts	99
2. Separations and Setbacks	99
3. Setbacks	99
4. Anchors	99
H. Compatibility	99
1. Site and Tower Location	99
2. Aerial Photography	99
3. Visual Impact Analysis	100
4. Buffering	100
I. Tower Appearance	100
Table 4.C.2.I-14 - Residential District Tower Location and Type Of Review	100
Table 4.C.2.I-15 - Non-Residential Districts, Tower Location, and Type of Review	101
Table 4.C.2.I-16 - Distances for Towers located in and Adjacent to Residential Districts	103
Table 4.C.2.I-17 - Distance for Towers located in Non-Residential Districts	107
J. Exemptions for Existing Television Broadcast Towers	109
1. Separation and Setback Distances	109
2. Distance Between Towers	109
3. Visual Impact Analysis	109
4. Replacement or Reconstruction of Existing Towers	109
K. Waiver from Required Dimensional Criteria	110
1. Towers approved as a Class A or Class B Conditional Use	110
2. Towers Approved on an Administrative Basis	110
3. Requests for a Waiver	110
4. Criteria for Granting a Waiver	110
5. Simultaneous Consideration	111
Section 4 Standards	111
A. Additional Uses Permitted on Lot	111
1. Lease Parcel	111
2. Accessory Structures	112
B. Measurement of Height	112
C. Separation and Setback from Residential Uses	112
1. Measurement of Separations and Setbacks	112
D. Distances/Separation Between Towers	112
Table 4.C.3.D-18 - Separations/Distances between Towers	113
1. Waiver of Distance Between Towers	113
2. Measurement	113
E. Perimeter Buffering	114
1. Fence/Wall	114
2. Landscaping	114
3. Accessory Equipment and Structures	114
F. High Voltage Signs	114
G. Tower Removal	114
1. Form of Agreement	114
2. Surety for Removal	114
3. Alternative Surety for Removal	115
4. Form of Surety	115
5. Surety Required	115
H. Building Permits	115
I. Parking	115
J. Signs and Advertising	115
K. Identification Tags	115
L. Location of Existing Towers	115
M. Propagation Study	115
1. Required Information	115

N. Violation of Standards	116
O. Generators.....	116
P. Visual Impact Analysis Standards.....	116
1. Visual Analysis.....	116
Q. Additional Standards and Requirements.....	117
1. Aircraft Hazard	117
2. Lighting	117
3. Inspections	117
4. Interference.....	117
5. Windload Standards	117
6. Airborne Spraying.....	117
7. Accessory Structures	117
8. Public Utilities	117
9. Consultant Services.....	117
R. Creation of Nonconforming Use or Structure	118
S. Nonconforming Lots of Record	118
Section 5 Tower Replacement and Height Increases	118
A. Replacement	118
1. Conforming Towers	118
2. Nonconforming Towers.....	118
B. Tower Height Increases	118
1. Conforming and Nonconforming Towers.....	118
Table 4.C.4.B-19 - Tower Height Increases	118
2. Monopoles	118
C. Accessory Structures	119
Section 6 Shared Use/Collocation	119
A. Collocation	119
1. Site area	119
B. Setbacks	119
C. Review Process	119
1. Collocations on Commercial Communication Towers Including Non-conforming Towers	119
2. Collocations on Structure Other Than Commercial Communication Towers	119
D. Review Procedures	119
1. List.....	119
2. Notification	119
3. Shared Use Application.....	120
4. Feasibility.....	120
5. Rejection or Dispute	120
6. Acceptance with No Dispute.....	120
Section 7 Communication Panel Antennas, Commercial.....	120
A. Permitted Districts.....	120
Table 4.C.6.A-20 - Panel Antenna Regulations.....	122
1. Applicability and Review Process.....	122
B. Communication Panel Antennas	122
1. Architectural Compatibility	122
2. Screening	122
3. Size Limitations.....	122
4. Supplemental Application Requirements.....	122
C. Setbacks.....	122
1. Accessory Structures.....	122
2. Communication Panels and Antennas	122
D. Whip Antennas.....	122
E. Intergovernmental Activities	122
1. Mapping	122

2. Notification	122
Section 8 Communication Cell Sites on Wheels (COWs).....	122
A. States of Emergency	122
B. Special Permit	122
C. Use limitations	123
1. Exception	123
D. Time Limitations	123
1. Time Extensions.....	123
E. Fencing	123
F. Non-Residential Districts.....	123
1. COWs Greater than 50 Feet in Height	123
2. COWs 50 Feet in Height or Less.....	123
G. Residential Districts	123
1. COWs Greater than 50 Feet in Height	123
2. COWs 50 Feet in Height or Less.....	123
H. Removal Bond and Agreement	124
CHAPTER D EXCAVATION	124
Section 1 Purpose and Intent	124
Section 2 Applicability	124
A. Conflicting Provisions	124
B. Previously Approved Development Orders	124
Section 3 Excavation Types	124
A. Agricultural Excavation	125
B. Type I	125
C. Type II	125
D. Type III	125
Section 4 Prohibitions and Exemptions.....	125
A. Prohibitions.....	125
B. Exemptions	125
1. Existing Lakes	125
2. Pools.....	125
3. Small Ponds.....	125
4. Cemeteries	125
5. R-O-W	125
6. Utilities	126
7. Man-made Drainage Structures.....	126
8. WCAA Canals	126
9. Mitigation Projects	126
10. Wetlands	126
11. Agricultural Ditches.....	126
12. De Minimis Impact.....	126
13. Canals of Conveyance.....	126
14. Excavation by Public Agencies	126
15. Excavations, Canals, Impoundments	127
Section 5 Excavation Standards	127
A. Agricultural Excavations	127
1. Separation and Setbacks	127
2. Maximum Depth	127

3. Sediment Sump	127
4. Reclamation, Maintenance and Monitoring.....	127
5. Use Approval	127
6. Guarantee Requirements	127
7. Notice of Intent to Construct	127
B. WCAA Excavations	127
1. Operational and Construction Standards.....	127
2. Separations and Setbacks	128
3. Depth	128
4. Sediment Sump	128
5. Use Approval	128
6. Notice of Intent to Construct	128
C. Type I A Excavation.....	128
1. Lot Size.....	128
2. Excavated Surface Area	128
3. Off-site Removal.....	128
4. Separation and Setbacks	128
5. Slope.....	128
6. Depth	128
7. Reclamation.....	128
8. Procedures	128
D. Type I B Excavation.....	129
1. Lot Size.....	129
2. Excavated Surface Area	129
3. Off-site Removal.....	129
4. Separations and Setbacks	129
5. Maximum Depth	129
6. Reclamation.....	129
7. Use Approval	129
E. Type II Excavation	129
1. Location	129
2. Standards.....	129
3. Separations and Setbacks	130
4. Depth	130
5. Use Approval	130
F. Type III Excavations	131
1. Classification of Types	131
2. Standards.....	131
3. Location	131
4. Depth	132
5. Accessory Use	132
6. Use Approval	132
7. Compatibility Standards.....	132
Table 4.D.5.F-21 - Setbacks	134
Table 4.D.5.F-22- Setbacks Based On Separation From Residential Uses	135
Table 4.D.5.F-23 - Setbacks Based On Separation From Commercial And Industrial Land Uses ..	135

Section 6 Supplemental Application Requirements 136

A. Content of Application	136
1. Statement.....	136
2. Site Plan	136
3. Vegetation Permit.....	137
4. Aerial	137
B. Additional Application Requests for Type II, Type III A and Type III B	137
1. Soil Statement	137
2. Site Plan	137
3. Landscape Plan.....	137
4. Cross Sections	137

5. Operations Plan.....	137
6. Haul Route Plan.....	137
C. Additional Application Requests for Type III A and Type III B.....	137
1. Site Plan	137
2. Additional Information.....	137
Section 7 Notice of Intent to Construct.....	137
A. Notice of Intent.....	138
B. Contents of Notice of Intent to Construct.....	138
C. Agriculture Excavation	138
D. Type III Exceptions	138
E. Written Approval.....	138
Section 8 Technical Standards	138
A. Operational Standards and Requirements	138
1. Hours of Operation	138
2. Objectionable Odors.....	138
3. Emission of Fugitive Particulate Matter.....	138
4. Existing Topsoil	138
5. Equipment Storage, Maintenance and Service Areas.....	138
6. Regulated Substances.....	138
7. Dewatering.....	139
8. Access to Public Prohibited	139
9. Retail Sale of Material	139
10. Hauling Standards	139
11. Phasing	140
12. Sound Insulation.....	140
B. Construction Standards.....	140
1. Separation.....	140
2. Slopes.....	140
3. Final Site Conditions	141
C. Reclamation Standards.....	141
1. General	141
2. Excavated Area Reclamation Standard	141
3. Littoral Planting Reclamation Standard.....	141
4. Upland Reclamation Standards.....	142
5. Area of Record	144
D. Performance Guarantee Requirements.....	144
1. General	144
2. Guarantees Required.....	144
3. Execution	144
4. Form of Guarantee	144
5. Amount of Guarantee	145
6. Submittal and Approval of Guarantee	145
7. Duration and Release	145
8. PBC Use of Guarantee.....	146
E. Maintenance and Monitoring.....	146
1. Excavation Activity	146
2. Initial Maintenance and Monitoring of Reclaimed Upland Areas and Littoral and Upland Planting Areas.....	146
3. Long-Term Maintenance and Monitoring of Reclaimed Upland Areas and Littoral and Upland Planting Areas	147
4. Repair, Reconstruction Modification	147
Section 9 Administration and Enforcement.....	147
A. Administrative Waiver from Construction Criteria for Agricultural, WCAA, Type II and Type III Excavations.....	147

1. Authority and Criteria	147
2. Limitations	147
3. Review Process.....	147
B. Violations, Enforcement, and Penalties	148
1. Violations	148
C. Enforcement.....	148
D. Restoration.....	148
E. Additional Remedies	148
F. Use of Collected Monies	148
G. Appeals.....	148
1. Director of ERM	148
2. Director of Zoning or Director of Land Development.....	149
3. Judicial Relief	149

ARTICLE 4

USE REGULATIONS

CHAPTER A USE CLASSIFICATION

Section 1 General

A. Use Matrix

Uses permitted by right, permitted subject to a Special Permit permitted by the DRO, or subject to conditional use approval in each standard district shall be determined in [Table 4.A.3.A-1, Standard Use Matrix](#).

B. PDDs and TDDs

The use regulations for the Planned Development Districts, (PDDs) and Traditional Development Districts (TDDs) are specified in [Article 3.E, PLANNED DEVELOPMENT DISTRICTS \(PDDs\)](#) and [Article 3.F, TRADITIONAL DEVELOPMENT DISTRICTS \(TDDs\)](#).

C. Overlays

The use regulations within overlays shall be determined by the uses allowed in the underlying district and [Article 3.B, OVERLAYS](#).

D. Airport Zones

Uses in airport zones may be further restricted or subject to special regulations as specified in [Article 16, AIRPORT REGULATIONS](#).

E. District Specific Regulations

Special standards apply within certain districts as specified in this Article.

Section 2 Definitions

See [Art. 1.I, Definitions and Acronyms](#)

Section 3 Use Matrix

The list of uses in [Table 4.A.3.A-1, Standard Use Matrix](#), is intended to classify uses on the basis of common functional characteristics and land use compatibility. Uses not specifically listed, but consistent with the definition of a listed use, may be so classified by the Executive Director of PZB pursuant to [Article 1.B, INTERPRETATION OF THE CODE](#).

A. Standard Use Matrix

[Table 4.A.3.A-1, Use Matrix](#), applies as follows:

1. Permitted

Uses identified with a "P" are permitted by right in the district, subject to the supplementary use standards indicated in the "Note" column and the other requirements of this Code.

2. DRO

Uses identified with a "D" or exceeding the thresholds of [Table 4.A.3.A-2, Threshold for Projects Requiring DRO Approval](#) are permitted subject to approval by the DRO in accordance with [Art. 2.D, Administrative Processes](#). [**Ord. 2005 – 002**]

3. General Requirement

All site improvements shown on the site plan or subdivision plan shall be completed in accordance with the permit required by the affected regulatory agency and a CO obtained (if required), prior to utilization of the development order approved by the DRO.

4. Special Permit

Uses identified with an "S" are permitted in the district only if approved by the Zoning Director in accordance with [Article 2.D.2, Special Permit](#).

5. Class B Conditional Use

Uses identified with a "B" are permitted in the district only if approved by the ZC in accordance with [Article 2.B, PUBLIC HEARING PROCEDURES](#) - Class B conditional uses.

6. Class A Conditional

Uses identified with an "A" are permitted in the district only if approved by the BCC in accordance with [Article 2.B, PUBLIC HEARING PROCEDURES](#) - Class A conditional uses.

7. Prohibited Uses

Table 4.A.3.A-1 - Use Matrix Continued

Use Type	Zoning District/Overlay																N O T E			
	Agriculture/ Conservation			Residential				Commercial					Industry/ Public							
	P C	A G R	A P	AR		R	R	R	R	C	C	C	C	C	C	I		I	P	I
			R	U	E	T	S	M	N	L	C	C	H	G	R	L	G	O	P	
			S	S							O		O	E				F		
Commercial Uses																				
Adult Entertainment														S		S	S			2
Auction, Enclosed		P										B		D	D					16
Auction, Outdoor		P												A	A	A	B			16
Auto Paint or Body Shop														A		P	P			17
Auto Service Station												A		A		B	D			18
Bed and Breakfast				S	S	S	S	S	S						S					20
Broadcast Studio												B	D	D		P				21
Building Supplies												A		B		D	P			22
Butcher Shop, Wholesale														A		P	P			23
Car Wash												A		B		D				25
Catering Service										P	P	P	P	P	P	P	P			26
Contractor Storage Yard																D	P			35
Convenience Store										A		B		P						36
Convenience Store with Gas Sales												A		A		B	D			37
Day Labor Employment Service														A		D	P			41
Dispatching Office														B		P	P			42
Dog Daycare														A		P				43
Financial Institution										D	D	A	A	A						55
Flea Market, Enclosed														B						57
Flea Market, Open														A	A	B				58
Funeral Home or Crematory												A		A		D				59
Green Market		P								S		S		S						64
Hotel, Motel, SRO, Rooming and Boarding								A				A	B	B	D					72
Kennel, Type III Commercial												A		B		B	D			74-2
Kiosk										P	P	P	P	P	P	P	P			75

[Ord. 2005-002] [Ord. 2006-036]

Key:

- P** Permitted by right
- D** Permitted subject to approval by the DRO
- S** Permitted in the district only if approved by Special Permit [Ord. 2004-051]
- B** Permitted in the district only if approved by the Zoning Commission (ZC)
- A** Permitted in the district only if approved by the Board of County Commissioners (BCC)

Table 4.A.3.A-1 - Use Matrix Continued

Use Type	Zoning District/Overlay																N O T E			
	Agriculture/ Conservation			Residential				Commercial					Industry/ Public							
	P C	A G R	A P	AR		R E	R T	R S	R M	C N	C L O	C C	C H O	C G R E	I L	I G		P O	I P F	
				R S A	U S A															
Commercial Uses																				
Landscape Service		D		A								B		B		P	P			77
Laundry Services										P	P	P	P	P		P	P			78
Lounge, Cocktail										A	A	A	A	P	A					79
Medical or Dental Office		P		A						D	A	P	D	P		P		P	D	83
Monument Sales Retail												A		P		P				86
Office, Business or Professional										P	P	P	P	P		P	P			91
Parking Garage, Commercial														A		P				95
Parking Lot, Commercial												B	B	D	P	P		P		96
Pawnshop														A						97
Personal Services										P	P	P	P	P	P					98
Printing and Copying Services										P	P	P	P	P		P				100
Real Estates Sales Model, Non-PDD																				102
Repair and Maintenance, General												A		A		P	P	P		107
Repair Services, Limited										P	P	P	P	P		P	P	P		108
Restaurant, Type I												A	A	A	A					109
Restaurant, Type II										A	A	D	A	D	A					110
Retail Sales, Auto										P		P		P						113
Retail Sales, General										P		P		P						114
Retail Sales, Mobile or Temporary		S								S	S	S	S	S	S	S	S	S		115
Self-Service Storage												A		A		D	D			120
Theater, Drive-In														A	D					128
Theater, Indoor										A		B		D	P					129
Towing Service and Storage																P	P			130
Vehicle Sales and Rental												A		A		A				135
Veterinary Clinic		D		B	B					A	A	B	B	P		P				136
Vocational School												A	P	P		P	P	P	A	137
Work/Live Space																				141
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2006-036]																				
Key:																				
P Permitted by right																				
D Permitted subject to approval by the DRO																				
S Permitted in the district only if approved by Special Permit																				
B Permitted in the district only if approved by the Zoning Commission (ZC)																				
A Permitted in the district only if approved by the Board of County Commissioners (BCC)																				

Table 4.A.3.A-1 – Use Matrix Continued

Use Type	Zoning District/Overlay																N O T E				
	Agriculture/ Conservation			Residential					Commercial					Industry/ Public							
	P C	A G R	A P	AR		R E	R T	R S	R M	C N	C L O	C C	C H O	C G	C R E	I L		I G	P O	I P	
				R S A	U S A																
Public and Civic Uses																					
Airport														A			A	A	A	10	
Assembly, Nonprofit Institutional		A		A				A	A	A		A		A				P	A	14	
Assembly, Nonprofit Membership					A						A	A	A						A	15	
Cemetery				A	A	A	A	A	A			B		B				B	A	27	
Place of Worship		A		A	A	A	A	A	A	A	A	A	A	A	A					A	29
College or University											A	A	A					P	A	30	
Day Camp											A		A	D				P	D	39	
Day Care, General		B		A	A	A	A	A	A	A	A	A	B	B	D	B	B	D	B	40	
Day Care, Limited		D		A	A	A	A	A	B	B	B	D	D	D	D	D	D	D	D	40	
Government Services		D	A	A	A	A	A	A	A	D	D	D	D	D	D	P	P	P	D	63	
Helipad		B	B	A	A	A		A				B	B	D	D	D	P	D	10		
Hospital or Medical Center											A	A	A					P	A	71	
Landing Strip		B	B	B										B		B			B	10	
School, Elementary or Secondary		A		A	A	A	A	A	A	A	A	A	A	A		A			P	A	118
Recreation Uses																					
Arena, Auditorium or Stadium													A	A				D	A	12	
Campground	D		D											D				P	D	24	
Entertainment, Indoor									A		A		B	D	D			P	D	45	
Entertainment, Outdoor											A		A	D	D			P		46	
Fitness Center								A	B		A	A	A	P	P			P		56	
Golf Course						A	A	A	A			A		B	D	D			B	B	62
Gun Club, Enclosed													B	P	D	P		D		67	
Gun Club, Open														A				B		67	
Gun Range, Private			D	A														P		68	
Marine Facility												B	B	B	P	P		D		82	
Park, Passive	P	P	P	D	D	D	D	D	D	D	P	P	P	P	P	P	P	P	P	93	
Park, Public	D			B	B	A	A	A	B	B		D		D	D	D	D	P	D	94	
Park, Neighborhood	P			P	P	P	P	P	P	P		P		P	P	P	P	P	P	92	
Special Event			S	S	S				S	S	S	S	S	S	S			S	S	124	
Zoo				A									B	D				P	B	143	
[Ord. 2005 – 002] [Ord. 2006-004] [Ord. 2006-013]																					
Key:																					
P Permitted by right																					
D Permitted subject to approval by the DRO																					
S Permitted in the district only if approved by Special Permit																					
B Permitted in the district only if approved by the Zoning Commission (ZC)																					
A Permitted in the district only if approved by the Board of County Commissioners (BCC)																					

Table 4.A.3.A-1 - Use Matrix Continued

Use Type	Zoning District/Overlay																	NOTE		
	Agriculture/Conservation			Residential					Commercial					Industry/ Public						
	P C	A G R	A P	AR		R	R	R	R	C	C	C	C	C	C	I	I		P	I
			R S A	U S A	E	T	S	M	N	L O	C	H O	G	R E	L	G	O	P F		
Agricultural Uses																				
Agriculture, Bona Fide		P	P	P	A	A	A	A	A	A	A	A	A	A	A	A	A	P	A	3
Agriculture, Light Manufacturing		D	D	A													P	P		4
Agriculture, Packing Plant		D	D	A									A			D	D			5
Agriculture, Research/Development		D	D													P	P	P	B	3.1
Agriculture, Sales And Service		B									A		P							6
Agriculture, Storage		P	P	P	P	D	D	D	D	P		P		P		P	P	P	P	7
Agriculture, Transshipment		D	D													D	P			8
Aviculture		P	P	P	A															19
Community Vegetable Garden		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	32
Equestrian Arena, Commercial		D		B	B	B				A	A	B	B	B	P	B	B	D	D	47
Farmers Market		D		D						P		P		P		P	P	P	D	52
Farrier		P	P	P	P					P		P		P						53
Groom's Quarters		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	65
Kennel, Type I Private		P	P	P	P	P	D	D	D											73
Kennel, Type II Commercial		B											B		B	D				74-1
Nursery, Retail		P		B	A	A	A	A	A	P		P		P		B	B			88
Nursery, Wholesale		P	P	D	B	B	B	B	B	B		P		P	P	P	P	P		89
Potting Soil Manufacturing		D	D													B	D	P		99
Produce Stand		S	S	S	S	A	A	A	A	S	S	S	S	S	S	S	S	S	S	101
Shadehouse		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	121
Stable, Commercial		D	D	D	D	A	A	A	A	B	B	D	D	D	P	D	D	D	D	125
Stable, Private		P	P	P	P	P	B	B	B											126
Sugar Mill Or Refinery			P													A				127
[Ord. 2006-036]																				
Key:																				
P Permitted by right																				
D Permitted subject to approval by the DRO																				
S Permitted in the district only if approved by Special Permit																				
B Permitted in the district only if approved by the Zoning Commission (ZC)																				
A Permitted in the district only if approved by the Board of County Commissioners (BCC)																				

Table 4.A.3.A-1 - Use Matrix Continued

Use Type	Zoning District/Overlay																	NOTE	
	Agriculture/Conservation			Residential				Commercial					Industry/ Public						
	P C	A G R	A P	AR		R E	R T	R S	R M	C N	C L O	C C	C H O	C G R E	I L	I G	P O		I P F
				R S A	U S A														
Utilities & Excavation																			
Air Curtain Incinerator			A													A	A	A	9
Air Stripper, Remedial		P	P							P	P	P	P	P	P	P	P	P	11
Chipping and Mulching		D	B													B	D	D	28
Communication Cell Sites on Wheels (COW) Tower, Mobile	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	31
Communication Panels, or Antennas, Commercial		D	P	B	B	B	B	B	D	D	D	D	D	D	D	P	P	P	31
Communication Tower, Commercial	A	A	D	A	A	A	A	A	A	A	A	B	B	B	B	D	D	D	31
Composting Facility		D	D													D	D	D	33
Electric Power Facility			A							A	A	A	A	A	A	A	A	P	44-1
Electric Transmission Facility		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	P	44-2
Excavation, Agriculture		D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	P	49
Excavation, Type I		P	P	P	P	P	P	P										P	49
Excavation, Type II		D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	49
Excavation, Type III A			A	A										A	A	A	A	A	49
Excavation, Type III B			A	A										A	A	A	A	A	49
Recycling Center										A		B		D		P	P	P	103
Recycling Collection Station										B	S	S	S	S		S	S	S	106
Recycling Drop Off Bin			S							S	S	S	S	S	S	S	S	S	104
Recycling Plant																B	D	P	105
Sanitary Landfill or Incinerator																		P	117
Solid Waste Transfer Station			A	A	A									A		A	B	P	123
Utility, Minor		D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	P	134
Water or Treatment Plant			A	A	A	A	A	A	A	A	A	A	A	A	A	D	D	P	139

[Ord. 2006-004]

Key:

- P Permitted by right
- D Permitted subject to approval by the DRO
- S Permitted in the district only if approved by Special Permit
- B Permitted in the district only if approved by the Zoning Commission (ZC)
- A Permitted in the district only if approved by the Board of County Commissioners (BCC)

Table 4.A.3.A-1 - Use Matrix Continued

Use Type	Zoning District/Overlay															N O T E			
	Agriculture/Conservation			Residential				Commercial					Industry/ Public						
	P C	A G R	A P	AR		R E	R T	R S	R M	C N	C L O	C C	C H O	C G R E	I L		I G	P O	I P F
				R S A	U S A														
Industrial Uses																			
Asphalt or Concrete Plant															A	B			13
Data Information Processing										D	D	P	P		P	P			38
Film Production Studio												D	D	A	P	P	P	A	54
Gas and Fuel, Wholesale															A	B	P		61
Heavy Industry															A	D			69
Laboratory, Industrial Research															B	P			76
Machine or Welding Shop															P	P			80
Manufacturing And Processing															P	P			81
Medical or Dental Laboratory												B	P		P				84
Salvage or Junk Yard																A			116
Transportation Facility													B		D	D	P	B	133
Truck Stop															A	A			131
Warehouse															P	P			138
Wholesaling, General															P	P			140
Key:																			
P Permitted by right																			
D Permitted subject to approval by the DRO																			
S Permitted in the district only if approved Special Permit																			
B Permitted in the district only if approved by the Zoning Commission (ZC)																			
A Permitted in the district only if approved by the Board of County Commissioners (BCC)																			

Table 4.A.3.A-2 - Thresholds for Projects Requiring DRO Approval

Zoning District	Number of Units of Square Feet
RM	16 du
CN	3,000 square feet
CLO	3,000 square feet
CC	8,000 square feet
CHO	8,000 square feet
CG	10,000 square feet
CRE	15,000 square feet
IL	20,000 square feet
IG	20,000 square feet
IPF	20,000 square feet 16 du
WCRAO	All commercial or industrial development and residential development of more than two dwelling units.
Notes:	
1.	Approval of a subdivision plan is required for all subdivision of land for which a plat or plat waiver has not been granted pursuant to Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS , Platting and Required Improvements or which exceeds the threshold above.
2.	Projects exceeding the thresholds above shall comply with Article 5.C, DESIGN STANDARDS .

Section 4 Development Thresholds

A. General

Any amendment to an existing development, or new construction of residential, commercial or industrial projects that meets or exceeds either the maximum square footage or units, or maximum acreage of Table 4.A.3.A-3, Thresholds for Projects Requiring Board of County Commission Approval, shall be reviewed and approved as a PDD or TDD in accordance with Art. 2.B.1, Official Zoning Map Amendment (Rezoning). Projects that meet or exceed the thresholds of this table that do not meet the access and dimension requirements of a PDD or TDD; are not allowed to be a PDD or TDD by the Plan; or for non-residential projects, consist of only one use, shall be approved as a Class A Conditional Use. **[Ord. 2006-004]**

Table 4.A.3.A.3 - Thresholds for Projects Requiring Board of County Commission Approval

FLU Designation²	Number of Square Footage or Units³	Acreage
Residential (Excluding RR FLU)	200 du	50 acres
AGR (Residential Only)	-	250 acres
CLO	30,000	-
CHO	50,000	-
CL	30,000	-
CH	50,000	-
IND	100,000	-
INST	50,000	-
CR	100,000	-
MLU	50,000	-
EDC	100,000	-
[Ord. 2006-004]		
Notes:		
1. 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, excluding AGR or Sector Plan preserve areas, shall not be counted toward the maximum acreage threshold. [Ord. 2006-004]		
2. PDDs or TDDs in the AGR Tier are limited to the 80/20 PUD, 60/40 PUD or AGR TMD (FLUE Policy 1.5.1-a). [Ord. 2006-004]		
3. Dwelling units shall include any density awarded as part of a density bonus program. [Ord. 2006-004]		

CHAPTER B SUPPLEMENTARY USE STANDARDS

This Section contains supplementary standards for specific uses. In the case of a conflict with other regulations in this Code, the more restrictive requirement shall apply, unless otherwise stated.

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

1. Accessory Dwelling

An accessory dwelling unit located on the same lot as a principal single family dwelling. An accessory dwelling is a complete, independent living facility equipped with a kitchen and provisions for sanitation and sleeping.

a. Number of Units

A maximum of one accessory dwelling may be permitted as an accessory use to a principal single family dwelling unit which is owner occupied. The accessory dwelling may be attached to the principal dwelling or freestanding.

b. Maximum Floor Area

- 1) On less than one acre: 800 square feet.
- 2) On one acre or more: 1000 square feet.
- 3) The floor area calculation shall include only the living area of the accessory dwelling under a solid roof. **[Ord. 2005-041]**

c. Additional Floor Area

Floor area under a solid roof that is utilized as a porch, patio, porte cochere, carport, or garage shall not exceed 500 square feet.

d. Maximum Number of Bedrooms/Baths

One bedroom and one bathroom.

e. Compatibility

The accessory dwelling shall be architecturally compatible in character and materials with the principal dwelling.

f. Property Development Regulations (PDRs)

The accessory dwelling shall comply with the PDRs applicable to the principal dwelling.

g. No Separate Ownership

The accessory dwelling shall remain accessory to and under the same ownership as the principal dwelling and shall not be subdivided or sold as a condominium.

h. Kitchen Removal

An agreement to remove all kitchen equipment shall be executed for the dwelling unit prior to the issuance of a Building Permit. The agreement shall require the kitchen to be removed if the principal dwelling is no longer owner occupied.

i. No Separate Electrical Service

Both the principal single family dwelling and the accessory dwelling shall be connected to the same meter. Separate electric service shall be prohibited. **[Ord. 2005-041]**

2. Adult Entertainment

a. 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 [F.S. §480](#), tanning salon, modeling studio, or lingerie studio. **[Ord. 2004-051]**

b. Definitions, Adult Entertainment Establishment

The following definitions apply for the purposes of the Adult Entertainment Establishment provisions of this Code. **[Ord. 2004-051]**

1) Adult Arcade

Any place or establishment operated for commercial gain, which invites or permits the public to view adult material. For purposes of this Code, "adult arcade" is included within the definition of "adult theater." **[Ord. 2004-051]**

2) Adult Bookstore/Adult Video Store

An establishment which sells, offers for sale, or rents adult material for commercial gain and which meets either of the following two criteria:

(a) More than 30 percent of the gross public floor area is devoted to adult material; or

(b) More than 30 percent of the stock in trade consists of adult material. **[Ord. 2004 – 051]**

3) Adult Booth

A small enclosed or partitioned area inside an adult entertainment establishment which is: (1) designed or used for the viewing of adult material by one or more persons and (2) is accessible to any person, regardless of whether a fee is charged for access. The term "adult booth" includes, but is not limited to, a "peep show" booth, or other booth used to view adult material. The term "adult booth" does not include a foyer through which any person can enter or exit the establishment, or a restroom. **[Ord. 2004-051]**

4) Adult Dancing Establishment

An establishment selling, serving or allowing consumption of alcoholic beverages, where employees display or expose specified anatomical areas to others regardless of whether the employees actually engage in dancing. **[Ord. 2004-051]**

5) Adult Entertainment

a) 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 [F.S. Chapter 480](#), tanning salon, modeling studio, or lingerie studio. **[Ord. 2004-051]**

b) Excluded from this definition are any educational institutions where the exposure of the specified anatomical area is associated with a curriculum or program. **[Ord. 2004-051]**

c) An establishment that possesses an adult entertainment license is presumed to be an adult entertainment establishment. **[Ord. 2004-051]**

6) Adult Material

Any one or more of the following, regardless of whether it is new or used: **[Ord. 2004 – 051]**

a) Books, magazines, periodicals or other printed matter; photographs, films, motion pictures, video cassettes, slides, or other visual representations; recordings, other audio

matter; and novelties or devices; which have as their primary or dominant theme subject matter depicting, exhibiting, illustrating, describing or relating to specified sexual activities or specified anatomical areas; or; [Ord. 2004 – 051]

b) Instruments, novelties, devices, or paraphernalia which are designed for use in connection with specified sexual activities. [Ord. 2004 – 051]

7) Adult Motel

A hotel, motel or similar commercial establishment which offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" and has a sign visible from the public streets which advertises the availability of this adult type of photographic reproductions. [Ord. 2004-051]

8) Adult Theater

An establishment operated for commercial gain which consists of an enclosed building, or a portion or part thereof or an open-air area used for viewing of adult material. "Adult motels," "adult arcade," "adult booth" and "adult motion picture theater" are included within the definition of "adult theater". An establishment which has "adult booths" is considered to be an "adult theater". [Ord. 2004-051]

9) Adult Video Store

See Adult Bookstore. [Ord. 2004-051]

10) Commercial Gain

Operated for pecuniary gain, which shall be presumed for any establishment which has received an occupational license. For the purpose of this Code, commercial or pecuniary gain shall not depend on actual profit or loss. [Ord. 2004-051]

11) Educational Institution

Premises or site within a municipality or within the unincorporated area of PBC upon which there is a governmentally licensed child care facility for six or more children or elementary or secondary (K-12) school, attended in whole or in part by persons under 18 years of age. [Ord. 2004-051]

12) Employee

Any person who works, performs, or exposes his/her specified anatomical areas in an establishment, irrespective of whether said person is paid a salary or wages by the owner or manager of the business, establishment, or premises. "Employee" shall include any person who pays any form of consideration to an owner or manager of an establishment, for the privilege to work performing or exposing his/her specified anatomical areas within the establishment. [Ord. 2004-051]

13) Person

Includes an individual(s), firm(s), association(s), joint ventures(s), partnership(s), estate(s), trust(s), business trust(s), syndicate(s), fiduciary(ies), corporation(s), and all other or any other similar entity. [Ord. 2004-051]

14) Religious Activities

Any daily, weekly, or periodic activity associated with or that occurs at a religious institution. [Ord. 2004-051]

15) Religious Institution

A premises or site which is used primarily or exclusively for religious worship and related religious ecclesiastical or denominational organization or established place of worship, retreat, site, camp or similar facilities owned or operated by a bona fide religious group for religious activities shall be considered a religious institution. [Ord. 2004-051]

16) Residential Zoning District

Includes the following zoning districts which have not been designated in the comprehensive plan as commercial or industrial: [Ord. 2004-051]

a) AR-Agricultural Residential. [Ord. 2004-051]

b) RE-Residential Estate. [Ord. 2004-051]

c) RT-Residential Transitional. [Ord. 2004-051]

d) RS-Single Family Residential. [Ord. 2004-051]

e) RM-Multiple-Family Residential (Medium Density). [Ord. 2004-051]

f) TND-Traditional Neighborhood Development. [Ord. 2004-051]

g) PUD-Planned Unit Development. [Ord. 2004-051]

17) Specified Anatomical Areas

Less than completely and opaquely covered:

- a) Human genitals and pubic region; or **[Ord. 2004-051]**
- b) the opening between the human buttocks, i.e., the anal cleft; or **[Ord. 2004-051]**
- 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 **[Ord. 2004-051]**
- d) human male genitals in a discernibly turgid state, even if completely and opaquely covered. **[Ord. 2004-051]**

18) Specified Sexual Activities

- a) Human genitals in a state of sexual stimulations, arousal, or tumescence; **[Ord. 2004-051]**
- b) acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sexual intercourse, or sodomy; or **[Ord. 2004-051]**
- c) fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast; or **[Ord. 2004-051]**
- d) excretory functions as part of or in connection with any of the activities set forth in subsections of [Art. 4.B.1.A.2.b.17-18](#)), [Specified Anatomical Areas and Specified Sexual Activities](#). **[Ord. 2004-051]**

c. Exclusions

Excluded from this definition are any educational institutions where the exposure of the specified anatomical area is associated with a curriculum or program. **[Ord. 2004-051]**

d. 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 21 days of a determination of application sufficiency pursuant to the standards and procedures in Art. 2.D.2, Special Permit, and the requirements of the Code. The standards set forth in Art. 2.D.2.D.1 and 2.D.2.D.4 shall not be applied to special permits for adult entertainment uses. 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 to 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 Appellate Procedure. **[Ord. 2004 – 051]**

e. 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 PBC 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, unlighted and desirable areas supports the preservation of property values and promotes the health, safety and welfare of the public. **[Ord. 2004-051]**

f. Findings of Fact

Based on the evidence and testimony presented at the October 5, 2004 preliminary reading and the October 19, 2004 and November 16, 2004 Public Hearings before the BCC and on the findings incorporated in: the "Final Report to the City of Garden Grove: The Relationship Between Crime and Adult Business Operations on Garden Grove Boulevard", October 1991; "Adult Entertainment Businesses in Indianapolis: An Analysis" conducted by the Department of Metropolitan Development, Division of Planning, February, 1984; the "Study of the Effects of Concentration of Adult Entertainment Establishments in the City of Los Angeles" conducted by the Los Angeles City Planning Department for the Los Angeles City Council, June 1977; the study conducted by the City of Austin Texas; the "Presentation to the Orange County Commission" by

the Metropolitan Bureau of Investigation (MBI) for the Ninth Judicial Circuit (Orlando area); the expert affidavit prepared for Palm Beach County by Eric Damian Kelly, PhD., FAICP, dated September 24, 2004; letter from Dale N. Tarvis, M.D.; "Analysis of Availability of Sites for Adult Entertainment in Palm Beach County" prepared for Palm Beach County by Duncan Associates, November 2003; and information from Tampa, Florida detailing the effects of adult entertainment establishments in the Tampa area; the BCC hereby finds the following: **[Ord. 2004 – 051]**

- 1) Commercial uses exist or may exist within unincorporated PBC 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. **[Ord. 2004-051]**
- 2) Commercial uses exist or may exist within unincorporated PBC:
 - 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; **[Ord. 2004-041]**
 - 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; **[Ord. 2004-051]** or
 - c) Where lap dancing occurs. **[Ord. 2004-051]**
- 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 PBC. **[Ord. 2004-051]**
 - a) When the activities described in [Art. 4.B.1.A.2.b.17\)-18\)](#), [Specified Anatomical Areas and Specified Sexual Activities](#), 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. **[Ord. 2004-051]**
 - b) When the activities described in [Art. 4.B.1.A.2.b.17\)-18\)](#), [Specified Anatomical Areas and Specified Sexual Activities](#), are present in commercial uses within PBC, 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. **[Ord. 2004-051]**
 - c) There is a direct relationship between the display and depiction of specified anatomical areas as described in [Art. 4.B.1.A.2.b.17\)-18\)](#), [Specified Anatomical Areas and Specified Sexual Activities](#), 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 are hazardous to the health and safety of those persons in attendance and tend 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 PBC. **[Ord. 2004-051]**
- 4) Based upon these findings, the BCC finds that there are a sufficient number of available locations for new adult entertainment uses within unincorporated Palm Beach County. **[Ord. 2004 – 051]**
- 5) Based upon these findings, it is in the interest of the health, safety, morals, and general welfare of the citizens of PBC that adult entertainment uses are regulated pursuant to the following standards. **[Ord. 2004-051]**

g. Location

1) General

An adult entertainment use shall be located in the following minimum distances from the following uses. There shall be no variance to the locational standards in this Section. **[Ord. 2004-051]**

- a) Other Adult Entertainment Use**
2,000 feet. **[Ord. 2004-051]**
- b) A Church or Place of Worship**
1,000 feet. **[Ord. 2004-051]**
- c) An Educational Institution**
1,000 feet. **[Ord. 2004-051]**

- d) **A Public Park**
500 feet. [Ord. 2004-051]
 - e) **A Residential Zoning District**
(Which is Designated as Residential by any Local Comprehensive Plan)
500 feet. [Ord. 2004-051]
 - f) **A Cocktail Lounge**
750 feet. [Ord. 2004-051]
- 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 bay housing 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, also see [Article 1.C, RULES OF CONSTRUCTION AND MEASUREMENT](#), 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. [Ord. 2004-051]
- 3) **WCRA Overlay**
Adult entertainment is prohibited within the boundaries of the WCRAO, as per Table 3.B.15.E-7, WCRAO Sub-area Use Regulations. [Ord. 2006-004]
- h. **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. [Ord. 2004-051]
- i. **Landscaping**
A Type 2 incompatibility buffer, pursuant to [Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS](#) with canopy trees spaced a minimum of 20 feet on center and a wall a minimum of six feet in height shall be installed along any property line that abuts a residential district. [Ord. 2004-051]
- j. **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 16 feet in height from finished grade. [Ord. 2004-051]
- k. **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: [Ord. 2004-051]
- a) **Location**
Was in operation as an adult entertainment use, 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; [Ord. 2004-051] 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; and [Ord. 2004-051]
 - c) **Adult Entertainment License**
Applied for an adult entertainment use under the terms of this Code, shall submit an application for an adult entertainment license pursuant to the PBC Adult Entertainment Code, [Chapter 17, Article V](#) of the PBC Code, as may be amended, with appropriate filing fees by August 15, 1992. [Ord. 2004-051]
- 2) **Standards for Nonconformance**
A nonconforming adult entertainment use as determined in [Article 4.B.1.A.2.k, Nonconformity](#), above shall be subject to the following supplementary standards, in addition to [Article 1.F, NONCONFORMITIES](#) Article 1.F, NONCONFORMITIES. [Ord. 2004-051]
- 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 **[Ord. 2004-051]**

b) Landscape Buffer

The adult entertainment use shall construct and install a Type 2 incompatibility buffer, as defined in [Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS](#), with canopy trees spaced a maximum of 20 feet on center along any property line that abuts a residential district, within 90 days of the date of issuance of the adult entertainment license by the occupational licensing department. **[Ord. 2004-051]**

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 [Article 7, LANDSCAPING](#), shall apply to the entire site of the adult entertainment use. **[Ord. 2004-051]**

3. Agriculture, Bona Fide

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 [Article 4.B.1.A.3.a.1, Designation Criteria](#), and [Article 4.B.1.A.3.a.2, Productivity Standards](#), Productivity Standards, below are met. Criteria listed in item [Article 4.B.1.A.3, Agriculture, Bona Fide](#), Additional Guidelines, 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 [F.S. §193.461](#).

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 the State of Florida. In making this determination at least four 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 60 percent 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 this Article, or farm residences or farm workers quarters) on site; and

e) Demonstration

Demonstration is made that the land will be used for agricultural production for more than five years.

3) Additional Guidelines

a) Lot Size

Whether 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.

f) Plan Designation

Must be consistent with Plan designation.

b. Agricultural Uses in the U/S Tier

1) Applicability

Uses legally established prior to the effective date of this code in the U/S Tier shall be considered conforming. Any expansion of existing agricultural uses shall be consistent with all applicable requirements and subject to the review procedure identified in this Code.

2) Uses Not Listed

Agricultural uses not listed in [Table 4.A.3.A-1, Standard Use Matrix](#), as permitted in the U/S Tier shall only be permitted as an interim use, subject to Class A conditional use approval.

3) AR District

The AR district shall be considered consistent with all FLU designations in the U/S Tier for the purposes of permitting interim agricultural uses only.

4) Temporary Agricultural Uses

Property which has an existing development order may also receive an additional development order for a temporary agricultural use in the U/S Tier in accordance with the standards for the specific agricultural use, however, the agricultural use shall not be eligible for an agricultural tax exemption.

c. Groves and Row Crop

The cultivation of fruits and vegetables as groves and row crops shall be subject to the following additional standards in all districts:

1) Lot Size

A minimum of five acres.

2) Setback

Structures and accessory activities shall be setback a minimum of 50 feet.

3) Hours of Operation

Operation of commercial vehicles over one ton rated capacity or gross vehicle weight of 10,000 pounds, including load, from 7:00 p.m. to 6:00 a.m. is prohibited.

4) Loading

All loading and unloading of trucks shall be restricted to the site and shall not be permitted in any setbacks.

5) Spraying

No aerial application of any pesticides, fungicides, fertilizers, or any other chemical shall be allowed.

d. Dipping Vats

Dipping vats shall not be allowed in the AR district, unless approved as a Class B conditional use.

e. Pens and Cages

In the AR and AGR districts, pens, cages or structures shall meet the district setbacks for a principal use, or be setback a minimum of 50 feet from any property line, whichever is greater.

f. Game and Exotic Animals

The Florida Game and Fresh Water Fish Commission (FGFWC) shall regulate game farms or game animal care for private or commercial purposes.

1) Exotic Animals

Care for exotic animals (imported or non-native animal species) for private or commercial breeding purposes shall have a minimum lot size of five acres.

2) Dangerous or Class I and II Animals

Ownership, care, or keeping of dangerous or Class I and II animals, as defined by the FG&FWFC, shall require Class A conditional use approval and shall have a minimum lot size of five acres.

g. Livestock Raising

The breeding, raising and caring for domestic animals including horses.

1) Urban Service Area (USA)

In the Urban Service Area, livestock raising shall comply with the following standards:

a) Lot Size

A minimum of five acres.

b) Setback

All accessory uses and structure, such as troughs, feed mechanisms and storage, shall be setback a minimum of 100 feet.

c) Large Animals

The maximum number of large animals permitted for each acre shall not exceed five. Large animals shall include horses, swine, cattle, goats, and sheep. An enclosed structure with one stall for each large animal is required when the total number of large animals exceeds three per acre. In addition, the following limitation on the number of specific large animals per acre shall apply: horses: five; swine: one; cattle: two; goats: two; sheep: two.

d) Small Animals

The maximum number of small animals permitted for each acre shall not exceed 100. Small animals shall include rabbits and fowl, excluding peafowl. Small animals shall be permitted in addition to large animals.

e) Palm Beach County Animal Control Department (PBCACD)

The property owner shall notify PBCACD as to the type of livestock and details of animal care to be provided.

f) Processing and Slaughtering

Processing and slaughtering shall be prohibited.

g) Loading

All loading and unloading of trucks shall be restricted to the site and shall not encroach any setback.

h) Waste

A plan outlining a method of waste removal shall be submitted to and approved by PBC Health Department.

i) 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 DRO approval.

h. Accessory Agricultural Uses

These uses include "U-Pick-Em" operations; sale of on-site produced products; corrals; pens; training facilities; dipping vats; processing of raw material; storage sheds; repair, fabrication, body work and welding of agricultural equipment; freestanding coolers; bulk storage of petroleum products; shipping containers used for temporary storage; washing, cutting, and packing of farm products, and canning, dehydration, and basic preparation of raw food products prior to shipment, and outdoor storage of equipment. **[Ord. 2005 – 002]**

i. Landscape Curbing

A bona fide agricultural use may use railroad ties or landscape lumber as an alternate to the curbing requirement in [Art. 7.G, Off Street Parking Requirements](#).

j. Landscape Curbing

A bona fide agricultural use may use railroad ties or landscape lumber as an alternate to the curbing requirement in [Article 7.G, OFF-STREET PARKING REQUIREMENTS](#).

3.1 Agriculture, Research and Development

The use of land or buildings for agriculture research and the cultivation of new agricultural products.

a. AR/RSA

May be permitted in the AR/RSA District with a SA FLU subject to a Class B conditional use approval. **[Ord. 2005 – 002]**

b. Outdoor Activities

Outdoor research, testing or development of agricultural products shall be limited to industrial districts only.

4. Agriculture, Light Manufacturing

An accessory agricultural use for the manufacturing of products related to agricultural operations, such as fencing, pallets, crates, or containers. Product components are predominantly assembled from previously prepared materials or finished parts. Manufacturing includes processing, fabrication, assembly, treatment, and packaging of such products, and accessory storage and distribution, but excludes heavy industrial processing or manufacturing.

a. Setbacks

A minimum 100 foot setback shall be required adjacent to a residential district.

b. Accessory Use

Light agricultural manufacturing operations may be allowed as an accessory use to a related bona fide agriculture use on the same property provided it does not exceed 25,000 square feet.

c. Landscaping

An incompatibility buffer may be omitted if the use is adjacent to farm worker quarters or a mobile home accessory to agriculture.

5. Agriculture, Packing Plant

A facility accessory to bona fide agriculture, used for the packing of produce not necessarily grown on site. Activities may also include canning, dehydration, washing, cutting, or basic preparation of raw produce prior to shipment. [Ord. 2005 – 002]

a. Accessory Use

A packing plant in the AP and AGR districts may be allowed as an accessory use to a related bona fide agriculture use on the same property, provided it does not exceed 25,000 square feet.

b. Setbacks

A minimum of 100 feet along all property lines which are adjacent to a residential district.

c. Landscaping

An incompatibility buffer as required by [Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS](#), may be omitted if the use is adjacent to farm worker quarters or a mobile home accessory to a bona fide agriculture use.

d. Storage

Only equipment directly related to the facility shall be stored on the site. All stored equipment shall be screened from view from adjacent properties and streets.

e. AR/RSA

May be permitted in the AR/RSA District with a SA FLU, subject to a Class A conditional use approval. [Ord. 2005 – 002]

6. Agriculture, Sales and Service

An establishment primarily engaged in the sale or rental of farm tools, small implements and farming equipment such as pickers and mowers; sale of livestock, feed, grain, tack, riding attire, animal care products, farm supplies, and the like:

a. Storage

All storage areas for agricultural sales and service uses shall be enclosed or completely screened from view. A maximum of five tractor-trailers used for the transport of bona fide agricultural products may be stored outside if they are completely screened from view from adjacent properties and streets.

b. Grocery Sales

Five percent or 1000 square feet, whichever is less, of the merchandise sales area use may be devoted to retail grocery sales. 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.

c. Repair Service

Service of small implements only shall be permitted in an enclosed area that is completely screened from view from adjacent properties and setback a minimum of 25 feet from any side or rear property line. Repair activities shall occur only between the hours of 7:00 a.m. and 9:00 p.m.

d. AR/RSA

May be permitted in the AR/RSA District with a SA FLU, subject to a Class A conditional use approval. [Ord. 2005 – 002]

7. Agriculture, Storage

The storage of equipment or products accessory or incidental to a principal agricultural use.

a. General

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 standards:

1) Urban Service Area

a) Setbacks

Outdoor agricultural storage shall meet the principal use setbacks of the district in which it is located.

b) Screening

Outdoor agricultural storage shall be screened from view by a solid fence, wall or building.

2) Outdoor Agriculture Storage

Outdoor agriculture storage is only permitted in the RE, RT, RS, RM, CN, CC and CG districts as a Class B conditional use.

a) Exception

Outdoor agriculture storage is not permitted in a PDD with a commercial FLU designation.

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 in a mobile home shall not be permitted. Agricultural storage in a shipping container shall only be permitted in conjunction with a bona fide agricultural use.

1) AR district in Urban Service Area (USA)

An enclosed structure shall be setback 100 feet from the front and side street and 50 feet from the side and rear property lines.

2) All Other Districts in Urban Service Area (USA)

An enclosed structure shall meet the principal use setbacks of the district in which it is located.

8. Agriculture, Transshipment

A facility engaged in the transferring of 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. AGR and AP Districts

1) Accessory Use

Agricultural transshipment facilities not exceeding 25,000 square feet shall be permitted as an accessory use.

2) Setback

A minimum 100 foot setback shall be required along all property lines which are adjacent to an existing residential use, district or FLU as of the effective date of this Code excluding farm worker quarters and mobile homes accessory to agriculture.

9. Air Curtain Incinerator

A combustion device used to burn trees and brush.

a. Standards

1) Exemptions

The following temporary air curtain incinerators are exempt from the requirements of this section: Incinerators operating under written approval from the PBC Health Department in accordance with the PBC Open Burning Ord. 2005-020; and incinerators used for the emergency burning of storm generated debris by a local government. **[Ord. 2006-004]**

2) Storage

Except in the AP district, on site outdoor storage of unprocessed material shall be limited to 45 days. Pile height shall be limited to 15 feet. Outdoor storage shall be setback a minimum of 25 feet from any property line or 50 feet from any property line adjacent to a residential district or use. Storage areas shall be screened from view pursuant to [Art. 5.B, Accessory and Temporary Uses](#). **[Ord. 2006-004]**

3) Hours of Operation

Hours of operation are limited to 8:00 a.m. to 5:00 p.m., Monday through Friday. The incinerator shall not be charged before 9:00 a.m. and shall be completely extinguished one hour before sunset. **[Ord. 2006-004]**

4) No Burn Days

The incinerator shall not operate on "no burn days" as designated by the PBC Fire-Rescue Department. **[Ord. 2006-004]**

5) Setback

The incinerator shall be set back a minimum of 1,200 feet from any property line abutting a residential district or use. [Ord. 2006-004]

b. Supplemental Application Requirements

1) Site Plan

A site plan illustrating how the operation functions, circulation routes, square footage, height and location of buildings, incinerator and storage piles.

2) Waste

An explanation of the quantity of waste to be received expressed in cubic yards per day or tons per day.

3) Dust Control

A plan which addresses 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. If facility with an air curtain incinerator also includes chipping, mulching or composting, adherence to the supplementary use standards applicable to such use shall also be required.

10. Airport, Landing Strip or Helipad

Any public or privately owned or operated facility designed to accommodate landing or take-off operations of aircraft. All private airports, landing strips, and helipads not owned and operated by the State of Florida, PBC, or a hospital shall comply with the following standards:

a. Accessory Landing Strip

Defined as any private ground facility designed to accommodate landing and take-off operations of aircraft used by individual property owners, farm operators, or commercial operations.

b. AGR and AR Tiers

Only landing strips, hangers and helipads accessory to a bona fide agricultural use shall be permitted.

c. CRE District

An airport, landing strip, or helipad shall not be located in an RR FLU designation.

d. Airspace Analysis

A helipad shall demonstrate that the FAA has conducted an airspace analysis 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).

e. Landing Area

Private airports, landing strips, and helipads shall comply with the minimum dimensions required by FDOT. Helipads shall comply with Heliport Design Guide as required by the FAA.

f. Lot Size

Helipads accessory to a farm residence shall be located on parcels containing a minimum of ten acres. Landing strips and hangars accessory to agricultural uses shall be located on parcels containing a minimum of 20 acres.

g. Hangers

Storage buildings for aircraft shall be allowed as principal structures.

h. Setback

No structure or navigation aid shall be located within 50 feet of any property line. In addition, there shall be a 100-foot setback between the edge of the landing area, as defined by the FDOT, and the property line.

i. Building Height

A variance shall not be required for a structure to exceed the height limit for the district in which the use is located, if the additional height is required by Federal law or F.S.

11. Air Stripper

A temporary remedial system which treats contaminated groundwater.

a. Duration

The length of time a remedial system may remain on a site shall be determined by ERM.

b. Setback

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 incinerator and set necessary conditions for landscaping and screening.

This space intentionally left blank.

12. Arena, Auditorium or Stadium

An open, partially or fully enclosed facility primarily used or intended for commercial spectator sports or entertainment. Typical uses include convention and exhibition halls, large conference centers, sports arenas, jai alai frontons, amphitheaters and racetracks.

a. CRE District

An arena, auditorium or stadium use shall not be located in an RR FLU designation.

b. Lot Size

A minimum of five acres.

c. Frontage

A minimum of 200 feet of frontage on a public street providing the primary access is required. All vehicular access shall be from an arterial street.

d. AGR District or FLU Designation

Paramutal betting is not permitted.

13. Asphalt or Concrete Plant

An establishment engaged in the manufacture, mixing or batching of asphalt, asphaltic cement, cement or concrete products.

14. Assembly, Nonprofit Institutional

A site or facility 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 and community services such as after school care or tutorial services, medical services, and employment services.

a. Frontage and Access

1) General

The use shall front a collector, arterial or local commercial street. A place of assembly with collocated uses, or more than 15,000 square feet of GFA or 350 seats, including accessory uses, shall have frontage on and access from a collector or arterial street. **[Ord. 2006-013]**

2) Redevelopment and Revitalization Overlay

The use may be located on a local residential street, subject to the following criteria: **[Ord. 2006-013]**

a) Approval of a Special Permit; **[Ord. 2006-013]**

b) Limited to a maximum of 3,000 square feet of GFA, unless approved as a Class A conditional use; **[Ord. 2006-013]**

c) A maximum of two acres, unless approved as a Class A conditional use; **[Ord. 2006-013]**

d) Landscaping in accordance with [Art. 7, Landscaping](#); **[Ord. 2006-013]**

e) A minimum of one parking space per employee and two visitor parking spaces shall be provided; **[Ord. 2006-013]**

f) No outdoor activities after 10:00 pm; **[Ord. 2006-013]**

g) PBC or a CCRT approved neighborhood group shall own or operate the property and facility; **[Ord. 2006-013]**

h) Prior to the issuance of an occupational license, the building shall comply with all applicable Health and Building Code requirements; and **[Ord. 2006-013]**

i) The following accessory uses shall be permitted: limited day care, day camp, neighborhood association office, police and fire rescue substations, and special events. **[Ord. 2006-013]**

b. TND District

Nonprofit institutional assembly shall be limited to a maximum of 10,000 square feet of GFA. **[Ord. 2006-013]**

c. AGR District

The use shall be limited to that which serves the needs of farm workers or residents of the AGR tier and shall not be located west of SR7. **[Ord. 2006-013]**

d. PO District

Nonprofit institutional assembly shall be government owned and operated. **[Ord. 2006-013]**

15. Assembly, Nonprofit Membership

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. Frontage and Access

The use shall front on a collector, arterial, or local commercial street. A place of assembly with collocated uses, or more than 15,000 square feet of GFA or 350 seats, including accessory uses, shall have frontage on and access from a collector or arterial street. **[Ord. 2006-013]**

b. AR/RSA

May be permitted in the AR/RSA with a SA FLU, subject to a Class A conditional use approval. **[Ord. 2005 – 002]**

c. AGR District

The use shall be limited to that which serves the needs of farm workers or residents of the AGR Tier and shall not be located west of SR 7. **[Ord. 2006-013]**

d. PO District

A nonprofit membership assembly shall be government owned and operated. **[Ord. 2006-013]**

e. TND District

Nonprofit membership assembly shall be limited to a maximum of 10,000 square feet of GFA. **[Ord. 2006-013]**

16. Auction

An establishment engaged in the public sale of goods to the highest bidder.

a. Temporary

A temporary auction shall comply with the Special Event supplementary use standards, [Article 2.D.2, Special Permit](#).

b. Outdoors

An auction with all or a portion of the activity and display of merchandise occurring outside of an enclosed building shall require approval of a Class A conditional use provided the site meets the non-residential use location criteria of the AR district.

c. TMD District

Auctions are permitted only within enclosed buildings in the U/S tier. **[Ord. 2005 – 002]**

17. Auto Paint and Body Shop

An establishment engaged in the painting of motor vehicles or performance of major external repairs of a non-mechanical nature.

a. Enclosed Structure

All activity, except detailing and car washing, shall be conducted within an enclosed structure. Use of outdoor lifts, jacks, stands, paint booths and similar equipment shall be prohibited.

b. Architecture

Freestanding auto paint and body shops contiguous to a public street or residential zoning district shall comply with [Article 5.C, DESIGN STANDARDS](#).

18. Auto Service Station

An establishment primarily engaged in the retail sale of gasoline or motor fuels. An auto service station may include accessory activities such as the sale of vehicle accessories or supplies, the lubrication of motor vehicles, the minor adjustment or minor repair of motor vehicles, the sale of convenience food items, or an accessory restaurant.

a. Approval Criteria

Prior to approving a conditional or requested use for an auto service station, 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 whether or not:

- 1) Adequate ingress and egress have been provided. **[Ord. 2006-004]**
- 2) Adequate buffering and setbacks from residential areas have been provided. **[Ord. 2006-004]**
- 3) Sufficient vehicle stacking, circulation, access, and area for turning movements have been provided. **[Ord. 2006-004]**
- 4) The number of fueling positions proposed is excessive. **[Ord. 2006-004]**
- 5) There are an excessive number of similar stations in the vicinity. **[Ord. 2006-004]**

b. Location Criteria

1) Intersection Criteria

A maximum of two auto service stations convenience stores with gas sales, or any combination thereof, shall be permitted at an intersection pursuant to Art. 5.E.2.B, Intersection Criteria. **[Ord. 2006-004]**

2) Separation Criteria

An auto service station shall be separated from any other auto service station or convenience store with gas sales pursuant to Art. 5.E.2.C.1. **[Ord. 2006-004]**

3) U/S Tier

An auto service station with a CL FLU designation shall also comply with the Major Intersection Criteria in [Article 5.E.1, Major Intersection Criteria](#). [Ord. 2006-004]

4) Rural, Exurban, Glades and Agriculture Reserve Tiers

An auto service station shall also be located at the intersection of one collector and arterial street, or two arterial streets, as listed in the Florida Department of Transportation (FDOT) PBC Federal Functional Classification Table. [Ord. 2006-004]

5) WCRA Overlay

Auto Service Stations are prohibited in the NR, NRM, and NG sub-areas, as per Table 3.B.15.E-7 – WCRAO Sub-area Use Regulations. [Ord. 2006-004]

c. Collocated Restaurant

A restaurant may be collocated with an auto service station and subject to the use regulations applicable to the restaurant. [Ord. 2006-004]

d. Parking for Accessory Automatic Car Wash

Parking for an accessory automatic car wash may be exempt from the parking requirements of Table 6.A.1.B-1, Minimum Off-Street Parking and Loading Requirements, subject to DRO approval. [Ord. 2006-004]

e. Standards

1) Enclosed Repair

All accessory repair activities shall be conducted within an enclosed structure. No outdoor storage of disassembled vehicles, or parts thereof, shall be permitted on site.

2) Delivery Vehicles

Parking of delivery vehicles shall be permitted only within a designated loading space. Overnight parking of delivery vehicles on-site shall be prohibited.

3) Vehicle Testing

Vehicles shall not be tested off-site on residential streets.

4) Loudspeakers

No outdoor speaker or public address systems audible off-site shall be permitted.

f. TMD District

Automotive service stations shall be permitted only on sites that are within 500 feet of the perimeter of a TMD district but shall not be located on a Main Street. The maximum site area is 10,000 square feet. A maximum of two gasoline pumps or four fueling positions shall be permitted.

19. Aviculture

The raising and care of birds in captivity.

a. Minimum Lot Size

- 1) Two acres: 40-200 birds.
- 2) Five acres: 201 or more birds.

b. Hobby Breeder

1) General

The raising of birds as a hobby shall be allowed as a use by right in the AR district subject to the following:

- a) The hobby breeder shall not engage in the sale of more than 24 birds to the public during any consecutive 12 month period;
- b) The hobby breeder shall not provide care for more than 40 birds on a parcel of land at any time;
- c) The minimum lot size of two acres;
- d) Shelters, cages, and accessory structure shall be setback a minimum of 50 feet from all property lines;
- e) Outdoor shelters and cages shall be contained to specific areas on the site and screened from view on all sides by a minimum six foot high opaque fence or wall. The fence or wall shall be located within 20 feet of the containment area;
- f) The hobby breeder shall locate birds which excessively screech, chirp, crow, or make loud noises away from residential properties to the maximum extent possible. Birds considered a nuisance by the Sheriff's Office shall be removed from the site; and
- g) Care, licensing, registration, and inspections shall be as required by the Animal Care and Control Ordinance and other applicable statutes.

20. Bed and Breakfast

An owner-occupied single family dwelling that offers lodging and breakfast only to paying guests.

a. Adverse Effect

- A bed and breakfast shall not adversely affect the immediate neighborhood nor create noise, light or traffic conditions detrimental to neighboring residents.
- b. Existing Structures**
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.
 - c. Guest Register**
The resident owner shall keep a current guest register including names, addresses and dates of occupancy of all guests.
 - d. Health Department and Building Code**
Prior to the issuance of an occupational license, the dwelling shall be modified to comply with all applicable Health Department and Building Code requirements.
 - e. Signage**
One sign, a maximum of eight square feet, a listing name and contact information only.
 - f. LOSTO Overlay**
A bed and breakfast shall be allowed pursuant to the Special Permit use standards.
- 21. Broadcast Studio**
An establishment primarily engaged in broadcasting visual or aural programs by radio or television to the public including cable and other television services. May also produce taped television or radio program materials. Included are commercial, religious, educational, and entertainment based television and radio stations.
- 22. Building Supplies**
- a. Retail**
An establishment engaged in the retail sale of building supplies and home improvement products.
1) Only permitted as an accessory use in an Industrial Zoning District.
 - b. Wholesale**
An establishment engaged in the sale or fabrication and allied products to contractors for the construction, maintenance, repair and improvement of real property.
1) Retail sales of lumber and allied products to the consumer may be conducted, but must be clearly accessory to the primary use.
- 23. Butcher Shop, Wholesale**
An establishment engaged in the cutting, packaging and shipping of meat, such as beef, pork, poultry and fish, for general wholesale.
- a. Frontage**
A wholesale butcher shop shall front on and access from an arterial street.
 - b. Deliveries**
If adjacent to a residential use, deliveries shall be limited to 6:00 a.m. to 5:00 p.m., Monday through Saturday. Truck engines, including refrigeration units, shall not be operated between 5:00 p.m. and 6:00 a.m.
 - c. Storage and Disposal**
No outdoor storage, disposal of waste, or by product shall be permitted.
 - d. Slaughtering**
Slaughtering, rendering and dressing shall be prohibited.
- 24. Campground**
A parcel of land used for a temporary camping and recreational uses and not as permanent living quarters. **[Ord. 2005 – 002]**
- a. Lot Size**
A minimum of five acres or the minimum required by the district, whichever is greater.
 - b. Setback for Campsites**
A minimum of 50 feet from any property line.
 - c. Camping Cabin**
A rental cabin used for temporary occupancy.
 - 1) Use**
A camping cabin shall be permitted as an accessory use to a RVPD or campground.
 - 2) Structure**
The cabin shall comply with all structural requirements of the Building Code.
 - 3) Duration**
Time limitations for occupancy shall be in accordance with [Art. 3.E.7.D, RVPD Time Limitations](#).

- 4) **Setback**
Camping cabins shall meet the setbacks required for a recreational vehicle.
 - 5) **Location**
A camping cabin may be located on a recreational vehicle lot or campsite in lieu of a recreational vehicle or campsite.
 - 6) **Floor Area**
A camping cabin shall not exceed 800 square feet of GFA.
 - 7) **Additional Floor Area**
Floor area under a solid roof that is utilized as a porch, patio, porte cochere, or carport shall not exceed 500 square feet.
 - 8) **Amenities**
A camping cabin may contain electrical outlets, heating, lighting, air conditioning, fans, cooking facilities and plumbing.
 - 9) **Number**
A maximum of 30 percent of the total approved RV lots or campsites may be converted to cabin use.
 - 10) **Camping Cabin Lots**
At no time shall the number of camping cabins exceed 49 percent of the developed lots or campsites.
- d. **LOSTO Overlay**
A camping cabin shall be allowed as a principal use, or as an accessory use to a single family dwelling, subject to approval as a special use and the following:
- 1) **Density**
A maximum of ten camping cabins per acre.
 - 2) **Setback**
A minimum of 25 feet from all property lines.
 - 3) **Occupants**
Only users of the LOSTO Trail, such as hikers, bikers and tourists, shall be allowed to occupy the cabins.
- 25. Car Wash**
A permanent establishment engaged in washing or detailing 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, striping, and interior cleaning.
- a. **Location Criteria**
 - 1) **Intersection Criteria**
A maximum of two car washes shall be permitted at an intersection in accordance with Art. 5.E.2.B, Intersection Criteria. **[Ord. 2006-004]**
 - 2) **Separation Criteria**
A car wash shall be separated from any other car wash pursuant to Art. 5.E.2.C.1. **[Ord. 2006-004]**
 - b. **Auto Detailing**
Auto detailing limited to hand washing/waxing shall be subject to approval by the DRO in the CG district or a PDD with a CH FLU designation. **[Ord. 2006-004]**
 - c. **Accessory Use**
An automatic car wash shall be allowed as an accessory use to an auto service station or convenience store with gas sales when it is located on the same lot. **[Ord. 2006-004]**
 - d. **Loudspeakers**
No outdoor speaker or public address systems audible off-site shall be permitted. **[Ord. 2006-004]**
- 26. Catering Service**
An establishment where food and beverages are prepared and delivered for consumption off the premises. A catering service may also provide personnel, serving equipment, and decorations.
- a. **Restaurant**
Catering shall be allowed as an accessory use to a restaurant. The use of more than three delivery vehicles shall be subject to approval by the DRO.
- 27. Cemetery**
Land used or intended to be used for human or animal burial. A cemetery may include an office, chapel, mausoleum, columbarium or crematory.
- a. **Frontage**

In all residential districts, a cemetery shall have frontage on and access from an arterial or a collector street.

b. Lot Size

In accordance with [F.S. §497.027](#), a cemetery for human burial shall be located on a site with a minimum contiguous area of 15 acres.

c. RM

In the RM district, a cemetery may include an accessory funeral home subject to approval as a Class A conditional use.

d. Pet Cemetery

A pet cemetery shall be permitted only in the CG district as a Class A conditional use and may include an accessory crematory.

28. Chipping and Mulching

An establishment using equipment designed to cut tree limbs, brush or wood construction debris into small pieces for use as mulch.

a. Lot Size

A minimum of five acres.

b. Setback

A minimum of 500 feet from any property line abutting a residential district.

c. Accessory Uses

Potting soil manufacturing may be allowed as an accessory use to chipping and mulching.

d. Access

An access road for collection vehicles shall be provided to the entrance of the facility. Access from a local residential street shall be prohibited. Access from a local commercial street shall be prohibited where the street also serves residential uses. 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. **[Ord. 2005 – 002]**

e. Storage

Except in the AP district, outdoor storage of unprocessed material shall be limited to 45 days and the pile height of storage material shall be limited to 15 feet. Outdoor storage shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a residential district or use. Storage areas shall be screened from view, pursuant to [Article 5.B, ACCESSORY AND TEMPORARY USES](#).

f. Hours of Operation

The hours of operation shall be limited to 9:00 a.m. to 5:00 p.m. Monday through Friday if within 1000 feet of a residential zoning district.

g. Supplemental Application Requirements

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) Waste Volume

An explanation of the quantity of waste to be received, expressed in cubic yards per day or tons per day.

3) 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.

h. AR/RSA

May be permitted in the AR/RSA District with a SA FLU, subject to a Class A conditional use approval. **[Ord. 2005 – 002]**

29. Place of Worship

Means a sanctuary which may include a retreat, convent, seminary or other similar use, owned or operated by a tax-exempt religious group that is used periodically, primarily or exclusively for religious worship, activities and related services. A place of worship may include collocated facilities that require additional approval, such as a day care, school, cemetery, or CLF. **[Ord. 2005-041] [Ord. 2006-013]**

a. Frontage and Access

A place of worship with collocated uses such as a day care, school, CLF, or cemetery; or, in excess of 15,000 square feet of GFA or 350 seats, including accessory uses, shall have frontage on and access from a collector or an arterial street. **[Ord. 2006-013]**

b. Use Limitations

1) DRO Approval

A place of worship not exceeding 3,000 square feet of GFA or 150 seats, including collocated or accessory uses, shall be permitted in the CN, CC, CG, MUPD, MXP, TMD districts, and a commercial pod in a PDD or TDD subject to DRO approval. [Ord. 2005 – 002] [Ord. 2006-013]

2) Accessory/Collocated Use

A place of worship not exceeding 3,000 square feet of GFA or 150 seats shall be permitted as an accessory use to an assembly, civic, educational or recreational use in any non-residential district, except IL, IG or a PDD with an IND FLU designation, subject to approval by the DRO. [Ord. 2006-013]

3) Temporary Sales

Temporary sales, such as rummage, bake, or seasonal sales, shall be permitted as an accessory use. Temporary sales greater than three consecutive days shall obtain a Special Permit for Temporary Retail Sales.

4) Limited Day Care

A limited day care shall be permitted as a collocated use to a place of worship with a minimum of 3,000 square feet of GFA or 150 seats subject to DRO approval. [Ord. 2005 – 002] [Ord. 2006-013]

5) INST

In the INST FLU designation, affordable housing shall be permitted as an accessory use to a place of worship, subject to approval of a Class A conditional use. Such housing shall be requested and under the direct supervision of a sponsoring nonprofit organization or community based group, provided at below market rental rates, and not for resale. The number of units allowed shall be determined by the Planning Director based on a land use compatibility analysis of the surrounding area. [Ord. 2006-013]

6) AGR District

The use shall be limited to that which serves the needs of farm workers or residents of the AGR Tier and shall not be located west of SR 7/US 441. [Ord. 2006-013]

30. College or University

An institution of higher learning offering undergraduate or graduate degrees, and including the buildings required for educational or support services, such as classrooms, laboratories, dormitories and the like.

31. Communication Towers, Commercial

Any tower whose principal use is to facilitate transmissions for AM/FM radio, television, microwave and cellular telephone transmission towers, antennae and accessory equipment and buildings. All tower and antennae types are subject to standards in [Article 4.C, COMMUNICATION TOWER, COMMERCIAL](#).

a. Communication Panel Antennas, Commercial

Standards shall apply to commercial communication panels and antennas mounted on roofs, or attached to buildings or legal billboards.

b. Communication Cell Sites on Wheels (COWs)

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.

32. Community Vegetable Garden

A plot of land used primarily as a vegetable garden which is cultivated and harvested by a group of residents from the surrounding area.

a. Accessory Structures

Accessory structures shall be limited to 400 square feet.

b. Setbacks

Accessory activities shall maintain a setback of five feet from all property lines adjacent to residential districts. 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 to 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 an accessory structure.

33. Composting Facility

A facility designed and used for transforming food, yard waste and other organic material into soil or fertilizer through biological decomposition. This use does not include backyard-composting bins serving individual families.

a. Lot Size

A minimum of five acres.

b. Setbacks

A minimum of 500 feet from residential districts and uses.

c. Access

An access road for collection vehicles shall be provided to the entrance of the facility. Access from a local street shall be prohibited. 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

Except in the AP district, outdoor storage of unprocessed material shall be limited to 45 days and the pile height of storage material shall be limited to 15 feet. Outdoor storage shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a residential zoning district or use. Storage areas shall be screened from view, pursuant to [Article 5.B, ACCESSORY AND TEMPORARY USES](#).

e. Hours of Operation

The hours of operation shall be limited to 9:00 a.m. to 5:00 p.m. Monday through Friday if within 1,000 feet of a residential zoning district.

f. Supplemental Application Requirements

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) Waste Volume

An explanation of the quantity of waste to be received expressed in cubic yards per day or tons per day.

3) 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.

g. AR/RSA

May be permitted in the AR/RSA District with a SA FLU, subject to Class B conditional use approval. **[Ord. 2005 – 002]**

34. Congregate Living Facility

This term includes assisted living facilities; extended congregate care facilities, transitional living facilities, community residential homes, community transitional residences; rehabilitative home care services, boarding home, or home for the aged or any other residential structure, whether or not operated for profit, which undertakes for a period exceeding 24 hours: care, housing, food service, and one or more personal services for persons not related to the owner or administrator by blood or marriage. In addition, this term shall include other residential uses such as dormitories, group homes with a central dining facility, and similar bed-based uses.

a. Maximum Occupancy

1) Type 1

Six persons, excluding staff.

2) Type 2

14 persons, excluding staff.

3) Type 3

Determined by Table 4.B.1.A-4, Maximum Permissible Occupancy in Type 3 Congregate Living Facilities, below; or, in the case of TDR's or a non residential district by the alternate density specified in the Plan by 2.34 residents. **[Ord. 2005 – 002]**

Table 4.B.1.A-4 - Maximum Permissible Occupancy in Type 3 Congregate Living Facilities

FLU Category	Zoning District	Maximum Occupancy (Residents per Acre)	
		Standard District	Planned Development ¹
AGR	AGR	PROHIBITED	0.23
RR	AR	PROHIBITED	0.23
RR20	AR	PROHIBITED	0.11
LR1	RE, RT	PROHIBITED	2.34
LR2	RT	PROHIBITED	4.68
LR3	RT	PROHIBITED	7.02
MR5	RS	PROHIBITED	11.70
HR8	RS, RM	14.04	18.72
HR12	RM	18.72	28.08
HR18	RM	18.72	28.08
[Ord. 2005 – 002]			
Notes:			
1. For the purpose of this Section, the required minimum acreage for a PDD consisting exclusive of a CLF may be reduced by 50 percent.			
2. For CLF, one TDR unit is equivalent to 2.34 beds. [Ord. 2005 – 002]			

4) PDD Occupancy Bonus

a) No Double Counting Density

The gross area of a pod supporting a CLF in a planned development shall be deducted from the gross area of the planned development for the purpose of calculating the maximum density allowed in the PDD.

b. Separation

For the purpose of required separations, 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 shall be measured from structure to district boundary.

1) Location of Type 1

A Type 1 CLF shall not be located within 1,000 feet of another CLF.

2) Location of Type 2 and Type 3

a) RM District

A Type 2 CLF shall be allowed as a permitted use, provided that it is not located within a radius of 1,200 feet of another CLF, and 500 feet from a single-family dwelling unit.

b) Frontage

A Type 3 CLF shall front on and access from a collector or an arterial street. A Type 3 facility having 25 residents or less may front on a local street. **[Ord. 2005-002]**

c) Fire Rescue

A Type 2 or 3 CLF shall be located within five miles of a full service fire-rescue station.

c. Design and Compatibility

Type 2 and 3 CLFs shall comply with Art. 5.C, Design Standards. **[Ord. 2005 – 002]**

1) Planned Development Districts (PDDs)

A Type 3 facility having 250 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 civic pod, subject to the following criteria: **[Ord. 2005 – 002]**

a) Compatibility

The CLF shall be compatible with the surrounding area, including the height and mass of surrounding building(s). **[Ord. 2005 – 002]**

b) Height

The CLF shall not be more than one story higher than existing, or proposed development within a 150-foot radius of the facility. The measurement shall be made from structure to structure. **[Ord. 2005 – 002]**

d. Lot Size

The minimum lot dimensions of the district in which a CLF is located shall apply, except that in no case shall the lot size be less than 8,000 square feet for a Type 2 CLF, or one acre for a Type 3 CLF.

e. Height

The maximum height of a CLF shall comply with the regulations of the district in which it is located.

f. Reserve Parking, for Type 2 and Type 3 CLFs

Adequate provisions shall be made to reserve sufficient lot area to meet future parking standards if the facility is converted to other uses. The boundaries of the reserve parking area shall be identified on the site plan and shall not be within any lake, drainage or open space tract used to meet exemplary design criteria.

g. Drop-off Area, for Type 2 and Type 3, CLFs

A drop-off area shall be provided for group transportation, such as vans or similar vehicles.

h. Cooking Facilities

A CLF shall provide and continuously maintain a central dining facility. Food preparation shall be prohibited in sleeping areas or in individual quarters in Types 1 and 2 CLFs. Individual kitchen facilities may be provided in the living quarters of a Type 3 CLF.

i. Signage

1) Type 1 and 2 CLFs

Shall be limited to one freestanding identification sign no more than four square feet in sign face area and six feet in height.

2) Type 3 CLF

Shall be limited to one freestanding identification sign no more than 32 square feet in face area and eight feet in height.

j. Accessory Uses

1) Type 1 and 2 CLFs

May have accessory uses customarily incidental to a single-family dwelling.

2) Type 3 CLF

a) Accessory Use

Those accessory uses customarily incidental to a multi-family dwelling unit; and

b) Non-Commercial Uses

Noncommercial uses customarily incidental to a CLF, such as a common dining room, a central kitchen, nursing station, medical examination room, chapel, library, and on-site management offices.

k. Accessory Commercial Uses

A limited amount of commercial uses may be developed as permitted accessory uses in a Type 3 CLF. Such uses shall be limited to retail and personal service uses designed exclusively to serve the residents of the facility, such as a barber or beauty shop, convenience retail sales, and banking services. No more than ten percent of the GFA of the facility shall be used for accessory commercial uses. There shall be no exterior signage or other indication of the existence of these uses in the facility that may attract nonresidents.

l. Conversion to Conventional Units

1) Structure

Prior to conversion to conventional dwelling units, a structure designed to accommodate a CLF shall, if necessary, be structurally modified to comply with the standards of this Code.

2) Restrictions

The DRO shall not approve the site plan for a Type 3 CLF, until a declaration of restrictions in a form approved by the County Attorney has been recorded with the Clerk of the Circuit Court for PBC. This declaration shall expressly provide that:

a) the conversion of the facility to conventional dwelling units is prohibited, except in compliance with this Section; and

b) if permitted, conversion will not result in an increase in the number of units permitted on the site, unless the converted development has obtained the appropriate development order. If that development order has not been granted, the converted development must comply with the density permitted by the Plan;

c) the CLF will be maintained and operated in compliance with the Section at all times. Noncompliance shall result in a violation of this Code in accordance with [Article 10.E, REMEDIES](#).

m. Conversion to Other Uses

CLFs that are converted to other uses, including other residential uses, shall comply with all standards in effect at the time of application for permits for the new use.

n. Congregate Living, Personal Services

Assistance with or supervision of essential activities of daily living such as eating, bathing, grooming, dressing, and ambulating; supervision of self-administered medication and such other similar services as may be defined by the Florida Department of Health and Rehabilitative Services.

o. Emergency Generators

A permanent emergency generator shall be required for all Type II and Type III CLFs, and shall meet the standards of Art. 5.B.1.A.18, Permanent Generators. **[Ord. 2006-004]**

35. Contractor Storage Yard

A lot used for the storage of construction material, equipment, or three or more commercial vehicles used by building trades and services, other than construction sites. **[Ord. 2005-002]**

a. Construction Equipment

Mechanical implement principally used in construction activity. Such equipment shall include but is not limited to bobcats, front-end loaders, over-head cranes, graders, dump trucks, compactors, forklift, steam rollers, earth movers, bulldozer, backhoe, concrete mixer, trenchers, cable/pipe layers or any such equipment that is not a street worthy vehicle.

b. Office Permitted

An accessory office shall be permitted subject to [Article 5.B, ACCESSORY AND TEMPORARY USES](#).

c. Screening

Outdoor storage shall be screened from view in accordance with [Article 5.B, ACCESSORY AND TEMPORARY USES](#). For a storage yard contiguous to property in a residential district, an opaque fence/wall a minimum of eight feet in height shall be installed along the inside edge of the required landscape buffer.

36. Convenience Store

An establishment serving a limited market area and engaged in the retail sale of food, beverages, and other frequently or recurrently needed items for household use or consumption.

a. Floor Area

A maximum of 5,000 square feet.

b. CN and CC District

Shall comply with [Article 5.E.1, Major Intersection Criteria](#).

37. Convenience Store with Gas Sales

A convenience store which includes accessory gasoline retail sales to the general public.

a. Floor Area

A maximum of 5,000 square feet.

b. Approval Criteria

A convenience store with gas sales shall be subject to the approval criteria of [Art. 4.B.1.A.18.a, Approval Criteria](#). **[Ord. 2006-004]**

c. Location Criteria

1) Intersection Criteria

A maximum of two auto service stations and convenience stores with gas sales, or any combination thereof, shall be permitted at an intersection pursuant to Art. 5.E.2.B, Intersection Criteria. **[ord. 2006-004]**

2) Separation Criteria

A convenience store with gas sales shall be separated from any other auto service station or convenience store with gas sales pursuant to Art. 5.E.2.C.1. **[Ord. 2006-004]**

3) U/S Tier

A convenience store with gas sales with a CL FLU designation shall also comply with [Art. 5.E.1, Major Intersection Criteria](#). **[Ord. 2006-004]**

4) Rural, Exurban, Glades and Agricultural Reserve Tiers (AGR)

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 FDOT PBC Federal Functional Classification Table. **[Ord. 2006-004]**

d. Water

Evidence of the protection of drinking water sources shall be provided to the Health Department prior to certification by the DRO. **[Ord. 2006-004]**

e. Parking

1) Location

A convenience store with gas sales greater than 3,000 square feet in GFA shall provide one half of the required parking spaces directly adjacent to the store. **[Ord. 2006-004]**

- 2) **Parking for Accessory Automatic Car Wash**
Parking for an accessory automatic car wash may be exempt from the parking requirements of Table 6.A.1.B-1, Minimum Off-Street Parking and Loading Requirements, subject to DRO approval. **[Ord. 2006-004]**
 - f. **Collocated Restaurant**
A Type I or II restaurant may be collocated with a convenience store with gas sales subject to the use regulations applicable to the restaurant use. **[Ord. 2006-004]**
 - g. **TMD Districts**
Islands for gasoline pumps shall be located in the rear of a building with access from an alley, interior parking area, or a street not designated as a main street. **[Ord. 2006-004]**
 - h. **WCRA Overlay**
Convenience stores with gas sales are prohibited in the NR, NRM, and NG sub-areas, as per Table 3.B.15.E-7 – WCRAO Sub-area Use Regulations. **[Ord. 2006-004]**
- 38. Data and Information Processing**
The use of an establishment for business offices of an industrial nature, including corporate centers, mail processing and telemarketing centers. Such uses are not frequented by the general public.
- 39. Day Camp**
An establishment which provides care, protection and programmed activities for children five years of age and older for a period of less than 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**
Maximum 16 weeks per calendar year.
 - b. **Operation**
Shall operate only during those times when local schools are not in session.
 - c. **Accessory Use**
A day camp for 200 or fewer children may be permitted as an accessory use to a legally established institutional, civic, recreational, or educational use.
- 40. Day Care**
- a. **General**
An establishment licensed by the Health Department, which provides care, protection and supervision for 21 or more children or adults for a period of less than 24 hours per day on a regular basis.
 - b. **Limited**
An establishment licensed by the Health Department, which provides daytime care, protection and supervision for six to 20 children, or three to 20 adults, for a period of less than 13 hours per day on a regular basis. Limited day care does not include nighttime or overnight care.
 - c. **Lot Size**
A minimum of 6,000 square feet, or the minimum required by the district in which the day care is located, whichever is greater.
 - d. **AGR District**
A limited day care may be permitted as an accessory use to a church, place of worship, farm worker quarters, or assembly non-profit institutional use, subject to DRO approval. In the AGR district a day care shall not be located west of SR7.
 - e. **CRE District**
A general day care shall not be located in a CRE district with an RR FLU designation.
 - f. **IND FLU or Pod**
A day care center located in a project with an IND FLU designation or in an industrial pod of a PDD shall be for exclusive use on-site employees or contiguous employees.
 - 1) **Exception**
A commercial pod in a MXP or PIPD shall not be subject to this limitation.
 - g. **Floor Area**
 - 1) **Child Care**
For a child day care with 40 children or less, the minimum floor area, exclusive of any area devoted to a kitchen, office, storage and toilet facilities, shall be 1,500 square feet. An additional 35 square feet of floor area or the amount required by the PBCHD shall be provided for each child over 40 children.
 - 2) **Adult Care**

For an adult day care with 20 persons or less, the minimum floor area, exclusive of any space devoted to a kitchen, office, storage, and toilet facilities, shall be 1,500 square feet. An additional 75 square feet of floor area shall be provided for each person over 20 persons.

h. Outdoor Activity Area

1) General

An outdoor activity area shall be provided on the same lot as the day care. The area shall not be located in the required front setback or adjacent to any outdoor storage area of any existing use.

2) Child Care

a) General

A child day care shall provide a minimum of 1,500 square feet of outdoor activity area or 75 square feet of outdoor activity area for each child (licensed capacity), whichever produces the larger area. The Child Care Facilities Board may approve a reduction in the size of this area where the operator utilizes split shifts. Under no circumstances shall the outdoor activity area be reduced to less than the area required to accommodate one-third of the area required by this standard.

b) Infants

Where a child day care is limited solely to the care of infants (two years of age and younger), the outdoor activity area provided shall be a minimum of 45 square feet per child. The Child Care Facilities Board may approve a reduction in the size of this area where the operator utilizes split shifts. Under no circumstances shall the outdoor activity area be reduced to less than one-half of the area required by this standard.

c) Location of Outdoor Play Equipment

Stationary outdoor play equipment permanently anchored to the ground shall be setback a minimum of 25 feet from any residentially zoned or used property line, and ten feet from any other property line. 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 easement.

3) Shade Trees

A minimum of one 12 foot tall native canopy tree shall be provided or preserved within the interior of the outdoor activity area per 1,500 square feet of area provided.

4) Fence/Wall

A minimum four foot high fence or wall shall surround the outdoor activity area.

i. Drop-off Access

1) Drop-Off

One designated drop off space shall be provided for every 20 children or adults. Drop-off spaces shall be a minimum of 12 feet in width. **[Ord. 2005 – 002]**

2) Sidewalk Access

A minimum four-foot wide sidewalk running in front of, or adjacent to the drop-off spaces and connecting to the day care entrance shall be provided.

41. Day Labor Employment Service

An establishment engaged in providing temporary day or manual labor service for the construction, maintenance, agricultural or industrial trades. **[Ord. 2006-004]**

a. Location

Day labor employment services are prohibited within the boundaries of the WCRAO, as per Table 3.B.15.E-7 – WCRAO Sub-area Use Regulations. Day labor employment services shall be located within and totally surrounded by property with an industrial zoning designation. The minimum distance of all principal structures, accessory structures and outdoor activity areas shall be as follows: **[Ord. 2006-004]**

- 1) 1,000 feet from any non-industrial use; and
- 2) 1,000 feet from any other day labor service.

b. Hours of Operation

No service shall commence business prior to 7:00 a.m. nor continue business later than 6:00 p.m.

c. Minimum Building Size

No service shall operate in any building that has less than 10,000 gross square feet.

d. Loitering

No outdoor loitering, waiting, or seating shall be permitted on the site.

e. Loudspeakers

No outdoor speakers or public address systems that are audible from the exterior of the site shall be permitted.

f. Records

The service shall maintain all business records on the premises for inspection by PBC.

g. Advertising

Advertising shall be limited to one sign with a maximum face area of 12 square feet and six feet in height.

h. Development Standards

All services shall adhere to the non-residential development standards of [Article 3.C, STANDARD DISTRICTS](#).

42. Dispatching Office

An establishment 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. CG and CH/MUPD Districts

A dispatching office shall be limited to no more than three service or delivery vehicles unless approved as a Class A conditional use or requested use.

43. Dog Daycare

An establishment which provides daytime care and training for domestic dogs.

a. Use Approval

Prior to review by DRO, approval shall be obtained from PBCACC. **[Ord. 2006-036]**

b. Waste Disposal

A dog day care shall meet the ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD and SWA.

c. Number of Dogs

The number of dogs permitted shall be based on the square footage of the facility pursuant PBCACC limitations and requirements. **[Ord. 2006-036]**

d. Runs and Drop-Off

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 drop off spaces measuring 12 feet by 20 feet shall be provided for every 50 dogs.

44-1. Electric Power Facility

The principal use of property for electrical generation. **[Ord. 2006-004]**

a. Setbacks

- 1) An electric power facility, for electrical generation only, shall not be located within 1,000 feet of a residential zoning district.
- 2) Principal uses and structures (excludes poles) shall be setback a minimum of 500 feet from all property lines.
- 3) Accessory uses and structures (excluding poles) shall be setback a minimum of 50 feet from all property lines.

b. Screening and Perimeter Buffers

A Type III incompatibility buffer shall be required when the subject site is adjacent to or visible from any street or parcels with a conservation (when open to the public), commercial or residential FLU or use. Palms may not be substituted for required canopy trees. This buffer may be modified in accordance with [Art. 7.B.3, Alternative Landscape Plan \(ALP\)](#). **[Ord. 2006-004]**

c. Electric Transmission Facility

An electric transmission facility collocated with a new request or DOA for an electric generation facility may be reviewed and approved as one application. The transmission facility shall comply with the requirements of [Art. 4.B.1.A.44-2, Electric Transmission Facility](#).

44-2. Electric Transmission Facility

Mechanical equipment associated with electric transmission networks, including transmission voltage facilities or switching substations, and electrical distribution substations that exceed the standards of Art 4.B.1.A.134.a.1), Residential Districts and 2) Non-residential Districts. **[Ord. 2006-004]**

a. Setbacks

Notwithstanding the requirements of Table 3.D.1.A-16, Property Development Regulations, setbacks for electric transmission facilities, excluding transmission lines, shall be as follows: **[Ord. 2006-004]**

1) Buildings

Buildings used for electric transmission facilities shall be setback a minimum of 50 feet from all property lines. [Ord. 2006-004]

2) Mechanical Equipment and Related Structures

Setbacks for mechanical equipment, related structures and fencing shall be a minimum of 75 feet, or a minimum of 150 feet when adjacent to or visible from a street or parcels with a conservation (when open to the public), commercial or residential FLU or use. Setbacks may be reduced to 100 feet, if the incompatibility buffer is increased to 50 feet in width and the number of required trees are doubled. Setbacks may also be reduced to 75 feet when adjacent to commercial properties, or when separated from adjacent properties by a R-O-W 100 feet in width or greater, if the applicant can demonstrate that structures will not be visible from residential or public use areas. [Ord. 2006-004]

3) Maximum Height

One additional foot of setback shall be provided in addition to the minimum setback for each one foot in height, or fraction thereof, over 35 feet. [Ord. 2006-004]

b. Screening and Perimeter Buffers

A Type III incompatibility buffer shall be required when the subject site is adjacent to or visible from any street or parcels with a conservation (when open to the public), commercial or residential FLU or use. Palms shall not be substituted for required canopy trees. This buffer may be modified in accordance with [Art. 7.B.3, Alternative Landscape Plan \(ALP\)](#). [Ord. 2006-004]

45. Entertainment, Indoor

An establishment offering games of skill to the general public for a fee or charge and wholly enclosed in a building. Typical uses include bowling alleys, bingo parlors, pool halls, billiard parlors and video game arcades. [Ord. 2005 – 002]

a. CRE District

An indoor entertainment shall not be located in a CRE district with RR FLU designation.

b. IL District

An indoor entertainment facility exceeding three acres in the IL district, the use shall rezone to the CRE district.

c. CC, CG, and MUPD Districts

- 1) An indoor entertainment use less than 3000 square feet is a permitted use.
- 2) Banquet and reception facilities as a principal use are subject to Class A conditional use or requested use.

46. Entertainment, Outdoor

An establishment offering entertainment or games of skill to the general public where any portion of the activity takes place in the open, excluding golf courses and public parks. Typical uses include archery ranges, athletic fields, batting cages, golf driving ranges, water skiing facilities, tennis courts, go-cart tracks, miniature golf courses, paintball fields, jet skiing, and wind surfing. [Ord. 2005 – 002]

a. CRE District

Shall not be located in a CRE district with an RR FLU designation unless owned or operated by a public agency, or approved as a Class A Conditional Use, subject to the following additional criteria: [Ord. 2005 – 002]

- 1) Maximum size – 20 acres. [Ord. 2005 – 002]
- 2) Maximum FAR – 0.05. [Ord. 2005 – 002]
- 3) Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. [Ord. 2005 – 002]
- 4) Frontage shall be required on a roadway designed on as a Florida Intrastate Highway System (FIHS) facility. [Ord. 2005 – 002]
- 5) Shall not be located within 1,320 feet of any other privately owned outdoor entertainment use with a RR FLU designation. [Ord. 2005 – 002]

b. IL District

The use shall rezone to the CRE district if exceeding three acres in size.

c. CC District

An outdoor entertainment facility shall be limited to uses that are of a community nature and that serve residential neighborhoods within a three to five mile radius.

d. Frontage

Access to an outdoor entertainment use shall be from a paved public collector or arterial street. The minimum required frontage for the primary point of access shall be 200 feet.

e. Setbacks

No building, structure, trailer, vehicle, mechanical device, or outdoor area shall be located closer to the property line than as follows:

Table 4.B.1.A-5 – Outdoor Entertainment Setbacks

Adjacent Use	Minimum Setback
Nonresidential and streets	50 feet
Residential District or Use	100 feet

47. Equestrian Arena, Commercial

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. U/S Tier

1) Lot Size

The minimum lot size shall be five acres.

2) Frontage

The project in which an equestrian arena is located shall front on and access from collector or arterial street.

3) Hours of Operation

Outdoor activity shall be limited from hours of 6:00 a.m. to 10:00 p.m. daily.

4) Loudspeakers

Loudspeakers and public address systems shall not be used before 8:00 a.m. or after 8:00 p.m.

b. Rural, Exurban, Agricultural Reserve (AGR) and Glades Tiers

1) Location

The project in which an equestrian arena is located shall have frontage 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. daily.

3) Loudspeakers

Loudspeakers and public address systems shall not be used before 8:00 a.m. or after 8:00 p.m.

c. Setbacks

Riding, spectator viewing areas, and show rings shall not be located within 100 feet of any property line.

d. Compatibility

Design of the site shall assure no incompatibility with surrounding land uses. When an incompatibility exists, the petitioner shall satisfactorily mitigate the incompatibility prior to receiving conditional or DRO approval.

48. Estate Kitchen

An accessory use which is physically integrated with the main residence.

a. There shall not be the presence of a complete living environment associated with the estate kitchen.

b. The required minimum lot size shall be twice the minimum lot size requirement for the underlying zoning district for a house supporting an estate kitchen.

49. Excavation

Excavation – see [Article 4.D, EXCAVATION](#).

50. Farm Residence

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. **[Ord. 2005-002]**

a. Principal Dwelling

One principal dwelling shall be permitted for each bona fide farm operation.

51. Farm Workers Quarters

One or more residential structures occupied by farm workers who provide labor in conjunction with agricultural operations.

a. Density

One dwelling unit limited to a maximum of four beds shall be permitted for each 25 acres. **[Ord. 2006-004]**

b. Clustering

Ten or more units on any lot shall be clustered and subject to DRO approval.

c. AGR/PUD or TMD

AGR/PUD or TMD Preserve shall be allowed one dwelling unit per acre provided such units are clustered onto a single compact area of the preserve and are restricted to occupancy by farm workers. Farm worker quarters shall not be located on property in the AGR Tier in which no residential density is assigned by the FLU designation. [Ord. 2006-004]

d. AR/RSA

May be permitted in the AR/RSA District with a SA FLU, subject to a Special Permit approval. [Ord. 2005 – 002]

52. Farmers Market

An establishment for the wholesale sale of farm produce.

a. Setback

A farmers market shall be setback a minimum of 100 feet from property lines adjacent to a residential use existing as of the effective date of this Code, excluding farm worker quarters and mobile homes accessory to agriculture.

b. Accessory Use

A produce stand shall be permitted as an accessory use to a farmers market.

c. Frontage

Shall be located on arterial street.

d. AR/RSA

May be permitted in the AR/RSA District with a SA FLU, subject to a Class A conditional use approval. [Ord. 2005 – 002]

53. Farrier

One that shoes horses. May be accessory to a blacksmith, farm, equestrian facility, or is mobile and shoes the horses on site.

54. Film Production Studio

The use of a lot or building for the production of films or videotapes for exhibition or sale.

a. CHO and CG Districts

Outdoor activities shall be located a minimum of 300 feet from a residential district.

b. Temporary Film Permit

A temporary film permit to allow locational shooting for a period of less than three weeks may be allowed subject to approval of a Special Permit by 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 of Approval

Reasonable conditions may be imposed which are designed to mitigate any anticipated impacts on surrounding properties.

3) Renewal

One additional renewal may be granted for an additional three weeks, for a maximum duration of six weeks.

c. Extended Film Permit

An extended film permit shall be issued by the Director of the Film Liaison Office for a period greater than six weeks. The duration of the permit shall not exceed 24 months. This permit may be issued in all districts.

55. Financial Institution

An establishment engaged in deposit banking. Typical uses include commercial banks, savings institutions, and credit unions, including outdoor automated teller machines and drive-thru only facilities.

a. CN and CLO Districts

A financial institution use shall not consist of more than 5,000 square feet of GFA or have a drive-thru facility.

b. CC, CG, CHO Districts and PDDs

A financial institution of up to 5,000 square feet of GFA without a drive-thru facility shall be a permitted use.

c. Floor Area

A financial institution shall not consist of more than 5,000 square feet of GFA or have more than three drive thru facilities, unless approved as a Class A conditional use or requested use.

d. TMD District

Drive-up teller units shall be located in the rear of a building with access from an alley, interior parking area, or a street not designated as a Main Street.

56. Fitness Center

An enclosed building or structure containing multi-use facilities for conducting recreational activities such as aerobic exercises, weight lifting, running, swimming, racquetball, handball, and squash. This use also includes dance studios and karate schools. 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, food service, and the serving of alcoholic beverages consumed on the premises.

a. RM and CN Districts

Shall not occupy more than 3,000 square feet of GFA or have outdoor activities.

b. CC, CHO, CG Districts and PDDs

A fitness center in excess of 15,000 square feet of GFA shall be approved as a Class A conditional use or requested use.

c. CRE District

Shall not be located in a CRE district with an RR FLU designation.

57. Flea Market, Enclosed

A 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.

58. Flea Market, Open

An outdoor retail sales area in which parcels of land are rented to individual merchants to display and sell goods.

a. Sanitary Facilities

Sanitary facilities shall be provided in compliance with Health Department regulations.

59. Funeral Home

An establishment which arranges and manages funeral and prepares the human deceased for burial.

a. CG, IL and MUPD Districts

A funeral home may include a crematorium located within the principal building.

b. IL District

A funeral home shall be limited to an embalming service. No public observances, sermons or funerals shall be permitted.

60. Garage Sale

The sale of household articles by the occupants of a dwelling unit.

a. Duration

A maximum of 72 hours.

b. Number of Sales

A maximum of two per year per dwelling unit.

61. Gas and Fuel, Wholesale

The use of land for bulk storage and wholesale distribution of 2,500 gallons or more of flammable liquid, or 2,000 gallons water capacity or more of flammable gas, excluding below-ground storage which is clearly accessory to the principal use on the site. Wholesale of gas and fuel shall be permitted in the AZO Overlay as an airport-related use only when associated with sales of aviation fuel. [Ord. 2006-036]

62. Golf Course

A facility providing a golf recreation area designed for executive or regulation play along with accessory support facilities, excluding miniature golf.

a. AGR Tier

1) PUD

A golf course is only permitted in the development area of a PUD, subject to the following additional application requirements.

a) Management Plan

To protect adjacent farmland from golf course maintenance practices, a maintenance plan shall be developed and complied with in perpetuity. Prior to DRO approval of the master plan, a management plan shall be submitted to and approved by ERM. At a minimum, the management plan shall include the following information:

- (1) A Best Management Plan (BMP) 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;

- (2) A Pest Management Plan (PMP) designed to prevent contamination of ground and surface water from pesticides, herbicides, and fertilizers; and
- (3) A Water Quality Monitoring Plan designed to protect adjacent wetlands and surface waters.

b. Clubhouse

A golf course use may include a clubhouse. In addition to traditional and customary services, the clubhouse may also contain uses such as food service, catering, related retail sales, financial services, and other personal services.

1) Fencing

Protective fencing or netting may be erected to protect neighboring property, vehicles, pedestrians, or bicyclists from golf balls, subject to the following restrictions:

a) Maximum Height Adjacent To

(1) Residential Use

15 feet.

(2) Street or Easement

30 feet.

(3) Non-Residential Use

30 feet.

63. Government Services

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 for government agencies, public libraries, police, and fire stations.

a. AGR District

Institutional and public facility uses shall not be located west of SR 7.

b. Prisons

Jails, correctional facilities and prisons shall be permitted in the PO and IPF districts only subject to Class A conditional use approval. Expansion of existing facilities shall be exempt from this requirement.

64. Green Market

A temporary gathering of vendors for the purpose of selling fresh unprocessed fruit, vegetables, flowers, and consumable items such as coffee, bread and prepared food on a retail basis.

a. Lot Size

A minimum of one acre.

b. Duration and Approval

Weekends only, subject to approval of a Special Permit.

c. Stands

Each vendor 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.

d. Signage

A maximum of two signs with a maximum sign face area of 32 square feet per side. Signs shall be setback a minimum of five feet from the base building line and have a minimum separation of 100 feet. Banners, pennants, balloons and flags shall be prohibited.

65. Groom's Quarters

On-site living quarters for persons responsible for grooming and caring for horses boarded at a stable. Occupancy shall be limited to on-site employees and members of the employees' family only.

a. Number Permitted

1) 20 Acres or Less

One groom's quarters shall be permitted for each four horse stalls.

2) More Than 20 Acres

One groom's quarters shall be permitted for each three horse stalls.

b. Floor Area

1) Each Unit

Each groom's quarters shall not exceed 500 square feet of GFA per unit.

2) 20 Acres or Less

The total GFA for all groom's quarters shall not exceed 5,000 square feet per lot.

c. Bedrooms and Bathrooms

A maximum of one bedroom and one bathroom per groom's quarter.

d. Approval Process

Table 4.B.1.A-6 - Number of Bedrooms and Bathrooms

Process	Number of groom's quarters permitted
Permitted	One
Special Permit	Two through four
DRO	Five through 20
Class B	21 through 100
Class A	101 or more

e. AGR PUD or TMD

For more than 20 groom's quarters, or more than 20 groom's quarters on the Preservation Area of an AGR-PUD or TMD, 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 units associated with the Preservation Area. **[Ord. 2006-004]**

f. Kitchen Facilities

Groom's quarters may contain individual cooking facilities and/or one common dining facility. 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 quarters.

66. Guest Cottage

Accessory sleeping quarters provided for non-paying guests by the occupant of a single-family or ZLL dwelling unit.

a. Units

A maximum of one guest cottage may be permitted as an accessory use to a principal single-family or ZLL dwelling unit. The guest cottage may be attached to the principal dwelling or freestanding.

b. Floor Area

A guest cottage shall not exceed 800 square feet GFA, except when located on a lot that is at least one acre in size, in which case the cottage shall not exceed 1,000 square feet GFA or 30 percent of the principal dwelling, whichever is greater.

c. Additional Floor Area

Floor area under a solid roof that is utilized as a porch, patio, porte cochere, or carport shall not exceed 500 square feet.

d. Kitchen or Cooking Facilities

There shall be no kitchen or cooking facilities in a guest cottage.

e. Compatibility

A guest cottage shall be compatible in character and subordinate in size to the principal dwelling unit.

f. Setbacks

A guest cottage shall comply with the minimum setbacks applicable to the principal single-family dwelling unit.

g. No Separate Ownership

A guest cottage shall remain accessory to and under the same ownership as the principal dwelling unit and shall not be subdivided or sold as a condominium.

67. Gun Club

An open or enclosed facility used for the discharge of firearms or projectiles at targets.

a. Setbacks and Buffers

1) Enclosed

An enclosed gun club shall have a 100-foot setback and a 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

An open gun club and its accessory shooting areas shall have a 300 foot setback to a 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, a gun club shall be located on a minimum of five acres or meet the minimum lot and setback requirements of the district in which it is located, whichever is greater.

c. AR/RSA

An open gun club may be permitted in the SA FLU subject to a Class A conditional use approval.
[Ord. 2005 – 002]

68. Gun Range, Private

A private facility, open or enclosed, used for the discharge of firearms or projectiles at targets and not to be used for commercial purposes or by the general public.

a. Required Lot Size, Buffer and Approval Process

1) Enclosed

An enclosed private gun range shall be located on a lot of five acres or greater, and shall be subject to Special Permit issued by the Zoning Director. An enclosed shooting gun range shall have a 100 foot setback and an additional 50 foot buffer from residentially occupied property in addition to the required minimum setbacks.

2) Open

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 100 foot setback and an additional 50 foot buffer from residentially occupied property. An outdoor gun range for large caliber or center-fire shall have a 300 foot setback and an additional 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 300 yards of a structure. The shooter must have the written permission of the property owner. A bullet trap is required in all locations.

b. Small Caliber and Rim Fire

The open firing of handguns of 22 calibers and less which are rim-fire or the firing of any type of shotgun shall be allowed on lots of two and one-half acres or greater. A private gun range use, which lies east of the L-40 canal, as defined below, shall be subject to DRO 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.

c. Larger Caliber or Center-Fire

The open firing of any center-fire gun or of handguns of more than 22 calibers shall require a minimum lot size of ten 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 DRO review and approval.

d. 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 1.5 miles west of Canal L-8, which coincides with a private agricultural road heading north from Southern Boulevard at that point where SR 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.

69. Heavy Industry

An establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable, hazardous, or explosive materials, or processes which potentially involve hazardous or commonly recognized offensive conditions. Typical uses include manufacturing and warehousing of chemicals, dry ice, fertilizers, fireworks and explosives, pulp and paper products, and radioactive materials; fat rendering plants; slaughterhouses and tanneries; steel works; and petroleum refineries.

a. Fireworks

The retail sale of fireworks from a permanent fireworks storage facility or establishment shall be limited to an accessory use.

70. Home Occupation

A business, profession, occupation, trade, artisan, or handcraft conducted in a dwelling unit for commercial gain by a resident of the unit. A home occupation shall not include those businesses which are required by State of Florida agencies to be open to the public, such as gun dealers.

a. Incidental Nature

Shall be clearly incidental and subordinate to the residential use of the dwelling property and shall be confined to no more than ten percent of the total floor area of the dwelling.

b. Location

With the exception of outdoor instructional services, a home occupation 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 residential character of the dwelling in terms of exterior appearance and interior space shall not be altered or changed to accommodate a home occupation.

d. Employees

Shall be conducted by members of the immediate family residing in the dwelling unit only. A maximum of one person who is not a member of the immediate family may assist in the operation of the home occupations at the residence.

e. Occupational License

Shall be operated pursuant to a valid occupational license for the use conducted by the resident of the dwelling. More than one home occupation may be permitted on a residential lot.

f. 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 requirements mandated by [F.S. Chapter 489](#) or [Chapter 67-1876](#) of the PBC Contractor's Certification Division Manual.

g. On-Premise Sales

A home occupation shall not involve the sale of any stock, trade, supplies, products, or services on the premises, except for instructional services.

h. Instructional Services

Instructional services shall meet the following additional regulations:

1) Home Instruction, Inside

Teaching which takes place inside the dwelling unit of the instructor. Typical instruction includes music lessons and academic tutoring.

2) Home Instruction, Outside

Teaching which takes place outside the dwelling unit, on the property of the instructor. This type of instruction is limited to subject matter which necessitates outside instruction. Typical instruction includes tennis, swimming lessons, dog training and equestrian lessons.

3) Hours of Operation

Instruction shall occur only between the hours of 9:00 a.m. and 8:00 p.m. daily.

4) Insurance

Proof of liability insurance in the amount of at least \$300,000 covering the instructional service shall be submitted prior to the issuance of a Special Permit.

5) Number of Students

A maximum of three students at a time shall be permitted to receive instruction during a lesson.

6) Parking

No more than two vehicles associated with the lessons shall be permitted to be parked at the instructor's home at any time.

7) 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.

i. Outside Storage

No equipment or materials used in the home occupation shall be stored or displayed outside of the dwelling, including driveways.

j. Nuisances

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.

I. Vehicles

One business related vehicle per dwelling unit not over one ton rated capacity may be parked at the home, provided the vehicle is registered to a resident of the dwelling, commercial vehicles are prohibited.

71. Hospital or Medical Center

A facility licensed by the State of Florida which maintains and operates organized facilities for medical or surgical diagnosis, overnight and outpatient care, and treatment of human illness. A hospital is distinguished from a medical center by the provision of overnight care. **[Ord. 2005-002]**

a. Lot Size

A minimum of five acres or the minimum required in the district, whichever is greater.

b. Frontage

A minimum of 200 feet or the minimum required in the district, whichever is greater.

c. Beds

A maximum of one bed per 1,000 square feet of lot area (43.56 patient rooms per acre).

d. Helipad

An accessory helipad is a permitted use.

e. Incinerator

Biohazardous waste incinerators with an allowable operating capacity equal to or less than 1,000 pounds per hour and biohazardous waste autoclaves are permitted as an accessory use, subject to the following standard.

1) Setbacks

A minimum of 500 feet from any property line abutting a residential district or use. Expansion of existing facilities may be allowed with lesser setbacks, provided the expansion is approved by the DRO.

72. Hotel, Motel, SRO, and Rooming and Boarding House

An establishment requiring a license by the State of Florida used, maintained or advertised as a place where furnished sleeping accommodations are supplied for short term rent to guests or tenants. Typical uses include hotels, motels, single room occupancy (SROs) and rooming and boarding houses. **[Ord. 2006-004]**

a. Commercial Districts and AZO Overlay

If permitted by Table 3.B.2.A-1, Airport Use Regulations, Table 3.E.1.B-21, PDD Use Matrix, or Table 4.A.2.A-1, Use Matrix, or a hotel, motel, SRO, or rooming and boarding house with a CL, CHO and CH FLU designation, or in the AZO Overlay, shall comply with the following: **[Ord. 2006-004] [Ord. 2006-036]**

1) Lot Size

A minimum of one acre or the minimum required by the district, whichever is greater.

2) Lot Width

A minimum of 100 feet or the minimum required by the district, whichever is greater.

3) Sleeping Units

A maximum of one per 1,000 square feet of lot area.

b. RM District

A rooming and boarding house is permitted only in the RM district with an HR FLU designation. The number of beds permitted shall be calculated consistent with a Type 3 CLF. Hotels, motels, and SROs are prohibited.

c. CRE District

A hotel, motel, SRO, boarding or rooming house shall only be located in a RR FLU designation as a Class A conditional use.

d. Accessory Uses

Hotels and motels may include typical accessory uses, such as fitness centers, meeting rooms, conference centers, restaurants and lounges.

e. Lounge

An accessory lounge shall not exceed ten percent of the GFA of a hotel or motel. **[Ord. 2006-004]**

73. Kennel, Type I Private

Any building or land used, designed or arranged to facilitate the non-commercial care of domestic animals, such as dogs and cats, owned by the occupants of the premises. **[Ord. 2006-036]**

a. Limitations of Use

A private kennel 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 PBCACC. The raising of domestic animals for sale is prohibited. The sale of domestic animals on site is prohibited. Property size and restrictions on the number of animals permitted shall be regulated by the PBCACC. [Ord. 2006-036]

1) Setbacks

Enclosed structures or runs shall comply with the minimum setbacks applicable to the principal dwelling unit provided that openings do not face adjacent residential uses. [Ord. 2006-036]

2) Hobby Breeder

A person who breeds and/or raises, on his/her property, purebred dogs or cats capable of registration with the national or international dog or cat registry and does not engage in the sale to the public, during a consecutive 12 month period, of more than two litters or 20 dogs or cats, whichever is greater. The hobby breeder is further defined by the PBCACC pursuant to Ord. 89-2, as amended. [Ord. 2006-036]

3) Outdoor Runs

Safety fences not to exceed six feet in height shall be required around outdoor runs. If the safety fence is not opaque, a continuous solid opaque hedge, a minimum of four feet at installation, shall be provided around the outdoor run. Outdoor runs or non-enclosed structures used by a hobby breeders shall not be located within 50 feet of any property line adjacent to a residential district or 25 feet of any property line adjacent to a non-residential district. [Ord. 2006-036]

4) Private Kennel

Outdoor runs or non-enclosed structures shall not be located within 25 feet of any property line. [Ord. 2006-036]

74-1. Kennel, Type II (Commercial)

A commercial establishment, including any building or land, used for the raising, boarding, breeding, sale, or grooming of domesticated animals (e.g. dogs and cats), not necessarily owned by the occupants of the premises, for profit. [Ord. 2006-036]

a. Limitations of Use

A Type II commercial kennel shall be limited to the raising, breeding, boarding, sale, and grooming of domestic animals, (e.g. dogs and cats). [Ord. 2006-036]

1) Lot Size

A minimum of two acres. [Ord. 2006-036]

2) Frontage

A minimum of 100 feet fronting on and access from a collector or arterial street. [Ord. 2006-036]

3) Outdoor Runs

a) Setbacks

Outdoor runs or animal exercise area shall not be located within 50 feet of any property line adjacent to a residential district or 25 feet of any property line adjacent to a non-residential district. [Ord. 2006-036]

b) Standards

Outdoor runs or animal exercise area shall be hard surfaced or grassed with drains provided every ten feet and shall be connected to an approved sanitary facility. A minimum six-foot high safety fence shall be required around outdoor runs. If the safety fence is not opaque, a continuous solid opaque hedge a minimum of four feet at installation shall be provided around the outdoor run\area. [Ord. 2006-036]

4) AZO Overlay

Shall be a permitted use only if associated with services provided to passengers and airport employees. [Ord. 2006-036]

b. Accessory Residential Use

A Type II commercial kennel may be operated in conjunction with a residence on properties with a residential or underlying residential FLU designation. [Ord. 2006-036]

74-2. Kennel, Type III Commercial

A commercial establishment operated entirely within an enclosed building used for the boarding, sale, or grooming of domesticated animals (e.g. dogs and cats), not owned by the occupants of the premises, for profit. [Ord. 2006-036]

a. Limitations of Use

A Type III kennel is intended to be entirely self contained within an enclosed building, and shall be subject to the following: [Ord. 2006-036]

1) Maximum Square Footage

Shall not exceed 3,000 square in the CC and TMD districts, or 7,500 square feet in any other permitted district. [Ord. 2006-036]

2) Number of Animals Permitted

Prior to review by DRO, preliminary approval shall be obtained from the PBCACC demonstrating that the proposed location can comply with all PBCACC requirements, and indicating the maximum number of animals permitted. [Ord. 2006-036]

3) Standards

All use areas shall be within an enclosed building constructed, maintained and operated so that no noise or odor nuisances related to the kennel operations can be detected outside the building. With exception to designated drop off areas, no outdoor runs, playgrounds, walking areas, yards or similar uses shall be permitted. [Ord. 2006-036]

4) Waste Disposal

A Type III kennel shall meet the ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD and SWA. [Ord. 2006-036]

5) AZO Overlay

Shall be a permitted use only if associated with services provided to passengers and airport employees. [Ord. 2006-036]

b. Approval Process

A Type III kennel that is collocated and operated in conjunction with and accessory to a related general retail sales use for animal care products, shall be permitted subject to DRO approval if less than 30 percent of the overall GFA of the combined uses. [Ord. 2006-036]

75. Kiosk

A freestanding outdoor unmanned structure which offers products for sale.

a. Uses

Shall be limited to the sale of general retail and convenience items only.

b. Setbacks

Shall comply with the requirements of the district in which it is located.

c. Architecture Compatibility

Shall be architecturally compatible with the principle structure or the closest structure within the development.

d. Parking

Shall not occupy required parking spaces.

e. Landscaping and Buffering

Shall be landscaped consistent with the provisions of [Article 7, LANDSCAPING](#), including foundation planting, terminal islands, interior landscaping, irrigation, and curbing.

f. Maximum Number of Freestanding Structures

1) Standard Districts

One kiosk per project.

2) Planned Development Districts

Two kiosks per project.

g. Size

A maximum of 100 square feet per kiosk.

76. Laboratory, Research

An establishment engaged in industrial, scientific or medical research, testing, and analysis, including support services and structures. Typical uses include natural science/manufacturing research facilities and product testing/quality control facilities.

a. Research Lab

A research laboratory shall only be allowed as a requested use in a MUPD with EDC or MLU land use.

1) Exception

A research laboratory shall be allowed as a requested use in a MUPD with IND land use.

b. Outdoor Activities

Outdoor manufacturing, processing or testing shall be limited to industrial districts only.

c. Accessory Use

A research laboratory shall be permitted as an accessory use to a college or university.

77. 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.

a. AR District

A landscape service as a principal use shall be located on a collector or arterial street. The minimum lot size shall be three acres.

b. AGR District

Shall be permitted only in conjunction with a retail or wholesale nursery.

c. Landscape Buffer

An incompatibility buffer as required by [Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS](#), may be waived if the use is adjacent to farm worker quarters or mobile home accessory to a bona fide agriculture use.

d. Storage

Outdoor storage of debris shall be prohibited.

e. Accessory Use

May be allowed as an accessory use to a retail or wholesale nursery on a minimum of three acres.

78. Laundry Service

An establishment that provides washing, drying, dry-cleaning, or ironing machines for hire to be used by customers on the premises, or that is engaged in providing laundry and dry cleaning services with customer drop-off and pick-up.

a. CN District

Shall not exceed 3,000 square feet of GFA.

b. CC District and Commercial Pod of a PUD

Shall not exceed 5,000 square feet of GFA.

c. TMD District

A laundry service shall not exceed 3,000 square feet of a GFA.

d. Approval

A laundry service over 15,000 square feet shall require approval of a Class A conditional use or requested use, whichever is applicable.

79. Lounge, Cocktail

A use engaged in the preparation and retail [sale of alcoholic beverages](#) for consumption on the premises, including taverns, bars, nightclubs, 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. Separation

A cocktail lounge shall not be located within 250 feet of a residential district and shall be separated a minimum of 750 feet from another cocktail lounge. The Zoning Director may ask for a signed/sealed survey certifying that another lounge does not exist within 750 feet off the subject lounge, a residential district is more than 250 feet from the subject lounge, or the subject lounge is more than 500 feet from a school as required by the State of Florida.

b. CN District

Shall not exceed 1,500 square feet of GFA.

c. CHO District

Shall be contained in an office, hotel or motel structure and shall be limited to a total floor area that does not exceed ten percent of the GFA of the entire structure, unless approved as a requested or Class A conditional use.

d. CG District and PDDs

Shall meet the separation criteria above, unless approved as a requested or Class A conditional use.

e. Outdoor Areas

Outdoor seating and open lounge areas shall be setback a minimum of 100 feet from adjacent residential districts or uses.

80. Machine or Welding Shop

A workshop where machines, machine parts, or other metal products are fabricated. Typical uses include machine shops, welding shops and sheet metal shops.

81. Manufacturing and Processing

An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding heavy industrial processing. Typical uses include factories, large-scale production, wholesale distribution, publishing and food processing.

a. Manufacturing

Manufacturing and processing shall only be allowed as a requested use in a MUPD with EDC or MLU land use.

1) Exception

Manufacturing and processing shall be allowed as a permitted use in a MUPD with IND land use.

b. Outdoor Activities

Outdoor manufacturing, processing or storage shall be limited to industrial districts only.

82. Marine Facility

A commercial facility related to boating. Typical uses include boat docks, marinas, boatyards, yacht clubs, charter boat operations, and boatels.

a. Boatel Units

A boat used as a hotel or motel unit. The total number of units shall be prorated on the basis of one for using 1,000 square feet of dry land for each unit.

b. Setbacks

Dry storage of boats and other marina related uses may be setback zero feet from the water's edge.

83. Medical or Dental Office

An establishment where patients, who are not lodged overnight, are admitted for examination or treatment by persons practicing any form of healing or health-building services whether such persons be medical doctors, chiropractors, osteopaths, chiropractists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida. **[Ord. 2005 – 002]**

a. CN District

May exceed 3,000 square feet of GFA if approved as a Class A conditional use.

b. AP and AGR Districts

Must be limited to public health or government owned clinics serving the rural or agricultural community. **[Ord. 2005-041]**

c. Ambulatory Surgical Center

Ambulatory surgical centers licensed by the Florida Agency for Health Care Administration (AHCA), under the authority of F.S. Chapter 395, Part 1, and FAC Chapter 59A-5, limited to the provision of elective same day surgical care, where patients are ambulatory. **[Ord. 2005-041]**

1) Floor Area

a) An ambulatory surgical center up to 10,000 square feet of GFA may be permitted subject to the approval process for a medical or dental office. **[Ord. 2005-041]**

b) An ambulatory surgical center greater than 10,000 square feet of GFA is only permitted in developments with a CH FLU designation, subject to BCC approval as a Class A or Requested Use. **[Ord. 2005-041]**

2) Elective Surgical Care

Ambulatory surgical centers must not be designed to accept patients requiring emergency care, including the provision of ambulance drop off areas; however, ambulatory surgical centers may be permitted to incorporate ambulance loading zones and related emergency facilities necessary to address any complications that may arise during normal procedures, as required by AHCA or Florida Statute. **[Ord. 2005-041]**

84. Medical or Dental Laboratory

A facility for the construction or repair of prosthetic devices or medical testing exclusively on the written work order of a licensed member of the dental or medical profession and not for the public.

85. Mobile Home Dwelling

The use of a lot or a unit for one mobile home.

a. Mobile Home

A detached, transportable single family dwelling unit, manufactured upon a chassis or undercarriage as an integral part thereof, without independent motive power, designed for long

- term occupancy as a complete dwelling unit and containing all conveniences and facilities, with plumbing and electrical connections provided for attachment to approved utility systems.
- b. Mobile Home Subdivision**
A subdivision of land for the sale of lots intended for the placement of mobile homes and which meets the requirements of [Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS](#).
 - c. Accessory to Agriculture**
One mobile home dwelling shall be permitted as an accessory use to a principal bona fide agricultural use.
 - 1) Lot Size**
 - a) AR and AGR Districts**
A minimum of five acres.
 - b) RR and AP FLU Designation**
A minimum of ten acres.
 - c) RR-20 FLU Designation**
A minimum of 20 acres.
 - 2) Separation/Setbacks**
 - a) Multiple Mobile Homes on the Same Property**
A minimum of 20 feet.
 - b) Single Family Dwelling Unit**
A minimum of 200 feet.
 - c) Setbacks**
A minimum of 200 feet from a public street; 100 feet from all other property lines.
 - 3) Documents**
A unity of title and notarized removal agreement shall be executed and recorded.
 - d. Temporary During Construction**
In the AR district in the RSA, a mobile home dwelling shall be allowed on a temporary basis subject to approval of a Special Permit and the following standards:
 - 1) Building Permit**
A building permit for the single-family dwelling shall have been issued by the Building Director.
 - 2) Removal Agreement**
Execution of a notarized removal agreement which requires the mobile home to be removed within 30 days after receipt of a CO, or within two years, whichever occurs first.
 - 3) Proof of Ownership**
A current recorded warranty deed for the subject property shall be submitted.
 - e. Storage**
A mobile home shall not be used for storage in any district.
- 86. Monument Sales, Retail**
An establishment primarily engaged in the retail sale of monuments, such as headstones, footstones, markers, statues, obelisks, cornerstones, gargoyles and ledges, for placement on graves, including indoor or outdoor storage.
- 87. Multi-family**
The use of a structure designed for two 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. Multi-family uses are also subject standards in [Article 3, OVERLAYS & ZONING DISTRICTS](#), and the prohibition in the NR Sub-area of the WCRAO, as outlined in Table 3.B.15.E-7, WCRAO Sub-area Use Regulations. **[Ord. 2006-004]**
- a. TMD District**
On Main Streets multi-family units are permitted only on upper floors of mixed-use buildings.
- 88. Nursery, Retail**
The cultivation and retail sale of horticultural specialties such as flowers, shrubs, sod, and trees intended for ornamental or landscaping purposes.
- a. Frontage**
Shall front on and access from a collector or arterial street.
 - b. Lot Size**
A minimum of one acre is required in a residential district.
 - c. Sod**
Retail sale of sod shall be limited to retail nurseries in commercial or industrial districts only.

d. Hours of Operation

Operation of commercial vehicles over one ton rated capacity or gross vehicle weight of 10,000 pounds, including load, from 5:00 p.m. to 8:00 a.m. is prohibited.

e. Setbacks

1) All Structures (except shade houses) and Outdoor Storage Areas

A minimum of 50 feet.

2) Container Plants

A minimum of 15 feet.

f. Loading

All loading and unloading of trucks shall occur on the site.

g. Office

An office is 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 property owner shall satisfactorily mitigate the incompatibility prior to receiving conditional or DRO approval.

i. Spraying

No aerial application of any pesticides, fungicides, fertilizers or any other chemical shall be allowed.

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 shall be required adjacent to all retail, office, parking, loading and other non-growing areas within 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 feet on center, six feet high, and the growing area is at least 20 feet wide. The width of the buffer may be reduced to ten feet if the buffer contains permanent landscaping only and not for-sale plant inventory.

2) Compatibility Buffer

A compatibility buffer shall be provided around all growing areas less than 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 feet on center, six feet high and the growing area is a minimum of five feet wide.

3) R-O-W Buffer

A R-O-W buffer shall be required adjacent to all office, parking, loading, internal roads and other non-growing areas within 50 feet of a R-O-W. A R-O-W buffer shall be required adjacent to all growing areas unless the growing area is at least 50 feet in width, and contains plant materials providing a six foot high visual buffer equivalent in opacity to a R-O-W buffer. Existing native vegetation within the R-O-W buffer shall be preserved.

4) Barbed Wire

The use of barbed wire shall be prohibited.

k. Outdoor Bulk Storage

Mulch, rock, soil, or similar material shall comply with the outdoor storage standards in [Article 5.B, ACCESSORY AND TEMPORARY USES](#). In residential districts, outdoor bulk storage shall be setback a minimum of fifty feet or the district setback, whichever is greater.

l. Site Plan

Relocation of structures on a ZC or BCC approved site plan due to SFWMD or ERM requirements may exceed DRO threshold limitations.

89. Nursery, Wholesale

The cultivation and wholesale of horticultural specialties such as flowers, shrubs, sod, and trees, intended for ornamental or landscaping purposes.

a. Limitations of Sales

Sales from a wholesale nursery are limited to exporters, distributors, landscape contractors, retailers, or other businesses.

This space intentionally left blank.

b. Approval Process

Table 4.B.1.A-7 - Residential Districts in the USA

Residential Districts in the USA	
Special Permit	Five acres or less.
DRO	More than five but less than 20 acres.
Class B conditional use or Requested Use	20 or more acres.
[Ord. 2005-041]	

Table 4.B.1.A-8- AR District in RSA

AR District in RSA	
Permitted	Ten acres or less.
Special Permit	More than ten but less than 40 acres.
DRO	40 or more acres.

- 1) All Other Districts**
Permitted.

c. Hours of Operation

Operation of commercial vehicles over one ton rated capacity or gross vehicle weight of 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

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 shall be required adjacent to all office, parking, loading, internal roads and other non-growing areas within 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 feet on center, six feet high, and the growing area is at least 20 feet wide. The width of the buffer may be reduced to ten feet if the buffer contains permanent landscaping only and not for-sale plant inventory.

2) Compatibility Buffer

A compatibility buffer shall be provided around all growing areas less than 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 feet on center, six feet high and the growing area is a minimum of five feet wide.

3) R-O-W Buffer

A R-O-W buffer shall be required adjacent to all office, parking, loading, internal roads, and other non-growing areas within 50 feet of a R-O-W. A R-O-W buffer shall be required adjacent to all growing areas unless the growing area is at least 50 feet in width and contains plant materials providing a six foot high visual buffer equivalent in opacity to a R-O-W buffer. Existing native vegetation within the R-O-W buffer shall be preserved.

4) Barbed Wire

The use of barbed wire shall be prohibited.

g. Office

An office is permitted as an accessory use, provided it is not a mobile home.

h. U/S Tier

In addition to the above standards, a wholesale nursery in the U/S Tier shall comply with the following standards.

1) Lot Size

A minimum of one acre.

2) Setbacks

a) All Structures (except shade houses) and Outdoor Storage Areas

A minimum of 50 feet.

b) Container Plants

A minimum of 15 feet.

3) Compatibility

The use shall assure that there is no incompatibility with surrounding land uses. When an incompatibility exists, the property owner shall satisfactorily mitigate the incompatibility prior to receiving conditional DRO or Special Permit approval.

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 [Article 5.B, ACCESSORY AND TEMPORARY USES](#). Outdoor bulk storage in residential zoning districts shall be setback a minimum of 50 feet or the district setback, whichever is greater.

j. Agricultural Reserve (AGR) Tier

A retail nursery may be permitted as an accessory use to a wholesale nursery.

k. Site Plan

Relocation of structures on a ZC or BCC approved site plan due to SFWMD or ERM requirements may exceed the DRO limitations contained in [Article 2.D.1, Development Review Officer](#).

90. Nursing or Convalescent Facility

An establishment where care is offered or provided for three or more persons suffering from illness, other than a contagious disease, sociopathic or psychopathic behavior which is not of sufficient severity to require hospital attention, or for three 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. Lot Size

A minimum of 10,000 square feet or the minimum requirement of the district, whichever is greater.

b. Frontage

A minimum of 100 feet of frontage or the minimum requirement of the district. **[Ord. 2005 – 002]**

b. Access

If located in a residential FLU category, access shall be provided from a collector or arterial street.

b. Maximum Number of Patient Beds

- 1) All FLU designations except RR: One bed per 1,000 square feet of lot area.
- 2) RR FLU designation: 0.25 bed per 1,000 square feet of lot area.

c. Emergency Generators

A permanent emergency generator shall be required for all nursing or convalescent facilities, and shall meet the standards of Art. 5.B.1.A.18, Permanent Generators. **[Ord. 2006-004]**

91. Office, Business or Professional

An establishment providing executive, management, administrative, or professional services, but not involving medical or dental services or the sale of merchandise, except as an incidental use. Typical uses include property and financial management firms, employment agencies (other than day labor), 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. Maximum Floor Area

1) CN District

10,000 square feet of GFA per parcel, unless approved as a Class A conditional use.

2) CLO District

15,000 square feet of GFA, unless approved as a Class A conditional use.

3) CC District

20,000 square feet of GFA per parcel, unless approved as a Class A conditional use.

b. IL an IG Districts

Limited to an accessory use only.

c. LOSTO

Within the LOSTO, an office limited to a maximum of 1,500 square feet of GFA and 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, shall be allowed subject to approval of a Special Permit.

d. Use Limitations

1) Accessory Uses

A general retail and personal service uses not exceeding ten percent of the GFA of the building may be allowed as an accessory use. All such uses shall be completely internal to the building and shall not have a separate external entrance or any exterior signage.

e. Office of an Industrial Nature

An establishment providing executive, management, or administrative support, but not involving medical or dental services, the sale of merchandise, or professional services (business or professional offices). Typical uses involve corporate headquarters or other similar offices whose function does not include frequent visits by the public or the provision of services.

92. Park, Neighborhood Infill

PBC public parks facilities usually less than two and one half acres located in the Revitalization and Redevelopment Overlay as designated by the BCC or in any residential neighborhood. Infill neighborhood parks, including passive and active recreational facilities, are generally few in number due to size constraints and are developed according to the demands and character of the specific neighborhoods that they serve. Access is primarily pedestrian oriented with no support facilities such as parking lots or restrooms provided. [Ord. 2006-004]

a. Size

A maximum of five acres.

b. Recreational Amenities

Active recreation amenities may include playground equipment and non-regulation basketball courts.

c. Landscaping

Landscaping shall be subject to the PBC Parks and Recreation Department landscape standards.

d. Minimum Setbacks from Residential Uses

1) Playground Surface Areas

Ten feet.

2) Structures, Park Furniture and Playground Equipment

15 feet.

3) Active Recreation Facilities

25 feet

e. Setbacks from R-O-Ws and Non-residential Uses

1) Playground Surface Areas

A minimum of ten feet.

2) Structures Park Furniture and Playground Equipment

A minimum of 15 feet.

f. Hours of Operation

Shall be pursuant to the PBC Parks and Recreation Department.

g. Restrictions

Sports lighting, parking spaces and permanent sanitary facilities shall be prohibited.

93. Park, Passive

A public or private outdoor recreation area 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 relate to the natural qualities of the area, and support facilities for such activities.

a. PC District

In the PC district, a passive park use shall generally include but not 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; preserves and passive recreation areas, and residences for preservation management officers or substantially similar recreational conservation accessory uses. [Ord. 2006-004]

94. Park, Public

A publicly owned or operated park or beach providing opportunities for active or passive recreational activities to the general public.

95. Parking Garage/Structure

A building or other structure that provides temporary parking for motor vehicles, for profit, where some or all of the parking spaces are not accessory to another principal use and subject to:

- a. [Article 6.A.1.D.18, Parking Structure Standards](#); and
- b. [Article 7.G.2.F, Parking Structures](#).

96. Parking Lot, Commercial

A lot used for temporary parking or storage for motor vehicles as a principal use for a fee and subject to:

a. Parking

Design standards of [Art. 6.A, PARKING](#); and

b. Landscaping

[Art. 7.G, Landscape - Off Street Parking Requirements](#).

c. Principal Use

Parking spaces may be rented for daily parking. No other business of any kind shall be conducted on the lot, including repair, service, display, or storage of other goods, except mobile working and detailing.

d. Proximity to Residential

A commercial parking lot shall not be located on a parcel adjacent to a residential district.

e. Storage

Long trailers storage of vehicles shall be permitted in the IL district if screened from view in accordance with the outdoor storage standards.

97. Pawnshop

The location at which a pawnbroker, as defined in [F.S. §539.001\(2\)\(i\)](#), does business. Consignment activities are excluded from this definition.

a. Separation

Shall be located a minimum of 2,000 feet from another pawnshop.

b. Setbacks

Shall be setback a minimum of 150 feet from any property line abutting a residential use or an area designated as residential by a Local Plan.

c. Hours of Operation

Shall not be open to the public prior to 7:00 a.m. or later than 10:00 p.m. daily.

98. Personal Services

An establishment engaged in the provision of frequently or recurrently services of a personal nature: or the provision of informational, instructional, personal improvement or similar professional services which may involve limited accessory retail sale of products. Typical uses include art and music schools, beauty and barbershops, driving schools, licensed therapeutic massage studios, photography studios, and tanning salons.

a. CN and CLO Districts

A maximum 3,000 square feet of GFA, unless approved as a Class A conditional use.

99. Potting Soil Manufacturing

An establishment engaged in producing potting soil, including the use of incineration.

a. Setbacks

A minimum of 50 feet from any property line abutting a residential district or use.

b. Frontage

The facility shall front on and access from a collector or arterial street.

c. Storage

Storage of unprocessed material shall be limited to 45 days and pile height of storage material shall be limited to 15 feet. Outdoor storage piles shall be setback a minimum of 25 feet from any property line or 50 feet from any property line abutting a residential district or use. Storage areas shall be screened from view, pursuant to [Article 5.B, ACCESSORY AND TEMPORARY USES](#).

d. Supplemental Application Requirements

1) Site Plan

The site plan shall illustrate how the operation functions including circulation routes, square footage, height and location of buildings, equipment and storage piles.

2) 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.

e. Use

If a potting soil manufacturing facility includes chipping, mulching, grinding, or air curtain incinerator, adherence to the supplementary use standards applicable to such uses shall also be required.

f. AR/RSA

May be permitted in the AR/RSA District with a SA FLU, subject to a Class A conditional use approval. [Ord. 2005 – 002]

100. Printing and Copying Services

An establishment engaged in retail photocopy, reproduction, or blueprinting services.

101. Produce Stand

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. Permanent

1) Maximum Floor Area

The square footage of the establishment shall include both the structure and all accessory areas devoted to display or storage.

2) Outdoor Display and Storage

Outdoor storage shall be subject to the provisions in [Article 5.B, ACCESSORY AND TEMPORARY USES](#). Outdoor display of only fresh fruits and vegetables is permitted, along the property's frontage, except within the required setbacks.

3) Uses

The use shall be limited to those uses identified above. No 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 Art. 4.B.1.A.115, Retail Sales, Mobile or Temporary. No vending machines or other similar equipment shall be permitted on site. [Ord. 2005 – 002]

4) Building Construction

The produce stand 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.

5) AR/RSA and AGR Tiers

In addition to the standards above, permanent produce stands shall comply with the following:

a) Locational Criteria

The structure and accessory area shall be:

- (1) Located on an arterial designated on the PBC Thoroughfare Plan; and
- (2) Located at least 500 feet from adjacent existing residential uses.

b) Lot Size

The stand 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.

c) Setbacks

The structure and accessory area shall be setback at least 50 feet from the front and side corner property lines. The rear and side interior setbacks shall meet the minimum standards of the district.

d) Approval

A permanent produce stand shall be a permitted use in the AGR and AR, and by Special Permit in the CN, CC & CG Zoning Districts. [Ord. 2005 – 002]

(1) AR and AGR Districts

The area devoted to the permanent produce stand exceeding 3,000 square feet shall be approved subject to a Class A conditional use. [Ord. 2005 – 002]

6) Stands Less than 1,500 Square Feet

In addition to the standards stated above, stands less than 1,500 square feet (including both the structure and all accessory areas devoted to display or storage) shall be subject to the following development standards: [Ord. 2005 – 002]

a) Paving

The surface parking lot may be constructed of shell rock or other similar material. At a minimum, the following areas shall be paved in accordance with [Article 6.A, PARKING](#), of this Code:

- (1) A paved driveway apron area, connecting the streets to the site shall be subject to approval by the County Engineer; and
- (2) Handicap parking spaces and handicap access.

7) Wholesale

Wholesale of produce shall be allowed in the AGR district only.

b. Temporary Stands

A temporary stand used for the retail sale of agricultural products not necessarily grown on the site. A temporary produce stand shall consist exclusively of fresh unprocessed fruit, vegetables, flowers, and containerized interior houseplants.

1) Use Limitations

a) Location Criteria

The stand and accessory area shall be located:

- (1) on an arterial street designated on the PBC Thoroughfare Plan;
- (2) a minimum of 100 feet from an Intersection of an arterial and any other dedicated R-O-W;
- (3) at least 600 feet from any other agricultural stand permitted in accordance with these provisions; if located in a zoning district other than a commercial district;
- (4) at least 500 feet from adjacent residential uses, and **[Ord. 2005-041]**
- (5) located on a legal lot of record no less than one acre in size.

b) Number

Only one stand shall be permitted on a lot of record.

c) Approval

Subject to Special Permit approval.

d) Setbacks

The stand shall be setback a minimum of 35 feet from the front property line and 50 feet from all other property lines.

e) Size and Configuration

The stand shall not exceed 300 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.

2) Uses

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.

3) Parking

A minimum of two spaces and additional spaces subject to approval by the Zoning Director.

4) Special Regulations

a) Mobility

The stand shall retain its mobility, and have a frame of sufficient strength to withstand being transported by wheels, skids, or hoist.

b) 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.

c) Refrigeration

Refrigeration shall be contained within the confines of the stand. 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.

d) Signage

Signs shall be limited to two, with a combined maximum sign face area of 32 square feet per side. Signs shall be setback a minimum of five feet from the base building line and have a minimum separation of 100 feet. Banners, pennants, balloons, or flags shall be prohibited.

e) 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 considered conforming uses. These operations may continue in the configuration as existed on July 11, 1995 in accordance with the laws and ordinances of PBC, Florida, and as provided herein:

- (1) the enclosed portion of the stand shall not exceed 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 300 square foot stand and all required electrical permits have been obtained;
- (5) the use of vending machines shall not continue; and,
- (6) 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.

102. Real Estate Sales Model, Non-PDD

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 below. In a real estate sales model, sales shall be limited to new units built by the company operating the sales model.

a. Approval

The Special Permit and completion agreement obtained from the Zoning Division shall be valid for five years. The terms of the Special Permit and completion agreement may be extended for an additional five years provided that the permit holder:

- 1) Executes a five year completion agreement with the Zoning Division; and
- 2) Complies with the terms of this Subsection.

b. Fee

A Special Permit fee may be required by the Zoning Division to process and inspect a real estate sales model that is applying for an extension.

c. Location

A real estate sales model shall be located on a paved street.

d. Number

A builder may construct and operate a maximum of two manned and two unmanned models in a platted residential subdivision which is not in a PUD, or in one of the following residential areas:

- 1) Jupiter Farms.
- 2) The Acreage.
- 3) Loxahatchee Groves.
- 4) Palm Beach Country Estates.

e. Office

A builder's office may be permitted provided it is limited to the garage area. Unmanned models shall not have employee office space.

f. 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 PBC 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.

g. Parking

The driveway and required handicap spaces shall be the only paved parking areas. Unmanned models shall not have additional parking.

h. Permitted Signs

The following signs shall be permitted:

1) Temporary

One temporary freestanding sign measuring not more than eight feet in height and 32 square feet per side, or one temporary monument sign measuring not more than six feet in height and 18 square feet per side.

2) Directional

A maximum of two directional signs measuring not more than four feet in height and two square feet in face area per side.

3) Flags

A maximum of three roadside flags shall be permitted per lot between the hours of 9:00 a.m. and 6:00 p.m.

i. Prohibited Signs

Banners, sign lighting, snipe signs, or other means of drawing attention to the model shall be prohibited.

j. Modifications

Non-residential interior modifications shall not be permitted. The following improvements may be permitted only within the garage of the model:

- 1) room divider partitions;
- 2) electrical improvements; and
- 3) a temporary facade in lieu of a garage door.

k. Outdoor Storage

Outdoor storage of construction material, supplies, or equipment shall not be permitted.

103. Recycling Center

A permanent facility designed and used for collecting, purchasing, storing, dropping-off and redistributing pre-sorted, 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.

a. Screening

Storage areas shall not be visible from residential uses or residential districts. Mobile containers shall not be visible from public streets.

b. Size

A maximum of 500 square feet of GFA.

c. Manning

A recycling collection station containing 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 required parking space.

e. Containers

Recyclable materials shall be contained within a leak-proof bin or trailer. There shall be no outdoor storage of materials or refuse.

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 or 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.

j. Number

Only one mobile container per development, including outparcels, shall be permitted.

k. Hours of Operation

Collection activities shall be limited to 7:00 a.m. to 8:00 p.m. daily.

104. Recycling Drop-Off Bin

A totally enclosed mobile structure, containing no more than four cubic yards, within which pre-sorted, non-biodegradable recovered materials are collected for redistribution or sale for the purpose of reuse.

a. Mobility

The mobility of a drop-off bin shall be maintained at all times.

b. Location

The drop-off bin shall be located in or adjacent to an off-street parking area, and shall not be located within required parking space.

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.

d. Processing

Only limited sorting, separation, or 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 bin per material type per development, including out parcels, shall be permitted.

h. Recycling Bin

Recycling materials shall be contained within a leak-proof bin or trailer. There shall be no outdoor storage of materials or refuse.

i. AR/RSA

May be permitted in the AR/RSA District with a SA FLU, subject to a Special Permit approval.
[Ord. 2005 – 002]

105. Recycling Plant

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. Compatibility, Screening, Buffering

To ensure compatibility with surrounding uses, adequate setbacks, 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 streets.

1) Lot Size

The minimum lot size for recycling plants in all industrial districts shall be five acres. However, the minimum lot size or greater for the underlying district shall apply for recycling plants that operate completely in enclosed buildings.

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 50 feet of any property line.

a) IL District

If the facility is in an industrial district and is contiguous to land in an industrial district or IND FLU designation the setback shall be 25 feet from that contiguous property line.

b) Civic and Residential Uses

No part of a recycling plant, its accessory ramps, on site circulation system or storage areas shall be sited within 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.

c) CC, CG, IG, IL Districts

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 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 street or adjacent lots. In no case shall the height of recyclable or recovered materials, or non-recyclable residue stored in outdoor areas, exceed 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 feet in height shall be placed along the inside border of the required landscape buffer.

4) Buffers

When the property line is contiguous to a residential district, the incompatibility buffer shall be 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 from a local 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 or Mulching

If a recycling plant facility includes chipping or mulching, adherence to the standards of Article 4.B.1.A-28, Chipping and Mulching, is required.

f. Supplemental Application Requirements

Application 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 SWA before Site plan approval.

7) Fire Protection

A recycling plant shall be located within a ten mile radius of a full-service fire station or have and maintain on-site fire fighting equipment acceptable to the PBC Fire Marshall.

106. Recycling Collection Station

A totally enclosed structure or mobile container, containing more than four cubic yards, within which pre-sorted, recyclable and recovered materials are collected for redistribution or sale for the purpose of reuse.

a. TMD District

Shall not be located on a Main Street.

107.Repair and Maintenance, General

An establishment engaged in the repair and maintenance of motor vehicles or other heavy equipment or machinery, including automobiles, boats, motorcycles, personal watercraft and trucks, excluding paint and body work. Typical uses include vehicle repair garages, tune-up stations, glass shops, quick-lube, and muffler shops.

a. CC District

A maximum of 5,000 square feet of GFA. [Ord. 2005 – 002]

1) Use Limitations

Limited to minor repairs and services including 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 including rebuilding or removing engines, transmissions, starters, alternators, radiators, air conditioners, compressors, and steam cleaning, auto paint and body shops, and transmission shops shall not be permitted.

b. Enclosed Repair Activities

All repair and maintenance activities shall be conducted within an enclosed structure, except in the IL and IG districts, and PDDs with an IND FLU designation. [Ord. 2005 – 002]

c. Storage

There shall be no outdoor storage of disassembled vehicles or parts except in the IL and IG districts, and PDDs with an IND FLU designation. [Ord. 2005 – 002]

d. Industrial

In the IL and IG districts, and PDDs with an IND FLU designation, outdoor storage and/or repair activities, shall be screened from view in accordance with the requirements of Art. 5.B.1.A.3.d, Industrial Districts. [Ord. 2005 – 002]

e. Setbacks

No repair or maintenance building, structure or activity shall be conducted within 100 feet of any property line adjacent to a residential district, except in the WCRAO. In the WCRAO, no service bay door shall be located within 100 feet of any residential structure. [Ord. 2005 – 002]

f. Bay Door Orientation

Service bay doors shall not face any residential district, FLU designation, or use unless separated by an arterial or collector street. [Ord. 2005 – 002]

1) Buffer Requirements

Bay doors adjacent to an arterial or collector street shall require a Type 2 incompatibility buffer.

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.

g. No Loudspeakers

No outdoor speaker or public address system that is audible off-site shall be permitted. [Ord. 2005 – 002]

h. Vehicle Testing on Residential Streets

Vehicles shall not be tested off-site on residential streets. [Ord. 2005 – 002]

i. WCRA Overlay

Repair and maintenance, general uses are prohibited in the NR, NRM, and NG sub-areas, as outlined in Table 3.B.15.E-7, WCRAO Sub-area Use Regulations. [Ord. 2006-004]

108.Repair Services, Limited

An establishment engaged in the repair of personal apparel or 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. CC District and Districts with a CL FLU Designation

A maximum of 10,000 square feet of GFA unless approved as Class A conditional or requested use. [Ord. 2005 – 002]

b. CN District

A maximum of 3,000 square feet of GFA. [Ord. 2005 – 002]

c. Enclosed Repair Activities

All repair activities shall be conducted within an enclosed structure, except in the IL and IG districts or PDDs with an IND FLU designation. [Ord. 2005 – 002]

d. Industrial

In the IL and IG districts and PDDs with an IND FLU designation, outdoor storage and outdoor repair activities shall be screened from view in accordance with the requirements of Art. 5.B.1.A.3.d, Industrial Districts. [Ord. 2005 – 002]

109. Restaurant, Type I

An establishment equipped to sell food and beverages in one of the following methods: drive-through sales to patrons in automobiles for take out who place orders through a window or remote transmission device; or sales to patrons for take out or dining in, that includes three or more of the following: food or beverage choices are advertised on a menu board; countertop sales where payment is made prior to consumption; disposable containers and utensils; limited service dining facilities with no hostess or waiters; and self service or prepackaged condiments. Traffic generation rates are normally in the range of 130 to 500 trips per day, per 1,000 square feet of GFA, or as otherwise identified by the Institute of Traffic and Engineering. [Ord. 2006-004]

a. Location Criteria

A Type I restaurant with a drive through, or where the total GFA, including outdoor dining areas, for such use or uses is greater than 20 percent of overall building GFA, unless approved under Art. 4.B.1.A109.c.2), Permitted by Right, shall be subject to the following: [Ord. 2006-004]

1) Intersection Criteria

A maximum of two Type I restaurants shall be permitted at an intersection in accordance with Art. 5.E.2.B, Intersection Criteria. [Ord. 2006-004]

2) Separation Criteria

A Type I restaurant shall be separated from any other Type I subject to these standards, in accordance with Art. 5.E.2.C.2. [Ord. 2006-004]

3) Exception

A Type I restaurant that is designed to enhance pedestrian circulation, safety and accessibility while limiting vehicular circulation using exemplary site design and architectural treatment that incorporates the following, may be exempt from intersection and separation criteria: [Ord. 2006-004]

- a) Required sidewalks and related pedestrian connections fronting on the façade supporting the primary entrance shall be increased to eight feet in width; [Ord. 2006-004]
- b) Dumpster enclosures shall be physically connected to and architecturally consistent with the building and shall not be freestanding; [Ord. 2006-004]
- c) No reductions in the width of required foundation planting areas shall be permitted; [Ord. 2006-004]
- d) Wall signage is limited to one façade of the restaurant; [Ord. 2006-004]
- e) Landscape plans and architectural elevations shall be required as part of any application for a Conditional or Requested Use, or any DOA affecting the items listed herein. [Ord. 2006-004]
- f) Where applicable, a drive through, including queuing and by-pass lanes shall not be visible from adjacent public streets. This may be accomplished by the use of a Type 3 Incompatibility Buffer, exemplary architectural design that incorporates walls or other visual barriers a minimum of six feet in height, or a combination of the two; [Ord. 2006-004]
- g) Required parking shall not be separated from restaurant entrances by any means of vehicular circulation with exception of drive isles used to access those parking spaces; [Ord. 2006-004]
- h) The restaurant shall not have continuous vehicular circulation on all four sides. For the purposes of this Section, vehicular circulation shall include drive ways, drive aisles, or other means of internal vehicular circulation located within 50 feet or less of the building. Vehicular circulation shall not include customer parking provided for the restaurant, one-way drive-through lanes and related by-pass lanes serving the restaurant. [Ord. 2006-004]

b. U/S Tier

A Type I restaurant with a CL FLU designation shall comply with [Article 5.E.1, Major Intersection Criteria](#), unless the restaurant meets the requirements of Art. 4.B.1.A.109.c.2), Permitted by Right. **[Ord. 2006-004]**

c. Approval Process Exceptions

1) DRO Approval

A Type I restaurant without a drive-through may be approved by the DRO in a district where the use is permitted by Table 3.B.1.B-21, PDD Use Matrix, or Table 4.A.3.A-1, Use Matrix, provided GFA including outdoor dining areas does not exceed 3,000 square feet; and the use is not located in an out parcel or freestanding building. **[Ord. 2006-004]**

2) Permitted by Right

A Type I restaurant without a drive-through or located in an out parcel, may be permitted by right in any PDD or TDD with a commercial or institutional FLU designation, Pod or Use Zone; the commercial or recreational pod of a PUD, MHPD or RVPD; or the IL and all commercial Zoning districts, provided: **[Ord. 2006-004]**

- a) GFA including outdoor dining areas does not exceed 1,500 square feet; **[Ord. 2006-004]**
- b) All district specific requirements are addressed; **[Ord. 2006-004]**
- c) The total of all Type I restaurant uses does not exceed 25 percent of the overall GFA of the development, unless it is the sole use of the property; and **[Ord. 2006-004]**
- d) The restaurant is not located in a freestanding building, unless it is the sole use of the property. **[Ord. 2006-004]**

d. TMD District

Type I Restaurant shall not: **[Ord. 2005 – 002] [Ord. 2006-004]**

- 1) Exceed 3,000 square feet of GFA. An additional 1,500 square feet shall be permitted for outdoor dining areas, for a maximum of 4,500 square feet of GFA. **[Ord. 2005-002] [Ord. 2006-004]**
- 2) Be located in an outparcel or freestanding building; or **[Ord. 2005 – 002]**
- 3) Have a drive-thru, unless it is located in the rear of a building, with access from an alley or the interior of a parking area, and is covered by a canopy or the second story of a building. **[Ord. 2005 – 002] [Ord. 2006-004]**

e. Outdoor Dining

Shall comply with the principal structure setbacks.

110.Reserved for Future Use

111.Restaurant, Type II

An establishment with no drive-through, equipped to sell food and beverages, served and consumed primarily on the premises, that includes three or more of the following: host or hostess assists patrons upon entry; food and beverage choices are offered from a printed menu provided by wait staff at a table; orders are taken at the table; food is served on dishes and metal utensils are provided; and, payment is made after meal consumption. Traffic generation rates are normally in the range of 90 to 130 trips per day, per 1,000 square feet of GFA or as otherwise identified by the Institute of Traffic and Engineering. **[Ord. 2006-004]**

a. Alcohol Sales

A Type II Restaurant may include the on-premise sale, service and consumption of alcoholic beverages as an accessory use. A Type II Restaurant with less than 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: **[Ord. 2006-004]**

1) Accessory Use

Alcohol sales, service, and consumption shall not exceed 30 percent 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 30 percent of the floor area of the restaurant or number of seats, whichever is less, shall be devoted solely to alcohol sales.

4) Special Permit Renewal

The Special Permit shall be renewed annually.

b. Use Limitations and Approval Process

1) DRO Approval

a) CLO and CHO Districts/PDDs and TNDs

A Type II Restaurant less than 3,000 square feet of GFA per establishment including outdoor dining areas, may be approved by the DRO, provided the total of all Type II Restaurants do not exceed 30 percent of the GFA of the development. [Ord. 2006-036]

b) CHO District/PDDs

If contained in an office, hotel or motel structure that does not exceed 30 percent of the GFA of the structure, or 5,000 square feet, whichever is less, may be approved by the DRO. [Ord. 2006-036]

c) CRE District, and CL, CR and Commercial Pods of a PDD

A Type II Restaurant less than 5,000 square feet of GFA per establishment, including outdoor dining areas, may be approved by the DRO. [Ord. 2006-036]

2) Catering Service

Catering may be permitted as an accessory use to a restaurant. Except in the IL district, the use of three or more delivery or service vehicles shall require DRO approval. [Ord. 2006-004] [Ord. 2006-036]

3) Take Out Service

Take out service is permitted as an accessory use provided there are no vehicle take out windows that include exterior menu boards, queuing lanes or order service. [Ord. 2006-004] [Ord. 2006-036]

4) TNDs and TMDs

A Type II Restaurant shall not exceed 5,000 square feet of GFA, except that an additional 1,500 square feet shall be permitted for outdoor dining areas, for a maximum of 6,500 square feet of GFA. Take out windows designed for vehicular use are prohibited unless located in the rear of a building, with access from an alley or the interior of a parking area, and covered by a canopy or the second story of a building. [Ord. 2006-004] [Ord. 2006-036]

112.Reserved for Future Use

113.Retail Sales, Auto Accessories and Parts

An establishment providing retail sales of auto accessories and parts.

a. Architecture

Stand alone or freestanding auto accessory and parts stores contiguous to a public street or residential zoning district shall comply with [Article 5.C, DESIGN STANDARDS](#).

b. Disposal of Motor Oil

Auto part 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).

114.Retail Sales, General

An establishment providing general retail sales or rental of goods, but excluding those uses specifically classified as another use type. Uses include typical retail stores such as clothing stores, bookstores, business machine sales, food and grocery 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 include limited repair services for their products. For impact fee purposes, general retail also includes services such as entertainment, eating and drinking establishments, and personal services.

a. TND District

In a Neighborhood Center, general retail sales shall not exceed 5,000 square feet of GFA per establishment (40,000 square feet for a food store or 20,000 square feet for a food store when the TND is developed as part of a TTD). In a multi-family building with more than 50 units, a "corner store" is allowed, provided it does not exceed 1,000 square feet and is integrated into the building and at a corner location.

b. TMD District

Shall not exceed 100,000 square feet of GFA per establishment in the U/S tier, 50,000 square feet of GFA per establishment in the Exurban and Rural tiers and 65,000 square feet of GFA in the AGR. A drive-thru facility for a drug store is allowed if located in the rear of a building. Access shall be from an alley, an interior parking area, or a street not designated as a Main Street. The drive-thru facility shall be covered by a canopy or the second story of a building. [Ord. 2005 – 002]

c. CN District

Shall be limited to a maximum of 3,000 square feet of GFA per use.

d. LOSTO

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 and 3,000 square feet of total floor area shall be allowed subject to approval of a Special Permit.

e. Fireworks

The retail sale or storage of fireworks as a principal use in any commercial district is prohibited.

1) Exception

Temporary sale of sparklers, subject to a special permit.

115. Retail Sales, Mobile or Temporary

General retail sales without a fixed or permanent location.

a. General Requirements

1) Frontage

Mobile or temporary retail sales shall front an arterial street.

2) Setbacks

Mobile or temporary retail sales shall comply with the setbacks of the district. The minimum setback from streets is 20 feet. Setbacks shall not be located in any safe sight triangle.

3) Insurance

Proof of liability insurance shall be submitted listing the BCC as additionally insured or certificate holder, paid in full covering the period for which the permit is issued, in the minimum amount of \$500,000 per occurrence.

4) Landscape

Mobile or temporary sales shall not be located in any landscape buffer.

5) Location Plan

An application for mobile or temporary sales shall submit a plan delineating location, parking and signage.

6) Warranty Deed

Submit a copy of the recorded warranty deed for the property.

b. Temporary Sales

Temporary sales shall be conducted without a fixed or permanent location. Typical uses include sparklers, as defined in [F.S. §791.01](#), or special event sales, such as the sale of furniture, and seasonal sales regulating (e.g. Christmas trees, pumpkins) that may require a tent or temporary structure.

1) Districts

Limited to the CN, CC, CG, IPF, AGR, MUPD, or MXPD districts.

2) AGR District

Temporary sales in the AGR district shall be limited to plants, pumpkins and Christmas trees.

3) Duration

Temporary sales shall not exceed 30 days in duration. Issuance of a Special Permit shall be limited to four times a year per parcel.

4) Tent

A maximum of one temporary tent or structure shall be allowed per parcel.

5) Sign

One on-site, non-illuminated freestanding sign shall be permitted. This sign shall not exceed 32 square feet in sign area, shall not exceed six feet in height from finished grade, and shall be located at least five feet from all base building lines. The sign may remain on the site only for the approved duration of the temporary sale.

6) Debris

All debris shall be removed within 48 hours of expiration of the Special Permit and the property returned to its original condition.

7) Storage

Temporary storage trailers may be permitted in conjunction with temporary sales. Trailers shall not obstruct primary circulation routes and shall be parked the maximum extent possible from all buildings on or surrounding the site.

c. Special Provisions for Sparklers

Sale of sparklers shall comply with the following additional requirements:

1) Seasonal Limitations

Seasonal sales shall be limited to June 20 through July 5 and December 10 through January 2 of each year.

- 2) **CG and IL Districts**
Limited to the sale of sparklers only.
 - 3) **Hours of Operation**
Hours of operation shall be limited from 7 a.m. to 11 p.m. daily.
 - 4) **Electrical Service**
All electrical uses shall meet the requirements established by the PBC Chief Electrical Inspector and PBC Fire-Rescue Department.
 - 5) **Supplemental Application Requirements**
The Special Permit application shall include the following information:
 - a) **Liability**
A hold harmless affidavit, which holds PBC harmless for any liability connected with the operation.
 - b) **Certification**
A certification of registration from the State Fire Marshal authorizing the sale of sparklers.
 - c) **Affidavit of Compliance**
A signed and notarized affidavit of compliance with the Approved List of Sparklers maintained by the State Fire Marshall. The affidavit shall be submitted 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 may result in an injunction.
 - 6) **Documentation**
The applicant shall submit copies of State of Florida registration documents for any corporate or other business entity, evidence of registering any fictitious name to be used and driver's licenses for the applicant's authorized agents.
- d. **Mobile Sales [Ord. 2005 – 002]**
Mobile sales shall be conducted from a portable stand, structure, or trailer which is removed each night. Mobile sales operations shall be limited to flowers and food products and shall:
- 1) **District**
Mobile sales shall be limited to the CC, CG, IL, PO, and MUPD Districts.
 - 2) **Location**
Mobile sales shall not be located in any required parking spaces nor 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 of Florida for the purpose of regulating, moving or guiding traffic. Mobile sales shall not be located in any driveway aisles or loading areas or interfere with on-site circulation.
 - 3) **Adjacent Residential District**
Mobile sales shall be located a minimum of 300 feet from the property line of any existing residential use.
 - 4) **Number**
Only one mobile sales vendor shall be permitted per parcel of land.
 - 5) **Electric Service**
Electric service shall not be permitted.
 - 6) **Duration**
Mobile sales may operate between the hours of 6:00 a.m. and 8:00 p.m. daily.
 - 7) **Renewal**
The Special Permit for mobile sales shall be renewed annually.
 - 8) **Signage**
Shall comply with [Article 8, SIGNAGE](#), subject to special standards and requiring no permit.

116.Salvage or Junk Yard

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.

117.Sanitary Landfill or Incinerator

A facility employing an engineered method of disposing of solid waste in a manner which minimizes environmental hazards by spreading solid waste in layers, providing a sand clean fill or similar cover.

a. **PO District**

A sanitary landfill or incinerator shall only be located in the PO district.

b. Accessory Incinerator

An incinerator may be an accessory use to a hospital.

118.School, Elementary or Secondary

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 Department of Education.

a. General

The following standards shall apply to all schools:

1) Pedestrian Access/Bike Path

Pedestrian access, bike paths and crosswalks showing access to the school site from surrounding neighborhoods shall be shown on the site plan.

2) Vehicular Circulation

Designated bus and parental drop off/pick up areas, shall be provided. Pathways which cross-vehicular use areas shall be defined by special paving, brick, striping, or other methods acceptable to the DRO.

3) Dumpsters

Dumpster and trash receptacles shall be located a minimum of 75 feet from residential property and screened in accordance with [Article 5.B, ACCESSORY AND TEMPORARY USES](#).

4) Signalization

Signalization, in the form of a mast arm, shall be installed at the primary entrance to the school site if warranted, as determined by the County Engineer. Should signalization not be warranted within 12 months of the final certificate of occupancy for private or charter schools, or school opening for public schools, the property owner/ School Board shall be relieved of this requirement.

5) Setbacks

a) Residential Districts

Setbacks for schools in all residential districts shall be consistent with Table 4.B.1.A-8, AR District in the RSA, or the following, whichever is more restrictive.

Table 4.B.1.A-9 - 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 the district standards.

6) Maximum Building Height

Structures higher than 35 feet shall be subject to approval on a Class A conditional use, unless otherwise stated in this Section.

7) Outdoor Activity Areas

Outdoor activity areas shall comply with [Article 5.B, ACCESSORY AND TEMPORARY USES](#).

8) Lighting

Security and recreation lighting (i.e. outdoor activity areas, ball fields, tennis courts, etc.) shall comply with [Article 5.E, PERFORMANCE STANDARDS](#).

9) South Florida Water Management District (SFWMD)

Boardwalks and education learning stations may be constructed within wetland areas subject to approval by the SFWMD.

a) Preservation

Prior to commencement of construction, lot clearing or any other site development, preparation, all applicable permits shall be obtained in conformance with [Article 9, ARCHAEOLOGICAL AND HISTORIC PRESERVATION](#).

b) Wetlands Permits

On site wetlands required by the SFWMD shall be preserved. Boardwalks and education learning stations may be constructed within wetland areas subject to approval by the SFWMD.

c) Construction Documents

Prior to site plan approval by the DRO review, construction documents for wetland restoration, landscaping, and vegetation restoration shall be reviewed and approved by ERM.

10) Airport Zoning Overlay

New schools shall not be located within five miles of either end of a runway, pursuant to [Article 16, AIRPORT REGULATIONS](#), and F.S.

11) Agricultural Reserve Tier

A school shall not be located west of SR 7/US 441.

b. Charter Schools

Charter schools with 200 or fewer students in a commercial, industrial, or nonresidential planned development district shall be subject to DRO approval and the standards in [Article 4.B.1.A.118.a, General](#), and [Article 2.D, ADMINISTRATIVE PROCESS](#).

c. Public Schools

1) A use and attendant buildings operated by the PBC School District for educational or training purposes, as follows:

- a) an elementary school;
- b) a middle school;
- c) a high school;
- d) a vocation or technical school.

2) Applicability

a) General

This Section shall apply only to public schools 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.

b) Previous Approvals and Future Amendments

Public schools approved prior to June 16, 1992 shall be considered conforming uses. Future amendments to these schools shall be subject to the requirements of this Section and [Art. 2, Development Review Procedures](#) and Art. 2.D.1, DRO. **[Ord. 2005 – 002]**

3) Approval Process

a) Development Review Officer

Applications for site plan approval shall include the following: **[Ord. 2005 – 002]**

(1) DRO Application

A completed application, which meets the standards of this Section and Art. 2.D.1, DRO.

(2) 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.

(3) DRO

All items shall be submitted in accordance with the Zoning Division calendar. Agency comment shall be provided to the School District at the next scheduled DRO meeting.

(4) Standards

Applications submitted pursuant to this Section shall be reviewed and approved by the DRO after a finding that the procedures and standards of this Section and Art. 2.D, Administrative Process – DRO, are satisfied.

4) Accessory Uses

The following uses, subject to special regulations, shall be allowed as customarily incidental and subordinate to a public school:

a) Accessory Radio Towers

(1) Height

Towers shall have a maximum height of 100 feet or less measured from the finished grade at the base of the tower. Towers over 100 feet in height and commercial communication towers shall comply with Art. 4.C, Communication Tower, Commercial. **[Ord. 2005 – 002]**

(2) Setbacks

(a) Towers shall meet a minimum setback equal to 50 percent of the height of the tower from all property lines. **[Ord. 2005 – 002]**

(b) Commercial Communication Towers shall comply with Art. 4.C., Communication Tower, Commercial. ITV antennas shall not be subject to these requirements. **[Ord. 2005 – 002]**

(3) Anchors

All tower supports and peripheral anchors shall be located entirely within the boundaries of the school site and in no case less than 20 feet from a property line.

(4) 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.

(5) 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.

(6) Removal

Obsolete or abandoned towers shall be removed within 12 months of cessation of use.

b) Water or Waste Water Treatment

A water or wastewater treatment facility may be installed in accordance with all applicable federal, state and local utility standards.

(1) Location/Buffering

The facility shall be located and buffered to ensure compatibility with surrounding land use.

(2) Duration

The use of the facility shall only be permitted until such time.

5) Property Development Regulations (PDRs)

If a conflict exists between this Section and regulations found elsewhere in this Code, the regulations of this Section shall apply.

a) Maximum Building Height

Structures higher than 35 feet shall provide one additional foot setback for each one foot in height exceeding 35 feet.

b) Lot Size

The minimum lot size shall be governed by the most recent standards adopted by the School Board and only to new public schools.

c) Building Setbacks

Setbacks for public schools shall be consistent with Florida Statutes, as indicated in Table 4.B.1.A-9, Minimum Building Setbacks, above. **[Ord. 2005 – 002]**

6) Supplemental Design Standards

The following design standards shall apply to new school sites and any improvement to previously approved school sites.

a) Parking

The site plan shall indicate the student capacity, number of employees the amount of required and provided parking spaces, and comply with the minimum parking required by applicable State Statutes.

b) Landscape Buffer

The DRO shall require R-O-W buffers and interior parking area landscaping consistent with [Art. 7, Landscaping](#). Adjacent properties with existing residential use or FLU designation shall be protected from the school's loading, utility, and outdoor active recreation areas by incompatibility buffers. Landscaping material shall comply with the applicable F.S. **[Ord. 2005 – 002]**

c) Accessory Recreation

Accessory Outdoor recreation areas shall be subject to Art. 5.B, Accessory and Temporary Uses, recreation, or provide a Type 3 Incompatibility Buffer, as defined in [Art. 7, Landscaping](#), with a minimum width of 25 feet.

d) R-O-W Dedication

Within six months of site plan approval by the DRO, the School Board shall convey to the BCC all portions of the site necessary to achieve the ultimate R-O-W, plus turn lanes and corner clips, as determined by the County Engineer for any affected road on the County Thoroughfare Map. The conveyance shall include documentation acceptable to the

County Engineer that the land is free of all encumbrances and encroachments and shall be in the form of a warranty deed acceptable to the County Attorney.

e) Road Improvements

Prior to school occupancy, the School Board shall fund and construct all road improvements directly associated with the school such as paving-drainage, turn lanes, traffic circulation, sidewalks, and driveway connections as determined by the County Engineer. [Ord. 2005 – 002]

119. Security or Caretaker Quarters

An accessory residence used by a caretaker or security guard actively engaged in providing security, custodial or managerial services upon the premises.

a. Number

- 1) A maximum of one security quarters shall be permitted on the same lot as a bona fide agricultural, commercial, industrial, or institutional use.
- 2) A maximum of one security quarters shall be permitted within the area governed by the site plan of an approved conditional use, requested use, or planned development.

b. Occupancy

A security or caretaker quarters shall be for the exclusive use of the site on which it is located and shall be occupied only by the custodian, caretaker, or owner of the principal use and their family.

c. Accessory Use

A security or caretaker quarters shall be allowed as an accessory use to a public or civic use in all districts.

d. Temporary Use

Unless stated otherwise, a security or caretaker quarters use shall not be permitted in association with a temporary use.

e. Mobile Home

A mobile home may be used for a security or caretaker quarters only in the AGR, AP, AR, IL, IG, PO, IPF, and MHPD districts. If a mobile home is used, the Special Permit shall be renewed annually.

f. Discontinuation of Use

A security or caretaker quarter's use shall continue only as long as the principal use that it serves remains active. Upon termination of the principal use, the right to have the quarters shall end and the use shall be immediately discontinued. Once discontinued, such quarters shall not be reestablished except in conformity with this Section.

120. Self-Service Storage

A facility consisting of individual, self-contained units that are leased for the storage of business or personal goods.

a. Types Permitted

- 1) Limited-access, 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, storage which is a one story self-service storage facility with multi-access points from the exterior of the building to individual bays.

b. General

All self-service storage uses shall comply with the following:

1) Location

A self service storage facility located in a CL FLU designation shall not be located within 1,000 feet of another self-service storage facility. [Ord. 2005 – 002]

2) Limitations

A maximum of 1,000 square feet of the rental office may be devoted to the rental and sale of retail items used for moving and storage, such as hand trucks, cartons, tape, and packing materials. [Ord. 2005-002]

3) Storage Units

Use of storage units shall be limited to the storage of goods only. Storage of hazardous goods shall be prohibited. A business may not be conducted from a storage unit. A storage unit shall not be used to store inventory, equipment or material required on a daily or recurring basis necessary for a business trade or occupation.

4) Vehicle Rental

Vehicle rental may be permitted subject to a Class A conditional use and shall be limited to the rental of trucks and trailers used for moving and accessory uses such as the installation of hitch and towing packages, and wash facility.

- 5) **Security Quarters**
A security or caretaker quarters use may be allowed on the site of a self-storage facility pursuant to [Article 4.B, SUPPLEMENTARY USE STANDARDS](#).
 - 6) **Outside Storage**
Except as provided in this Section, all goods shall be stored entirely within enclosed buildings. Open storage of recreational vehicles and dry storage of pleasure boats of the type customarily maintained for personal use shall be permitted within a self service storage facility provided the following standards are met:
 - a) **Location**
The storage shall occur only within a designated area.
 - b) **Storage Area**
The storage area shall not exceed 50 percent of the lot area.
 - c) **Screening**
The storage area shall be entirely screened from view from adjacent residential areas and public streets.
 - d) **Boats**
Boats stored on the site shall be on wheeled trailers.
 - e) **Repair**
Vehicle repair shall be prohibited.
 - 7) **Landscaping and Buffering**
 - a) **Wall Option**
A perimeter wall in the landscape buffer may be waived if all of the following standards are met.
 - (1) **Facades**
The exterior facades of storage structures present an unbroken, wall-like appearance when seen from adjacent lots and streets.
 - (2) **Wall**
Separate storage structures are connected by a solid opaque wall to give the appearance of structural continuity.
 - (3) **Access Isles**
No aisle-ways or other vehicle access ways are located in the area between the building and the adjacent property line.
 - (4) **Buffering**
The area between the building and the adjacent property line is planted as a landscape buffer with a berm or maintained as a vegetation preserve.
 - 8) **Loudspeakers**
Exterior loudspeakers, public address, or paging equipment shall be prohibited.
 - 9) **Door Orientation**
Bay doors shall not face in a residential district nor shall bay doors be visible from a public street.
 - 10) **Barbed Wire**
Barbed or similar wire shall not be visible from any residential district or public street.
- c. **Supplemental Standards for Multi-Access Facilities.**
- 1) **Lot Size**
A minimum of two acres.
 - 2) **Separation**
A minimum of ten feet between buildings.
 - 3) **Bay Size**
A maximum of 500 square feet.
 - 4) **Height**
A maximum of 35 feet.
 - 5) **Circulation**
 - a) **Interior**
The minimum width of aisle ways between storage structure shall be 20 feet for one-way traffic, and 30 feet if two-way traffic between storage structure.
 - b) **Flow**
Traffic flow patterns in aisle ways shall be clearly marked. Marking shall consist at a minimum of standard directional signage and painted lane markings with arrows.
 - 6) **Door Orientation and Access**

Bay doors and access points located on the second story or above shall be oriented toward the interior of the site.

7) CLO, CHO, CLO/MUPD, and CHO/MUPD

a) Outdoor Storage Area

A maximum of 30 percent of overall square footage.

b) Door Orientation

All bay doors shall be oriented toward the interior of the site.

c) Height

A maximum of one story.

d) Multi-Access Storage

Multi-access storage shall not be permitted on parcels in the CLO, and CHO districts and MUPD districts with a CLO or CHO FLU designation when adjacent to a residential district.

d. Supplemental Standards for Limited Access Facilities

1) Lot Size

A minimum of one acre.

2) Loading

A minimum of two off-street loading spaces shall be provided at each entry into the building.

e. CLO, CHO, and MUPD Districts

Limited access self-service storage facilities in the CLO and CHO districts, and MUPD district with a CLO or CHO FLU designation, shall comply with the following regulations:

1) Lot Size

A minimum of three acres and a maximum of ten acres.

2) Height

A maximum of 25 feet. The portion of a facility including a security or caretaker's quarters shall be limited to two stories and shall not exceed 30 feet in height to the highest point.

3) Signage

One freestanding or one wall sign.

4) Frontage

The facility shall front on and access from an arterial or collector street.

f. 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.

g. WCRA Overlay

Self-service storage is prohibited in the NR, NRM, and NG sub-areas, as outlined in Table 3.B.15.E-7, WCRAO Sub-area Use Regulations. **Ord. 2006-004]**

121.Shade House

A temporary screen enclosure used to protect plants from insects, heat and exposure to the sun.

a. Permits

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

Table 4.B.1.A-10 - Minimum Setbacks 12 feet or Less In Height

Front and Street	15 feet
Side and Rear	7.5 feet

Table 4.B.1.A-11- Minimum Setbacks Over 12 feet in Height

Front and Street	25 feet.
Side and Rear	15 feet

b. Commercial Greenhouse

Commercial greenhouses having roofs and walls made of rolled plastic or other similar materials, used for the indoor cultivation of plants, including hydroponic farming using water containing dissolved inorganic nutrients, may be permitted in the AGR districts, subject to the following: **[Ord. 2006-004]**

1) DRO Approval

Commercial greenhouses that exceed the FAR limitations of Table 2.1-1 of the Plan, or with five or more acres of building coverage must be approved by the DRO. [Ord. 2006-004]

2) Property Development Regulations

Setbacks for greenhouses in excess of 25 feet in height must be in accordance with Table 3.D.1.A-5, Property Development Regulations. Setbacks for greenhouses less than 25 feet in height may be reduced by 50 percent. FAR and Building Coverage may be increased up to a maximum of .75 to accommodate commercial greenhouses. [Ord. 2006-004]

3) Landscaping and Buffering

Commercial greenhouses are exempt from the interior and foundation planting requirements of Table 7.C.3-1, Minimum Tier Requirements. A Type III incompatibility buffer shall be required along property lines where greenhouses are adjacent to or visible from a public R-O-W or parcels with a civic, conservation, commercial, recreational or residential FLU designation or use. Buffers shall be a minimum of 25 feet in width for greenhouses up to 25 feet in height, and 50 feet for greenhouses greater than 25 feet in height. [Ord. 2006-004]

a) Exceptions

(1) Visual Screening

Landscape buffer and planting requirements may be waived in areas where it can be demonstrated that greenhouse structures are not visible from the subject property lines or use areas. [Ord. 2006-004]

(2) Alternative Planting

Planting requirements may be satisfied by the use of existing native vegetation or the placement of other related plant material, provided that the growing area is at least 25 feet wide and meets the buffering requirements for a Type III incompatibility buffer. [Ord. 2006-004]

4) Parking and Loading

All parking and loading shall occur in the designated areas indicated on the site plan. [Ord. 2006-004]

a) Parking

If vans, buses, or commercial loading vehicles are used for employee transportation, required parking shall be configured to accommodate these vehicles. [Ord. 2006-004]

b) Loading

Loading zones shall not be oriented towards residential uses, and shall be setback from property lines a minimum of 250 feet, unless waived by the DRO. [Ord. 2006-004]

5) Storage

Only equipment directly related to the facility may be stored on site. All stored equipment must be screened from view from adjacent properties and streets. [Ord. 2006-004]

6) Interior Lighting

Greenhouses shall not be illuminated between 9 p.m. and 6 a.m. if light is visible from outside of the structure from any adjacent R-O-W, or properties with a residential FLU designation or use. [Ord. 2006-004]

7) Accessory Office

An office is permitted as an accessory use, subject to the following and all other applicable requirements: [Ord. 2006-004]

a) Less than five acres of commercial greenhouse: 1,000 square feet. [Ord. 2006-004]

b) Greater than five acres of commercial greenhouse: 2,000 square feet. [Ord. 2006-004]

c) Bathroom facilities shall not be included in the calculation of office square footage. [Ord. 2006-004]

8) Signage

Signage for commercial greenhouses shall be limited to one freestanding sign located at the projects primary entrance. [Ord. 2006-004]

9) Pervious Surface Area

An exception to the requirements of Table 7.C.2-1, Minimum Tier Requirements may be made for Commercial Greenhouses to allow for an increase in impervious surface area up to 80 percent, provided all applicable agencies responsible for reviewing for adequate drainage, review and approve the application for compliance prior to DRO certification or issuance of a building permit. [Ord. 2006-004]

122.Single-family

The use of a lot or a structure for one detached dwelling unit, excluding a mobile home but including a manufactured building.

123.Solid Waste Transfer Station

A facility where solid waste from smaller vehicles is transferred into larger vehicles before being shipped or transported to a solid waste processing or disposal facility. Solid waste may be sorted but not processed at a transfer station.

a. Frontage

The facility shall front on and access from an arterial or collector street.

b. Setbacks

All portions of a transfer station, including structures, ramps, parking and on site circulation areas, shall be setback a minimum of 25 feet from all property lines, lakes, canals, water management tracts, retention/detention areas, drainage swales, and other water bodies.

c. Screening

All storage areas shall be 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 streets or adjacent lots. In no event shall the height of solid waste stored outdoors exceed 25 feet.

d. Buffer

A minimum width of 50 feet municipality buffer shall be provided adjacent to an existing residential use, district or FLU designation: The DRO may waive required landscaping not visible from adjacent lots or streets.

e. Storage Areas

All solid waste stored outdoors shall be in leak-proof containers or located on a paved surface designed to capture all run-off. Run-off shall be treated in a manner that is in conformance with local, State and Federal regulations.

f. Supplemental Application Requirements

1) Access

A graphic and written analysis of access routes to the site.

2) Type

An explanation of the type of facility requested including a description of the materials to be handled, methods of operation, handling procedures, whether sorting will occur, and runoff treatment plans.

3) Waste

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

Prior to approval by the DRO, the applicant shall obtain a permit from, and post a bond with the SWA.

124.Special Event

A temporary activity which includes rides, amusements, food, games, crafts, performances, or services. Typical uses include carnivals, circuses, auctions, and revivals.

a. Duration

A maximum of 14 consecutive calendar days. Special events exceeding 14 days shall require approval of a Class A conditional use.

b. Setbacks

All buildings, trailers, vehicles, tents, mechanical devices, rides or animals related to an amusement or special event shall comply with the minimum setbacks of the district and shall be locked at a minimum of 50 feet from a street and 200 feet from any property line adjacent to a residential use.

c. Frontage

The minimum frontage on a public street shall be 200 feet. A special event shall not be permitted if the frontage abuts a street under construction.

1) U/S Tier

Primary access shall be from a paved arterial or collector street.

2) Rural Tier

In the Rural, Exurban, AGR and Glades Tiers, primary access shall be from a paved street. Access shall minimize traffic through nearby residential areas. Back-out parking directly onto a public street shall be prohibited.

d. Parking

Off-site parking may be and allowed subject to a Special Permit and conditions for temporary special events.

e. Events Per Year

There shall be no more than three special events permitted in any one calendar year per parcel of land.

f. Attendance

DRO approval shall be required for any event projected to attract more than 1,000 patrons on a site less than two acres. Project attendance shall be specified in the application.

g. Separation

A Special Permit shall not be issued for the same dates for two or more special events within one-half mile from each other.

h. AR/RSA

May be permitted in the AGR with a SA FLU, subject to a Special Permit approval. [Ord. 2005 – 002]

125. Stable, Commercial

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 commercial stable may be operated in conjunction with a residence and shall comply with the PBACD.

a. Use Limitations

A commercial stable shall be limited to raising, breeding, training, boarding, and grooming of horses, or rental (livery) of horses for riding and instruction.

b. Lot Size

A minimum of five acres.

c. Frontage

The minimum required frontage on a public street to be used from the primary point of access shall be 100 feet, or the minimum standard of the Tier in which the stable is located, whichever is greater.

d. Setbacks

A minimum of 25 feet from any property line, or the minimum setback of the district, whichever is greater.

e. LOSTO

A commercial stable with 20 or fewer stalls shall be allowed as a Special Permit.

126. Stable, Private

The breeding, boarding, training, or raising care of horses owned by the occupants or owners of the premises. A private stable shall comply with the PBACD.

a. Boarding

On sites of at least two acres, boarding for up to four horses not owned by the owner or occupant of the premises shall be permitted.

b. Setbacks

1) Accessory Structure

A private 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 25 feet, whichever is greater.

2) Principal Structure

A private stable with more than twelve stalls located on a parcel with a single family residence, or a vacant parcel, shall be considered a principal structure and shall meet the applicable setback requirements for a principal structure.

127. Sugar Mill or Refinery

An establishment for the extraction and refining of sugar from agricultural products.

a. Setback

Shall be setback 300 feet from off-site residentially occupied or zoned property. In the AR district, a sugar mill or refinery shall be permitted on land in a RR FLU designation as a Class A conditional use.

128. Theater, Drive-In

An establishment for the outdoor viewing of motion pictures by patrons while in their vehicles.

a. CRE District

Shall not be allowed in a RR FLU designation.

129. Theater, Indoor

An establishment for showing motion pictures or live performances in an enclosed building.

a. CRE District

Shall not be allowed in a CRE district with an RR FLU designation.

b. CC, CG and MUPD Districts

Indoor theaters not exceeding 15,000 square feet are a permitted use.

c. IL District

An indoor theater exceeding three acres in the IL district shall rezone to the CRE district.

130.Towing Service and Storage

The use of a lot for the temporary storage of operable or inoperable vehicles in conjunction with a commercial towing service, with no sales or repair or salvage activity occurring on the lot and subject to the following standards:

a. Outdoor storage standards and screening requirements of [Article 5.B, ACCESSORY AND TEMPORARY USES](#).

b. Towtruck and towing and storage regulations of Towtruck [Ord. No.2002-007](#) as amended.

131.Truck Stop

A facility which provides fueling, parking, washing, repair and maintenance services, food service, overnight accommodations, and incidental retail sales for transient commercial vehicles.

a. Frontage

A minimum of 200 feet on an arterial street only.

b. Lot Size

1) Ten Acres or Less

Shall be permitted as a Class A conditional use in the IL and IG districts.

2) Greater than Ten Acres

Shall require approval as a MUPD or PIPD. The proposed site shall have an IND FLU designation.

c. Setbacks

Parking shall be setback a minimum of 200 feet from any existing residential use, district or FLU designation.

d. Buffer

Perimeter landscape buffers adjacent to an existing residential district, use or FLU designation shall include a six foot high berm topped by a six foot high opaque wall or fence.

e. Security

24 hour on site security shall be provided.

f. Accessory Uses

The following uses may be allowed in conjunction with a truck stop, subject to the requirements of the underlying zoning district: convenience store with gas sales, general repair and maintenance, restaurant, car wash, security or caretakers quarters, personal services, and business office. Use permitted based on the zoning designation of the site: general repair and maintenance; truck wash facilities; convenience stores; general or specialty restaurants; hotel/motel accommodations; and general office services.

132.Townhouse

A dwelling unit located on an individual lot and attached by at least one but no more than two party wall(s) along 50 percent of the maximum depth of the unit, to one 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. RS Zoning District with MR5 FLU Designation

A townhouse development in the RS zoning district with a MR5 FLU designation shall require a Class A conditional use approval. **[Ord. 2005 – 002]**

133.Transportation Facility

A facility for loading, unloading, and interchange of passengers, baggage, and freight or package express between modes of transportation. Typical uses include bus terminals, railroad stations and yards, and major mail-processing centers.

a. Transportation Transfer Facility (distribution)

An establishment providing for the transfer of transportation or other motorized vehicles, but not involving vehicle sales or rental (retail or wholesale). Typical uses include the transfer of automobiles, trucks, heavy equipment, or other motorized vehicles prior to distribution to retail dealers.

1) Permitted only in districts with an industrial zoning designation. The facility shall be subject to the same approval requirements indicated in the use matrix as a transportation facility except for commercial districts.

134.Utility, Minor

Mechanical equipment associated with utility distribution, collection, or transmission networks, required by their nature to be relatively dispersed throughout their service area other than electric generation and transmission facilities. Typical uses include gas and water regulators, electrical distribution substations, sewage lift stations, telephone exchange buildings, and communication substations. [Ord. 2006-004]

a. Floor Area

1) Residential Districts [Ord. 2004-040]

A maximum of 3,000 square feet of gross enclosed floor area.

2) Non-residential Districts

A maximum of 10,000 square feet of gross enclosed floor area. [Ord. 2004-040]

3) A minor utility exceeding either standard above may be approved as a Class A Conditional Use or a Requested Use. [Ord. 2004-040]

b. Buffer

A minor utility shall be located and buffered to ensure compatibility with surrounding land uses. Increased setbacks, screening, and buffering around the utility may be required to ensure compatibility. [Ord. 2004-040]

c. Lift Station

1) New Subdivisions

Facilities located in new subdivisions shall be subject to DRO approval concurrent with the subdivision approval.

2) Streets

Facilities located within streets or utility easements shall not be subject to DRO approval.

135. Vehicle Sales and Rental

An establishment engaged in the sale, rental, or lease of new or used motorized vehicles, equipment, or mobile homes as defined by the Department of Motor Vehicles. Typical uses include auto and truck rental, lease and sales; boat rental and sales; mobile home and recreational vehicle sales; construction equipment rental yards; moving trailer rental, and large implement sales or rental.

a. Development Standards

1) Lot Size

A minimum of three acres.

2) IL District

A minimum of one acre.

3) Accessory Uses

Repair facilities and sales of parts may be provided as an accessory use. Repair facilities and paint and body shops shall be located a minimum of 100 feet from any residential district.

4) Bay Doors

Service bay doors shall not be oriented toward any adjacent property in a residential district or toward any adjacent public street.

5) Outdoor Activities

There shall be no outdoor repair of vehicles or outdoor storage of disassembled vehicles or parts.

6) Sales Office

No mobile home, recreational vehicle, or other vehicle shall be used as a sales office, storage space or as a dwelling unit.

7) Car Wash

Car wash facilities shall use a water recycling system.

8) Loudspeakers

No outdoor speakers or public address systems that are audible from the exterior of the site shall be permitted.

9) Loading Space

Loading space shall be setback a minimum of 100 feet from an existing residential district, use or FLU designation.

10) Parking

Vehicles otherwise stated in this Section, all vehicular use areas for display, sale, rent, or storage shall comply with [Article 6, PARKING](#).

b. Display

Outdoor area storage and display areas shall be permitted, subject to the following requirements:

1) Bull Pen Storage

Vehicle may be stored outdoors on an improved parking surface without reference to parking stalls, backup distances, parking stall striping or wheel stops. Outdoor sales and display parking shall conform to [Article 6, PARKING](#), except for space striping. Parking for vehicle storage, sales or display may not be counted toward meeting the number of off-street parking spaces required for customers and employees. Vehicles shall not be stored or temporarily parked in a required parking space, handicap parking space, driveway, queuing area, fire lane, or other vehicle circulation area.

2) Parking

A barrier shall be provided between vehicles or display and customer parking. This barrier may be in the form of a landscape strip, curbing, removable bollards, or other suitable barrier approved by the DRO.

3) Display

No vehicle shall be parked, stored or displayed with its hood or trunk open. Motor vehicles on display shall not be elevated in full or in part.

4) Operating Conditions

No vehicles shall be stored or displayed on-site except those which are intended for sale, rental or lease, and are in safe operating and running condition.

c. District and Overlay Limitations

1) CC, CG IL, and MUPD Districts

a) Truck and Trailer Rental

Truck and trailer rental, limited to a maximum of five vehicles per lot, shall be permitted as an accessory use to an auto service station or convenience store with gas sales subject to DRO approval. Truck and trailer rental exceeding five vehicles shall be permitted subject to requested or 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 property lines, or in a location which is fully screened from view from any public street by a combination of walls, fences or landscaping. 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.

2) CG and MUPD Districts

A vehicle sales and rental facility consisting of an indoor vehicle showroom only shall be allowed subject to DRO approval and the following criteria.

a) Floor Area

A maximum of 30,000 square feet and 15 display vehicles.

b) New Vehicles

Display shall be limited to new vehicles only.

c) Test Drives

Test drives shall not be permitted from the indoor vehicle showroom or on-site.

d) 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 loading spaces and shall not be stored on-site.

e) 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.

f) Maintenance and Repair

Maintenance, repair, painting or detailing shall not occur on-site.

3) IL District

In the district vehicle sales and rental uses shall be limited to the following:

a) Accessory Use

In the IL districts limited vehicle sales may be permitted as an accessory use to general repair and maintenance facilities, subject to DRO approval. The vehicle sales use shall be limited to a maximum of five vehicles per lot. Designated storage spaces for each 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 property lines, or in a location which is screened from view from any public street by a combination of walls, fences or landscaping. 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.

(1) Display

Vehicles on display shall be located within 100 feet of a repair bay.

b) Automobile Rental

Automobile rental shall be subject to Class A conditional use approval.

c) Mobile Home, RV, and Heavy Equipment Sales or Rental

The sale or rental of mobile 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 farm implement and machinery sales and rental uses shall require DRO approval.

4) WCRA Overlay

Vehicle sales and rental is prohibited in the NR, NRM, and NG sub-areas, as per Table 3.B.15.E-7 – WCRAO Sub-area Use Regulations. **[Ord. 2006-004]**

d. Temporary Sale

The temporary sale of vehicles shall be allowed as a Special Permit, and subject to the following additional standards.

1) CG, IL, and MUPD Districts

Temporary sale of vehicles shall be permitted.

2) Lot Size

A minimum of ten acres.

3) Separation

A minimum of 50 feet from all buildings.

4) Duration

Temporary sales shall be limited to five consecutive calendar days and shall be prohibited during the months of November and December.

5) Parking

A maximum of 50 required off-street parking spaces may be utilized. No activities shall extend beyond the permitted area.

6) Signage

Signage shall be permitted only in the designated event area.

7) Hours of Operation

Hours of operation shall be from 8:00 a.m. to 9:00 p.m.

8) Location

There shall be suitable access to the event area, subject to Zoning Division approval.

136. Veterinary Clinic

An establishment engaged in providing medical care, treatment and temporary boarding for animals.

a. AR and AGR Districts

Shall be limited to livestock only and located on a minimum of five acres.

b. CN District

Shall not have outdoor facilities nor occupy more than 3,000 square feet of GFA.

c. Outdoor Runs

A veterinary clinic with outdoor runs or boarding facilities shall comply with the following standards:

1) Lot Size

A minimum of one acre.

2) Setbacks

Outdoor runs and boarding facilities shall not be located within 50 feet of any property line adjacent to an existing residential use, district or FLU; or 25 feet from any property line adjacent to a non-residential zoning district, use, or FLU.

3) WCRAO

Outdoor runs shall not be located within 25 feet of any property line.

4) Design Runs

Outdoor runs shall have a hard surface or grass with drains every ten feet, and shall be connected to an approved a sanitary facility. A six foot high fence shall be required around the runs. If the fence is not opaque, a continuous opaque hedge, a minimum of four feet at installation, shall be provided around the run.

This space intentionally left blank.

137.Vocational School

An establishment offering regularly scheduled instruction in technical, commercial, or trade skills such as business, real estate, building and construction trades, electronics, computer programming and technology, automotive or aircraft mechanics and technology, or other type of vocational instruction.

a. AGR, CC and CG Districts

A vocational school shall not involve heavy equipment or machinery, motor vehicle engines, or aircraft unless approved as a Class A conditional use.

b. AGR-PUD

A Vocational School is not permitted.

138.Warehouse

A building used for the storage of raw materials, equipment, or products. Typical uses include moving companies, cold storage, and dead storage facilities, but excludes self-service storage facilities.

a. Accessory Office

The maximum percentage of office space in each warehouse bay shall be 30 percent of the GFA, unless approved as a Class A conditional use.

b. Sales

General retail sales shall be prohibited.

c. Manufacturing

Manufacturing, assembly or processing shall be prohibited in a warehouse.

d. WCRA Overlay

Warehouse and office/warehouse uses are prohibited in the NR, NRM, NG, and NC sub-areas, as outlined in Table 3.B.15.E-7, WCRAO Sub-area Use Regulations. Office and warehouse combinations, such as a construction office for special trade contractors, or a commercial wholesale trade establishment consisting of a mix of independent business offices each having a contiguous, accessory enclosed storage area which is internally accessible to the office, shall be permitted in the UG, UH, and UI sub-areas pursuant to a Class A Conditional or Requested Use, limited to lots with a CH or IND FLU Designation and corresponding zoning district. The office/warehouse development must have an office space a minimum of 25 percent of the gross floor area for each bay. **[Ord. 2006-004]**

139.Water or Treatment Plant

A facility designed for treatment and disposal of more than 5,000 gallons per day of water or wastewater.

a. Location

In the AGR district, a water or wastewater treatment plant shall not be located west of SR 7/ US 441.

b. Odor

Facilities shall be designed and operated to minimize objectionable odors.

c. Compatibility

For purpose of this Section, the AR district is not considered a residential district. Required setbacks, screening and buffering are as follows:

This space intentionally left blank.

Table 4.B.1.A-12 - Wastewater Treatment Facility Setbacks

Type/Capacity	Type of Facility	Setback from Residential and Commercial District	Setback From Non-Residential and Non-Commercial District
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:			
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 20 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			

Table 4.B.1.A-13 - Water Treatment Facility Setbacks

Type/Capacity	Type of Facility	Setback ¹
Water treatment facilities over two millions gallons per day capacity.	Treatment units and chemical storage	200 feet
	Units which cause airborne sulfides	500 feet ²
	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 cause airborne sulfides	250 feet ³
	Accessory units	100 feet
[Ord. 2004-054]		
Notes:		
1. Setbacks may be reduced by fifty percent for facilities using enclosed membrane treatment process without Chlorine gas, along property lines adjacent to parcels with a PO zoning district and INST FLU designation, or AP zoning district and FLU designation. [Ord. 2004 – 054]		
2. Odor Control. Unless treatment for removal of sulfides for odor control is included. [Ord. 2004 – 054]		
3. Maximum building height. Structures higher than 35 feet are allowed provided the following setbacks are met: [Ord. 2004 – 054]		
a. The minimum yard setback of this section; and		
b. An additional one foot setback for each one foot in height exceeding 35 feet.		

1) Buffer

Perimeter landscape buffers shall have a minimum width of 25 feet.

2) Trees

A double row of trees shall be planted all landscape buffers at a ratio of one 12 foot tall tree for each 30 linear feet.

3) Screening

Screening consisting of a hedge, berm, fence or wall which will present a solid visual screen at least six feet in height upon installation shall be provided around the perimeter of the site.

d. Package Treatment Facility

Package water or wastewater treatment facilities shall comply with the following additional standards:

1) USA

If a package treatment facility is proposed to be developed in the designated Urban Service Area (USA) confirmation shall be provided from the appropriate 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 unavailable within four years of that date.

2) LSA

If a package treatment facility is proposed to be developed in the Limited Service Area (LSA), confirmation shall be provided from the PBCHD that use of a package treatment plant is necessary to protect water quality. The PBCHD shall certify that the uses proposed can be adequately served with a package treatment plant.

3) RSA

If a package treatment facility is proposed to be developed in the Rural Service Area (RSA), 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 Plan by the Planning Director and upon approval of the Director of the PBCHD. The PBCHD may impose conditions or restrictions necessary to protect public health and prevent the creation of a nuisance. All package plants in the RSA shall be operated and maintained by a public utility. Based on the standards of operator coverage in [Chapter 17-602, F.A.C.](#), the BCC, may require a higher level of operator coverage.

e. Effect on Previously Approved Facilities

Water and wastewater treatment facilities approved prior to the effective date of this Code shall be considered conforming uses. Expansion of existing facilities may be allowed with setbacks lower than those listed in this Section provided the expansion is reviewed and approved by the DRO and odor control is provided.

f. Dewatered Domestic Wastewater Residual Land Application

Class A or B Dewatered Domestic Wastewater Residuals (DDWR), as defined by [Chapter 17-640, F.A.C.](#), may be applied to land in bona fide agricultural operation in the AP, AGR and AR districts. Class AA DDWR, as defined by [Chapter 17-640, F.A.C.](#), 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 Code.

1) AP and AGR Districts

A Class A or B DDWR shall be permitted on the site of a bona fide agricultural operation as a matter of right in the AP and AGR districts in compliance with FDEP standards in [Chapter 17-640, F.A.C.](#), as verified by the PBCHD. Following verification, the PBCHD 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 for a Class A or B DDWR shall be permitted in the AR district on the site of a bona fide agricultural operation following approval by the DRO. 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 apply for a DDWR 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 property.

a) External Separation

There shall be a minimum separation of 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 the site, there shall be a minimum 200 foot separation from the perimeter of the DDWR application area to the property line of the parcel.

c) Setbacks

These setbacks may be reduced or increased by the Director of the PBCHD.

140. Wholesaling, General

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.

141. Work/Live Space

A space within a building that is used jointly for residential, commercial and/or industrial purposes, where the residential space is accessory to the primary use as a place of work. [Ord. 2004-040] [Ord. 2006-004]

a. Floor Area

Shall not exceed 1,000 square feet of living area. [Ord. 2004-040]

a. Office Space

A minimum of ten percent of the living area shall be designated as office space. [Ord. 2004-040]

b. TDDs/PDDs [Ord. 2004-040]

Shall be counted as non-residential square footage.

142. Zero Lot Line Home

The use of a lot for one detached dwelling unit with at least one wall, but not more than two walls or a portion thereof, located directly adjacent to a side lot line, excluding a mobile home but including a manufactured building. Subject to additional standards in [Article 3, OVERLAYS & ZONING DISTRICTS](#).

a. RS Zoning District with MR5 FLU Designation

A ZLL development in the RS zoning district with a MR5 FLU designation shall require a Class A conditional use approval. [Ord. 2005 – 002]

143. Zoo

Means a place where animals are kept in captivity for the public to view or for educational or animal rehabilitative purposes.

a. AR District

A zoo shall be located on a minimum of ten acres and shall provide a 500 foot buffer adjacent to existing residential uses, districts or FLU designated property.

a. Accessory Uses

A veterinary clinic, gift shop, and food service may be permitted as accessory uses to a zoo.

b. Setbacks

No animal containment area shall be located within 500 feet of any residential district.

CHAPTER C COMMUNICATION TOWER, COMMERCIAL

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.

Section 1 States of Emergency

The PZ&B Executive Director may request a waiver to the review timeframes for each case of a declared emergency that directly affects the permitting activities of the local Government. [Ord. 2006-004]

Section 2 Definitions

See [Art. 1.I, Definitions and Acronyms](#)

Section 3 Siting Requirements

A. Stealth Towers

1. Permitted Districts

Stealth facilities may be permitted and shall be reviewed as provided in [Table 4.C.2.I-14](#), Residential Districts, Tower Location and Type of Review, and [Table 4.C.2.I-15](#) Non-Residential Districts, Tower Location, and Type of Review, and as provided herein.

2. Separation and Setbacks

Separation or setbacks for stealth facilities shall be established as provided in [Table 4.C.2.I-15](#), Distances for Towers Located in and Adjacent to Residential Districts Separation and Setback, and [Table 4.C.2.I-16](#), Distances for Towers Located in and Adjacent to Non-Residential Districts Separation and Setback.

3. Criteria

Stealth structures shall comply with the following criteria:

- a. 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;

- b. The structure shall be consistent with the character of existing uses on site;
- c. Communications equipment or devices shall not be readily identifiable;
- d. The structure shall be related to and integrated into the existing natural and/or man-made environment to the greatest extent possible; and
- e. The maximum height of the structure shall not exceed 200 feet.

4. 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), RS (Single-family Residential), RM (Multi-family Residential), and PUD (Planned Unit Development) commercial, public or private civic pods only.

a. Approval

Stealth towers shall be permitted and reviewed as provided in [Table 4.C.2.I-14](#), Residential District Tower Location and Type of Review.

b. Separation and Setback from Existing Residential Structures

The minimum separation from any existing residential structure shall be 150 percent in tower height. In addition, the tower shall be setback a distance of at least 100 percent of tower height from any property line adjacent to an existing residential use.

c. Setback from Vacant Residential Property

The minimum setback from any adjacent vacant residential property shall be at least 100 percent of tower height from any such property line.

d. Setbacks from Nonresidential Zoning Districts of Public R-O-W

The minimum setback from any adjacent nonresidential zoning district or public streets shall be the greater of the required district setback or 20 percent of tower height.

e. 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 streets 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; commercial, office or industrial development. Stealth towers in the form of flagpoles shall be exempt from [Article 8.G.3.C, Flags and Freestanding Flagpoles](#).

5. Waivers from Required Dimensional Criteria

A waiver from separation, setback, distance between towers, height, and similar dimensional criteria may be requested as provided in [Article 4.C.2.K, Waiver from Required Dimensional Criteria](#).

6. Mandatory Collocation

A stealth tower shall be required to accommodate a minimum of two 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.

7. Public Parks Five Acres or Greater

The minimum separation between any existing residential structure, and stealth towers located in public parks five acres or greater shall be 125 percent of tower height. In addition, the tower shall be setback a distance of at least 75 percent of tower height from any property line adjacent to an existing residential use or vacant residential parcel or 20 percent of the tower height from any adjacent nonresidential zoning district or public R-OW.

B. Camouflage Towers

1. Permitted Districts

Camouflage towers shall be permitted and reviewed as provided in [Table 4.C.2.I-17](#), Residential District Tower Location and Type of Review, and [Table 4.C.2.I-16](#), Non-Residential District Tower Location and Type of Review and as provided herein.

2. Separation and Setback

Separation and setbacks for camouflage facilities shall be established as provided in [Table 4.C.2.I-16](#), Distances for Towers Located in and adjacent to Residential Districts Separations and Setback and [Table 4.C.2.I-17](#), Distances for Towers Located in and adjacent to Non-residential Districts Separations and Setback.

3. Criteria

Camouflage towers shall comply with the following criteria;

- a. The structure shall have an additional function other than antenna support.
- b. The maximum height of the structure shall not exceed:
 - 1) 100 feet for a single provider;
 - 2) 125 feet for a minimum of two providers; or
 - 3) 150 feet for a minimum of three providers.

Prior to the issuance of a building permit for a structure with two or more providers, the applicant shall provide proof of collocation in a form acceptable to the County Attorney and Zoning Director.

4. 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), RS (Single-family Residential), RM (Multi-family Residential), and PUD (Planned Unit Development) commercial, public or private civic pods only.

a. Approval

Camouflage towers shall be permitted and reviewed as provided in [Table 4.C.2.I-14](#), Residential District Tower Location and Type of Review.

b. Separation and Setback from Existing Residential Structures

The minimum separation from any existing residential structure shall be 150 percent of tower height. In addition, the tower shall be setback a distance of at least 100 percent of tower height from any property line adjacent to an existing residential use.

c. Setback from Vacant Residential Property

The minimum setback from any adjacent vacant residential property shall be at least 100 percent of tower height from any such property line.

d. Setbacks from Nonresidential Zoning Districts of Public R-O-W

The minimum setback from any adjacent nonresidential zoning district or public streets shall be the greater of the required district setback or 20 percent of tower height.

e. 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 streets 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; commercial, office or industrial development.

5. Waivers

A waiver from separation, setback, distance between towers, height, and similar dimensional criteria may be requested as provided in [Article 4.C.2.K, Waiver from Required Dimensional Criteria](#).

6. Additional Submission Requirements

Applications for approval to install a camouflage tower shall include the following information:

- a. A colorized illustration or representation of the proposed tower.
- b. The height, diameter, and coloration of the proposed facility.
- c. 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.

7. Public Parks Five Acres or Greater

The minimum separation between any existing residential structure, and camouflage towers located in public parks five acres or greater shall be 125 percent of tower height. In addition, the tower shall be setback a distance of at least 75 percent of tower height from any property line adjacent to an existing residential use or vacant residential parcel or 20 percent of the tower height from any adjacent non-residential zoning district or public R-O-W.

C. Electrical Transmission Line Streets

Communication towers, antennas, and related facilities may be located in such streets as provided herein.

1. 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

2. Combined Transmission/Communication Structures

Combined transmission/communication structures may be installed in an electrical transmission streets as provided in [Table 4.C.2.I-14](#), Residential District Tower Location and Type of Review, and

Table 4.C.2.I-15, Non-Residential District Tower Location and Type of Review, and subject to the following requirements.

- a. Structures installed in transmission line streets with a residential Plan and Zoning designation shall:
 - 1) be located in streets a minimum of 250 feet in width;
 - 2) be limited to combination structures which are similar to monopole towers;
 - 3) 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;
 - 4) be setback a minimum 150 feet from any property line possessing a residential designation;
 - 5) not be located within a PUD unless approved by the BCC as a Class A conditional use; and
 - 6) require review as provided in Table 4.C.2.I-14, Residential District Tower Location and Type of Review, and Table 4.C.2.I-15, Non-Residential District Tower Location and Type of Review.
- b. Transmission lines streets in areas with a nonresidential Plan and Zoning designation shall:
 - 1) be located in streets a minimum of 250 feet in width;
 - 2) be limited to combination structures which are similar to monopole towers or self support towers; not exceed 300 feet in height;
 - 3) be setback a minimum of 200 feet from any property line possessing a nonresidential designation; and
 - 4) be setback a minimum of 100 feet from any property line possessing a nonresidential designation; and
 - 5) require review as provided in [Table 4.C.2.I-14, Residential District Tower Location and Type of Review](#), and [Table 4.C.2.I-15, Non-Residential District Tower Location and Type of Review](#).

3. Separation of New Combined Transmission/Communication Structures

New Combined Transmission Communication Structures shall be subject to the as provided in [Table 4.C.3.D-18, Separations/Distances Between Towers](#).

D. Florida Department of Transportation (FDOT) Streets

Within the streets for I-95 and the Florida Turnpike owned or controlled by the FDOT, towers, antennas, or panels may be installed as follows.

1. 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.

2. Construction of New Towers

New towers constructed within streets shall comply with the following requirements;

- a. Towers installed in those portions of streets immediately adjacent to any property possessing a residential designation shall:
 - 1) be located in a street at least 250 feet in width;
 - 2) be only a monopole or lattice tower;
 - 3) not exceed 150 feet in height;
 - 4) be setback a minimum of 150 feet from the nearest property line; and
 - 5) require review as provided in [Table 4.C.2.I-14, Residential District Tower Location and Type of Review](#), and [Table 4.C.2.I-15, Non-Residential District Tower Location and Type of Review](#).
- b. Towers installed in those portions of streets immediately adjacent to any property possessing a nonresidential designation shall:
 - 1) be located in a street at least 200 feet in width;
 - 2) be only a monopole or lattice tower;
 - 3) not exceed 200 feet in height;
 - 4) be setback a minimum of 75 feet from the nearest nonresidential property line and 50 feet from any residential property line; and
 - 5) require review as provided in [Table 4.C.2.I-14, Residential District Tower Location and Type of Review](#), and [Table 4.C.2.I-15, Non-Residential District Tower Location and Type of Review](#).

3. Separation of New Towers

New towers shall be subject to the separation distances as provided in [Table 4.C.3.D-18, Separation/Distances Between Towers, of this Section](#).

E. Monopole Towers

1. Permitted Districts

Monopole towers may be permitted and shall be reviewed as provided in [Table 4.C.2.I-14, Residential Districts, Tower Location, and Type of Review](#), and [Table 4.C.2.I-15, Non-Residential Districts, Tower Location, and Type of Review](#).

2. Separations and Setbacks

Monopole towers shall provide the separations and setbacks as established in [Table 4.C.2.I-16, Distances for Towers Located in and Adjacent to Residential Districts Separation and Setback](#), and [Table 4.C.2.I-17, Distances for Towers Located in and Adjacent to Non-Residential Districts Separation and Setback](#).

3. Increase in Height

The height of a monopole tower may be increased as provided herein.

a. Percentage of Increase

The height of a proposed monopole tower may be increased by 20 percent, one time only, without regard to required separation or setback requirements, for all applications which provide proof of the collocation of an additional personal wireless service provider. Additional increases are subject to setbacks and separations of this Code.

b. 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 years.

F. Self Support/Lattice Towers

1. Permitted Districts

Self-support or lattice towers may be permitted and shall be reviewed as provided in [Table 4.C.2.I-14, Residential District Tower Location and Type of Review](#) and [Table 4.C.2.I-15, and Type of Review, Non-Residential District Tower Location](#)

2. Separations and Setbacks

Lattice towers shall provide the separations and setbacks as established in [Table 4.C.2.I-15, Distances for Towers Located in and Adjacent to Residential Districts Separation and Setback](#), and [Table 4.C.2.I-16, Distances for Towers Located in and Adjacent to Non-Residential Districts Separation and Setback](#).

G. Guyed Towers

1. Permitted Districts

Guyed towers may be permitted and shall be reviewed as provided in [Table 4.C.2.I-14, Residential District Tower Location and Type of Review](#) and [Table 4.C.2.C-15, Non-Residential District Tower Location and Type of Review](#).

2. Separations and Setbacks

Guyed towers shall provide the separations and setbacks as established in [Table 4.C.2.I-16, Distances for Towers Located in and Adjacent to Residential Districts Separation and Setback](#), and [Table 4.C.2.I-17, Distances for Towers Located in and Adjacent to Non-Residential Districts Separation and Setback](#).

3. 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.

4. 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 feet from all property lines.

H. 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.

1. Site and Tower Location

The proposed site of a tower and the proposed location of the tower within that site, indicated on an official PBC zoning quad sheet.

2. 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.

3. Visual Impact Analysis

A visual impact analysis, consistent with the requirements of [Article 4.C.3.P, Visual Impact Analysis Standards](#).

4. Buffering

Buffering and landscaping as required by this Section.

I. 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 DRO shall have the authority to approve additions or minor modifications, which do not materially modify the appearance of a tower as approved by the ZC or BCC. Modification which cannot be approved by the DRO shall be subject to a development order amendment as provided in this Code.

Table 4.C.2.I-14 - Residential District Tower Location and Type Of Review

TOWER TYPE	AGR	RSA	AR/USA	RE	RT	RS	RM	PUD (1)	RVPD	MHPD	TND
Stealth Towers ≤ 100'	DE	DE	DE	DE	D	D	D	D	*	*	D
Stealth Towers >100' ≤125'	D	D	D	D	B	B	B	D	*	*	D
Stealth Towers > 125'	B	B	B	B	A	A	A	B	*	*	B
Camouflage Towers	BP	BP	BP	BP	D	D	D	D	*	*	D
Monopole Towers ≤ 60'	BP	D	D	D	*	*	*	D	*	*	D
Monopole Towers > 60' and ≤ 100'	D	B	B	B	*	*	*	B	*	*	B
Monopole Towers > 100' and ≤ 150'	B	B	B	B	*	*	*	B	*	*	B
Monopole Towers > 150' and ≤ 200'	B	B	B	B	*	*	*	*	*	*	*
Monopole Towers > 200' and ≤ 250'	A	A	A	*	*	*	*	*	*	*	*
Monopole Towers > 250'	A	A	A	*	*	*	*	*	*	*	*
Self Support Towers ≤ 60'	BP	D	D	B	*	*	*	D	*	*	D
Self Support Towers > 60' and ≤ 100'	D	B	B	A	*	*	*	B	*	*	B
Self Support Towers > 100' and ≤ 150'	B	A	A	A	*	*	*	A	*	*	A
Self Support Towers > 150' and ≤ 200'	A	A	A	*	*	*	*	*	*	*	*
Self Support Towers >200' and ≤ 250'	A	A	A	*	*	*	*	*	*	*	*
Self Support Towers > 250'	A	A	A	*	*	*	*	*	*	*	*

This space intentionally left blank.

Table 4.C.2.I-14 - Residential Districts, Tower Location, and Type Of Review – Cont.

TOWER TYPE	AGR	RSA	AR/USA	RE	RT	RS	RM	PUD (1)	RVPD	MHPD	TND
Guyed Towers ≤ 60'	BP	D	D	B	*	*	*	D	*	*	D
Guyed Towers > 60' and ≤ 100'	D	B	B	A	*	*	*	B	*	*	B
Guyed Towers > 100' and ≤ 150'	B	A	A	*	*	*	*	*	*	*	*
Guyed Towers > 150' and ≤ 200'	A	A	A	*	*	*	*	*	*	*	*
Guyed Towers > 200' and ≤ 250'	A	A	A	*	*	*	*	*	*	*	*
Guyed Towers > 250'	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)
FPL (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 Officer (No Public Hearing)
 DE = Expedited Review
 BP = Building Permit Review (No Public Hearing)
 B = Conditional use Review by ZC (1 Public Hearing)
 A = Conditional use Review by BCC (2 Public Hearings)
 (1) = Public or Private, Civic and Commercial pods only
 (2) = I-95 and Florida Turnpike streets at least 250 feet in width
 (3) = Electrical transmission streets 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 4.C.2.I-15 - Non-Residential Districts, Tower Location, and Type of Review

TOWER TYPE	AP	PO	CN	CLO	CC	CG	CHO	CRE	IL	IG	MUPD (1)	MXPD	PIPD	PC
Stealth Towers ≤ 100'	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP
Stealth Towers > 100' ≤ 125'	D	D	D	D	D	D	D	D	D	D	D	D(2)	D	D
Stealth Towers > 125'	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Camouflage Towers	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP(2)	BP	BP
Monopole Towers ≤ 60'	D	D	B	B	D	D	B	B	D	D	B	B(2)	D	B
Monopole Towers > 60' and ≤ 100'	D	D	B	B	D	D	B	B	D	D	B	B(2)	D	B
Monopole Towers > 100' and ≤ 150'	D	D	B	B	D	D	B	B	D	D	B	B(2)	D	B
Monopole Towers > 150 and ≤ 200'	D	D	B	B	D	D	B	B	D	D	B	B(2)	D	B
Monopole Towers > 200' and ≤ 250'	D	A	A	A	B	B	A	A	D	D	A	A(2)	D	A
Monopole Towers > 250'	B	A	A	A	A	A	A	A	B	B	A	A(2)	B	A
Self Support Towers ≤ 60'	BP	BP	*	*	*	BP	*	*	BP	BP	*	BP(3)	BP	BP
Self Support Towers > 60' and ≤ 100'	D	D	*	*	*	D	*	*	D	D	*	D(3)	D	D
Self Support Towers > 100' and ≤ 150'	D	D	*	*	*	D	*	*	D	D	*	D(3)	D	D

Table 4.C.2.I-15 - Non-Residential Districts, Tower Location, and Type Of Review – Cont.

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

Notes:

- D = Development Review Officer (No Public Hearing).
- BP = Building Permit Review (No Public Hearing).
- B = Conditional use Review by ZC (1 Public Hearings).
- A = Conditional use Review by BCC (2 Public Hearings).
- (1) = Permitted in CH of CL FLU Designation over five acres.
- (2) = CH and IND FLU Designation
- (3) = Limited to IND FLU Designation
- (4) = I-95 and Florida Turnpike streets at least 250 feet in width
- (5) = Electrical transmission line streets at least 250 feet in width
- * = Not permitted in zoning district

This space intentionally left blank.

**Table 4.C.2.I-16 - Distances for Towers located in and Adjacent to Residential Districts
Separation and Setback**

TOWER TYPE		AGR	RSA	AR/ USA	RE	RT	RS	RM	PUD (1)	RVPD	MHPD	TND
Stealth Towers ≤ 100'	residential existing (2)	150% NLT 100% from PL										
	residential vacant (3)	NLT 100% from PL										
	Non-residential vacant (3)	NLT 100% from PL										
Stealth Towers >100' ≤ 125'	residential existing (2)	150%, NLT 100% from PL										
	residential vacant (3)	NLT 100% from PL										
	Non-residential vacant (3)	NLT 100% from PL										
Stealth Towers > 125'	residential existing (2)	150%, NLT 100% from PL										
	residential vacant (3)	NLT 100% from PL										
	Non-residential Public ROW	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater
Camouflage Towers	residential existing (2)	150%, NLT 100% from PL										
	residential vacant (3)	NLT 100% from PL										
	Non-residential Public ROW	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater

[Ord. 2005 – 002]

Notes:

- (1) = Permitted in public or private civic and commercial pods only.
- (2) = Percent measured as a separation between lower and adjacent residential structures.
- (3) = Measured as a setback from property lines of lower location.
- (4) = Height tower type and setbacks limited as provided in this section.

**Table 4.C.2.I-16 – Distances for Towers located in and Adjacent to Residential Districts
Separation and Setback – Cont.**

TOWER TYPE		AGR	RSA	AR/ USA	RE	RT	RS	RM	PUD (1)	RVPD	MHPD	TND
Monopole Towers ≤ 60'	residential existing (2)	600%, NLT 150% from PL										
	residential vacant (3)	NLT 150% from PL										
Monopole Towers > 60' and ≤ 100'	residential existing (2)	600%, NLT 150% from PL										
	residential vacant (3)	NLT 150% from PL										
Monopole Towers > 100' and ≤ 150'	residential existing (2)	600%, NLT 150% from PL										
	residential vacant (3)	NLT 150% from PL										
Monopole Towers > 150' and ≤ 200'	residential existing (2)	600%, NLT 150% from PL										
	residential vacant (3)	NLT 150% from PL										
Monopole Towers > 200' and ≤ 250'	residential existing (2)	600%, NLT 150% from PL										
	residential vacant (3)	NLT 150% from PL										
Monopole Towers > 250'	residential existing (2)	600%, NLT 150% from PL										
	residential vacant (3)	NLT 150% from PL										
Self Support Towers ≤ 60'	residential existing (2)	600%, NLT 150% from PL	Self Support Towers ≤ 60'									
	residential vacant (3)	NLT 150% from PL										
Self Support Towers > 60' and ≤ 100'	residential existing (2)	600%, NLT 150% from PL										
	residential vacant (3)	NLT 150% from PL										
[Ord. 2005 – 002]												

**Table 4.C.2.I-16 - Distances for Towers located in and Adjacent to Residential Districts
Separation and Setback – Cont.**

TOWER TYPE		AGR	RSA	AR/ USA	RE	RT	RS	RM	PUD (1)	RVPD	MHPD	TND
Self Support Towers > 100' and ≤ 150'	residential existing (2)	600%, NLT 150% from PL	NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL			
	residential vacant (3)	NLT 150% from PL	600%, 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	NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL	600%, NLT 150% from PL			
	residential vacant (3)	NLT 150% from PL										
Self Support Towers >200' and ≤250'	residential existing (2)	600%, NLT 150% from PL										
	residential vacant (3)	NLT 150% from PL										
Self Support Towers > 250'	residential existing (2)	600%, NLT 150% from PL										
	residential vacant (3)	NLT 150% from PL										
Guyed Towers ≤ 60'	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
	residential vacant (3)	NLT 150% from PL										
Guyed Towers >60' and ≤ 100'	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
	residential vacant (3)	NLT 150% from PL										
FDOT (4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)
FPL (5)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)

**Table 4.C.2.I-16 - Distances for Towers located in and Adjacent to Residential Districts
Separation and Setback – Cont.**

TOWER TYPE		AGR	RSA	AR/ USA	RE	RS	RT	PUD (1)	RVPD	MHPD	TND
Guyed Towers > 100' and ≤ 150'	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				
	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
Guyed Towers > 150' and ≤ 200'	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				
	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
Guyed Towers > 200 and ≤ 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				
	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
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				
	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
FDOT		(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)
FPL		(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)
Notes:											
< = Less than											
(1) = Limited to public civic site locations											
(2) = Percent 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 4.C.2.I-17 - Distance for Towers located in Non-Residential Districts
Separation and Setback**

TOWER TYPE		AGR	AR/RR	AR/USA	RE	RT	RS	RM	PUD (1)	RVPD	MHPD	TND
Stealth Towers	residential existing (3)	150% but NLT 100% from PL										
	residential vacant	NLT 100% from PL										
	Non-residential Public ROW	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater
Camouflage Towers	residential existing (3)	150%, NLT 100% from PL	150%, but NLT 100% from PL	150%, NLT 100% from PL								
	residential vacant	NLT 100% from PL										
	Non-residential Public ROW	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater

**Table 4.C.2.I-17 - Distance for Towers located in Non-Residential Districts
Separation and Setback – Cont.**

Tower Type	AGR	AR/RR	AR/USA	RE	RT	RS	RM	PUD (1)	RVPD	MHPD	TND
Monopole Towers ≥ 60' and < 100'	residential	B	B	B	B	B	B	B	B	B	B
	non-residential	A	A	A	A	A	A	A	A	A	A
	non-residential	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
	non-residential	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
	non-residential	A	A	A	A	A	A	A	A	A	A

**Table 4.C.2.I-17 - Distance for Towers located in Non-Residential Districts
Separation and Setback – Cont.**

TOWER TYPE		AP	CN	CLO	CC	CHO	CG	CRE	IL	IG	PO	MUPD	MXPD	PIPD	PC
Self Support Towers ≤ 60'	residential	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	non-residential	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
	non-residential	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
	non-residential	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
	non-residential	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
	non-residential	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
	non-residential	D	D	D	D	D	D	D	D	D	D	D	D	D	D

**Table 4.C.2.I-17 - Distance for Towers located in Non-Residential Districts
Separation and Setback – Cont.**

TOWER TYPE		AP	CN	CLO	CC	CHO	CG	CRE	IL	IG	PO	MUPD	MXPD	PIPD	PC
Guyed Towers ≤ 60'	residential	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	non-residential	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
	non-residential	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
	non-residential	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
	non-residential	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
	non-residential	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
	non-residential	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
	non-residential	G	G	G	G	G	G	G	G	G	G	G	G	G	G
FPL	residential	F	F	F	F	F	F	F	F	F	F	F	F	F	F
	non-residential	H	H	H	H	H	H	H	H	H	H	H	H	H	H

**Table 4.C.2.I-17 - Distance for Towers located in Non-Residential Districts
Separation and Setback – Cont.**

Notes:	
A =	Greater of district setback or 20% of tower height
B =	See Table 4.C.2.C-15 for required separations and setbacks distances for Towers located in adjacent to residential districts.
C =	See Table 4.C.2.C-15 for required separations and setbacks distances for Towers located in adjacent to residential districts.
D =	Lesser of 100% of tower height or minimum district setbacks substantiated by breakpoint calculations.
E =	See Table 4.C.2.C-15 for required separations and setbacks from distances for Towers located in adjacent to residential districts.
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) FLU Categories
(2) =	MXPD: Limited to Commercial High (CH) and Industrial (IND) FLU Categories
(3) =	Percent measured as a separation between tower and adjacent residential structures
(4) =	Limited to Industrial (IND) FLU Designation
% =	Separation or setback as a percentage of tower height
< =	Less than
> =	More than
> =	More than
NM =	Not more than

J. 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.

1. Separation and Setback Distances

Television towers as provided herein shall be exempt from the separation and setback distances of [Table 4.C.2.I-16, Distances for Towers Located in and Adjacent to Residential Districts Separation and Setback](#), and [Table 4.C.2.I-17, Distances for Towers Located in and Adjacent to Non-Residential Districts Separation and Setback](#).

2. Distance Between Towers

Television towers as provided herein shall be exempt from the distance between tower requirements of [Table 4.C.3.D-18, Separations/Distances Between Towers, of this Subsection](#).

3. Visual Impact Analysis

Existing or replacement television towers as provided herein shall be exempt from the visual impact analysis requirements of [Article 4.C.3.P, Visual Impact Analysis Standards](#).

4. 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.

a. Approval

Television towers to be replaced or reconstructed shall be reviewed as provided in [Table 4.C.2.I-14, Residential District Tower Location and Type of Review](#) or [Table 4.C.2.I-15, Non-Residential District Tower Location and Type of Review](#).

b. Tower Height

The height of a replacement for or reconstruction of an existing tower may be increased subject to approval as provided in [Table 4.C.2.I-14, Residential District Tower Location and Type of Review](#) or [Table 4.C.2.I-15, Non-Residential District Tower Location and Type of Review](#).

c. Required Setbacks from Property Lines

Setbacks from property lines shall be provided as indicated below.

1) 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.

2) Structures of Greater Height

Television towers to be replaced or reconstructed with a structure of greater height shall provide a minimum setback of 110 percent of tower height from any adjacent street and a minimum setback of 100 percent of tower height from all adjacent property lines.

3) 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.

4) Nonconformity Not Created

Replacement or reconstruction of a 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.

K. 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.

1. 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.

2. 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 DRO or the building permit process subject to the criteria contained herein.

3. 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.

4. 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: [Art. 4.C.2.K.4.a - 4.C.2.K.4.h](#). In addition, each request for a waiver must be consistent with one or more of the following criteria: [Art. 4.C.2.K.4.h - Art. 4.C.2.K.4.r](#).

a. 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.

b. 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.

c. Incompatibility Not Created

The waiver, if granted, will not result in an incompatibility between the proposed tower or communication facility and adjacent uses.

d. 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.

e. 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.

f. Consistent with the Plan

Grant of the waiver will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.

g. Not Detrimental

The grant of the waiver will not be injurious to the area involved or otherwise detrimental to the public welfare.

h. 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.

i. FAA Limitations

The waiver is required to comply with locational standards established by the FAA.

j. 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.

k. 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.

l. 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.

m. 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.

n. 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.

o. 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.

p. 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:

- 1) officially designated wilderness areas, wildlife refuges, and wildlife management areas;
- 2) officially designated vegetation and wildlife preserves;
- 3) habitats of threatened/endangered species, historical sites;
- 4) Indian religious sites;
- 5) locations which may cause significant alteration of wetlands, deforestation, or water diversion;
- 6) night use of high intensity lights in residential areas;
- 7) environmentally sensitive lands acquired or leased by PBC; or
- 8) linked open space corridors as set forth in the Plan.

q. 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.

r. 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.

5. 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, ZC, or administrative approval shall not be granted until a final decision is rendered by the BCC.

Section 4 Standards

A. Additional Uses Permitted on Lot

Communication towers may be permitted on a lot with another principal use as provided herein.

1. Lease Parcel

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. PBC 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.

2. 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.

B. 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 inches in diameter, shall be excluded from this requirement.

C. Separation and Setback from Residential Uses

1. Measurement of Separations and Setbacks

a. 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 4.C.3.C-1, Measurement of Separation).

b. Vacant Residential Parcel

Setbacks from vacant residential parcels shall be measured from adjacent property lines to the base of the tower (See Figure 4.C.3.C-2, Measurement of Setback).

Figure 4.C.3.C-1 – Measurement of Separation

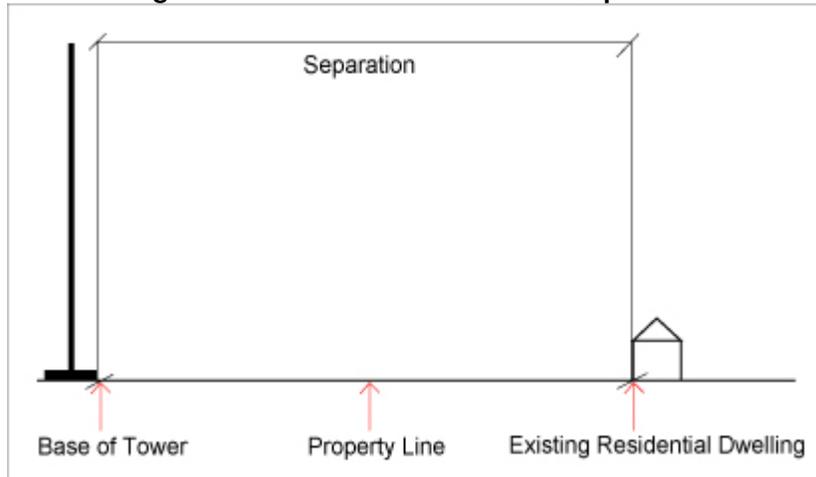
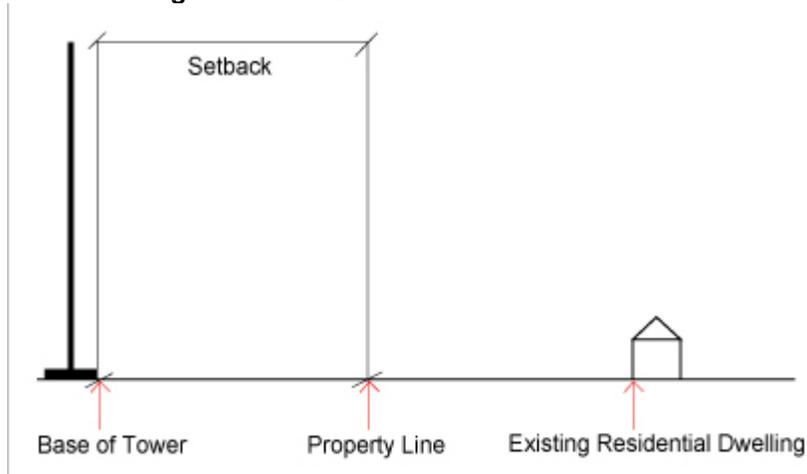


Figure 4.C.3.C-2 – Measurement of Setback



D. Distances/Separation Between Towers

Towers shall be subject to the following minimum distances between towers:

Table 4.C.3.D-18 - Separations/Distances between Towers

ZONING DISTRICT	AGR, AR less than 10 acres, PC	CC, CHO, CLO, CN, RE, RM, RS, RT	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 IPF	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

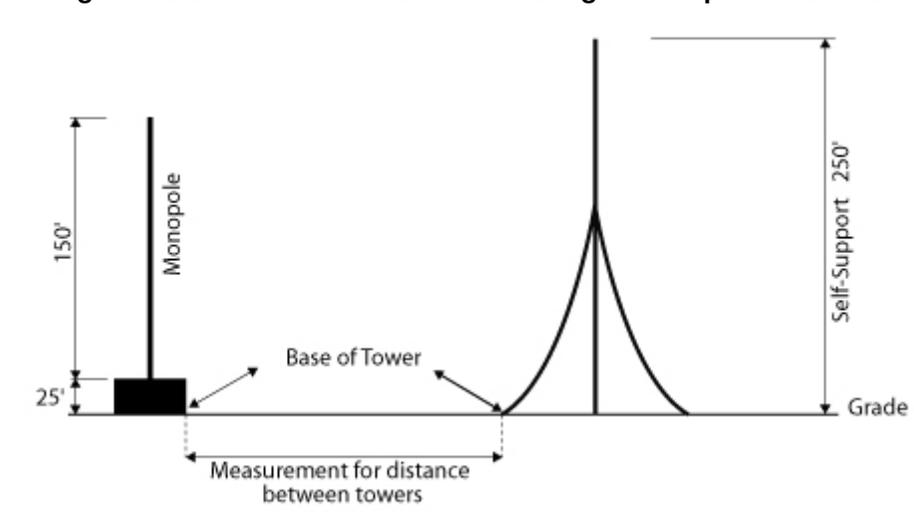
1. Waiver of Distance Between Towers

A waiver to reduce the distance between towers may be granted subject to the requirements of [Article 4.C.2.K, Waiver from Required Dimensional Criteria](#).

2. 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 4.C.3.D-2](#)).

Figure 4.C.3.D-3 Distance between Existing and Proposed Towers



Separations between towers located in different zoning districts shall be measured as follows:

a. Residential and Residential

The greater of the distance between towers requirements shall apply between residentially zoned parcels.

b. Residential and Non-Residential

The greater of the distance between towers requirements shall apply between residentially and non-residentially zoned parcels.

c. Non-Residential and Non-Residential

The lesser of the distance between towers requirements shall apply between non-residentially zoned parcels.

d. 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.

E. Perimeter Buffering

1. Fence/Wall

A fence or wall, a minimum of eight 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.

2. 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 ZC when the proposed landscaping would not be visible from adjacent lots or streets.

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.

a. Leased Parcels

Landscaping shall be maintained pursuant to [Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS](#) Requirements. 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.

b. Adjacent to Residential Uses or Districts

1) Towers Less than 50 feet from Existing Residential

A Type 3 landscape buffer shall be installed between towers and adjacent lots with existing residential uses, residential zoning, or residential FLU designations, pursuant to [Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS](#).

2) Towers More than 50 feet from Existing Residential

A Type 1 landscape buffer shall be installed between towers and adjacent lots with existing residential uses, residential zoning, or residential FLU designations, pursuant to [Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS](#).

c. Adjacent to Non-Residential Uses or Districts

Towers shall comply with the standards for landscape buffers between compatible uses of [Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS](#).

3. Accessory Equipment and Structures

All accessory equipment and structures shall be located within the required perimeter buffering.

F. 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 20 feet. The signs shall display in bold letters at least eight inches high the following: "HIGH VOLTAGE-DANGER".

G. Tower Removal

1. Form of Agreement

All obsolete or abandoned communication towers shall be removed within three 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.

2. 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 PZB 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:

- a. submittal of an estimate from a certified structural engineer indicating the cost to remove and dispose of the tower;
- b. a surety equivalent to 50 percent of the estimated cost to remove and dispose of the tower;
- c. 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,
- d. an agreement by the tower owner or property owner to replenish surety pool upon utilization of surety by PBC.

3. 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.

4. Form of Surety

Surety shall be provided in a form consistent with the requirements of [Art. 11.B.4.A.6.c, Performance or Surety Bond](#). [Ord. 2005 – 002]

5. Surety Required

Surety required pursuant to this Section shall be provided only for towers constructed after the effective date of this Code.

H. 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 of Florida or local law.

I. Parking

Communication towers shall be exempt from the parking requirements of [Article 6, PARKING](#), unless otherwise required by the Zoning Director.

J. 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.

K. 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.

L. Location of Existing Towers

At the time of any tower application submittal to the appropriate reviewing body, the applicant shall comply with the following:

1. Provide or update previously submitted data indicating the location of their towers; latitude and longitude; tower height; and tower type.
2. Submit an alternative structure map with a minimum one mile radius around the proposed site. The alternative structure map shall include the location of all existing towers located within the one mile radius. An alternative structure map shall not be required for television towers. [Ord. 2006-004]

M. Propagation Study

At the time of application submittal for a new commercial communications tower, 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. [Ord. 2006-004]

1. Required Information

Propagation studies shall include the following information:

- a. the location of other sites considered, including potential options for collocation and alternative sites or properties;
- b. desired signal strength in the area to be served; and [Ord. 2006-004]
- c. current and predicted RF coverage following installation and use of the new tower facility. [Ord. 2006-004]

N. Violation of Standards

The property owners, as well as the tower owners, shall be responsible for violations of applicable standards.

O. Generators

All permanently installed generators used on site shall use propane fuel. However, generators 125 kilowatts or greater may utilize diesel fuel.

P. 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 working days following the application submittal deadline date.

1. 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.

- a. Existing residential uses are located along 50 percent or more of the entire perimeter of the proposed tower site.
- b. When the proposed site is located adjacent to:
 - 1) officially designated wilderness areas, wildlife refuges, and wildlife management areas;
 - 2) officially designated vegetation and wildlife preserves;
 - 3) habitats of threatened/endangered species;
 - 4) historical sites;
 - 5) Indian religious sites;
 - 6) locations which may cause significant alteration of wetlands, deforestation, or water diversion;
 - 7) residential areas when night use of high intensity lights is required;
 - 8) environmentally sensitive lands acquired or leased by PBC; or
 - 9) linked open space corridors as set forth in the Plan.
- c. 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.
 - 1) 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.
 - 2) A line of site analysis, which shall include the following information:
 - a) 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 streets;
 - b) 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;
 - c) certification by the professional that the proposed communication tower meets or exceeds the standards contained in this subsection of this Code;
 - d) copies of all calculations and description of the methodology used in selecting the points of view and collection of data submitted in the analysis;
 - e) graphic illustration of the visual impact of the proposed communication tower, at a scale that does not exceed five degrees of horizontal distance, presented from the specific identified points;
 - f) 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.);
 - g) 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.;
 - h) screening and buffering materials considered in the visual impact analysis shall not be removed by future development on the site;
 - i) screening and buffering materials considered in the visual impact analysis shall be replaced if they die;
 - j) prohibited plant species, pursuant to [Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS](#), shall not be considered in the visual impact analysis; and
 - k) any additional information that may be required by the Zoning Director to fully review and evaluate the potential impact of the proposed communication tower.
- d. In addition to all other applicable standards of the Code, the following visual impact standards may be applied when a visual impact analysis is required for any application to construct a tower.
- 1) At least 25 percent of the tower is screened from all streets other than expressways, or arterials and planned collector streets with five lanes or more.
 - 2) at least three specific points from adjacent streets, shall be identified, subject to approval by the Zoning Director, for conducting the visual impact analysis.
 - 3) The results of the line of site analysis performed as part of the visual impact analysis.
 - 4) 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.
 - 5) At least 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.
 - 6) The degree or amount of buffering or screening materials permanently included as part of the application.
- e. The visual impact analysis shall be prepared and sealed by an architect, engineer, landscape architect, or surveyor registered in the State of Florida. PBC, 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.

Q. Additional Standards and Requirements

1. Aircraft Hazard

- a. Towers shall not be a hazard to air navigation as determined by the FAA.
- b. Prior to the issuance of a building permit for a tower, proof of compliance with applicable requirements of the FAA and [Article 16, AIRPORT REGULATIONS](#); of the Code, shall be provided in a manner acceptable to the Zoning Director.

2. 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.

3. Inspections

All towers shall be inspected in compliance as required by the Building Division. **[Ord. 2006-004]**

4. Interference

As provided by the FCC, towers shall not interfere with the normal operation of electrical or mechanical equipment located within surrounding properties.

5. Windload Standards

All antennas, panels and other tower attachments shall meet the required windload standards pursuant to Building Division review. Documentation indicating compliance with the windload 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.

6. Airborne Spraying

Towers or guy wires shall not impede the aerial mosquito control activities performed by PBC, as determined by the BCC, for the health, safety, and welfare of its residents.

7. Accessory Structures

Building permits shall be required for all accessory structures related to an antenna.

8. Public Utilities

For the purposes of this Section, wireless communications, communication towers, and associated facilities shall not be considered public utilities.

9. 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:

- a. need for additional towers;
- b. existence of incompatibilities between providers that may hinder collocation;
- c. necessity of waiver relief to deviate from established dimensional criteria;
- d. compliance with the general requirements of this Section; and
- e. the applicant shall reimburse PBC for the consultant fees prior to the issuance of the final development order.

R. 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.

S. 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.

Section 5 Tower Replacement and Height Increases

A. Replacement

1. 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. **[Ord. 2006-004]**

- a. The tower shall accommodate a minimum of two providers. **[Ord. 2006-004]**
- b. The tower shall be of the same or lesser impact than the existing structure pursuant to the defined tower hierarchy. **[Ord. 2006-004]**
- c. The tower may be required to be relocated on site to lessen the impact on adjacent parcels.
- d. The tower shall be subject to review by the Zoning Division through the DRO, [Article 2.D.1, Development Review Officer](#), administrative amendment process. **[Ord. 2006-004]**
- e. The tower may be structurally modified to allow collocation. **[Ord. 2006-004]**

2. 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. **[Ord. 2006-004]**

- a. The tower shall accommodate a minimum of two providers. **[Ord. 2006-004]**
- b. The tower shall be of equal or less impact than the existing structure pursuant to the defined tower hierarchy. **[Ord. 2006-004]**
- c. The tower may be required to be relocated on site to lessen the impact on adjacent parcels.
- d. The tower shall be subject to review by the DRO. **[Ord. 2006-004]**
- e. The tower may be structurally modified to allow collocation. **[Ord. 2006-004]**

B. Tower Height Increases

1. Conforming and Nonconforming Towers

Unless otherwise provided herein, the height of a conforming or nonconforming tower may be increased on one occasion subject to the requirements of Table 4.C.4.B-19, Tower Height Increases.

Table 4.C.4.B-19 - Tower Height Increases

Review Process	Conforming Towers	Nonconforming Towers
Development Review Officer Administrative Amendment	X(1)	N/A
Development Review Officer	X(2)	X(1)
Class B Conditional use	X(3)	X(2)
Class A Conditional use	X(4)	X(3,4)
Notes:		
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'.		

2. Monopoles

The height of an existing monopole may be increased by a maximum of 20 percent to accommodate a second user subject to standard building permit review. An additional increase of up to 20 percent

may be approved to accommodate an additional user, subject to standard building permit review. Increases shall be based upon the original approved tower height.

C. 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 DRO administrative amendment process.

Section 6 Shared Use/Collocation

This Section is designed to foster shared use of communication towers and their accessory support facilities.

A. Collocation

All communication towers, except stealth and camouflage structures, shall be constructed to accommodate a minimum of two providers.

1. 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.

B. 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 15 feet, except from residential property lines.

C. Review Process

1. Collocations on Commercial Communication Towers Including Non-conforming Towers

Collocation of antennas on commercial communication towers that meet the following requirements shall be exempt from all other requirements of this Section of the ULDC and shall only be subject to a Building Permit Review: **[Ord. 2006-004]**

- a. The collocation does not increase the height of the existing tower, as measured to the highest point of any part of the tower or any existing antenna attached to the tower; **[Ord. 2006-004]**
- b. The collocation does not increase the area of the approved ground compound for accessory equipment and structures; **[Ord. 2006-004]**
- c. The collocation shall be consistent with all of the applicable design and aesthetic regulations, or conditions, if any, applied to the first antenna placement onto the tower itself. **[Ord. 2006-004]**

2. Collocations on Structure Other Than Commercial Communication Towers

Collocation of antennas, on a structure other than a commercial communication tower that meets the following requirements shall be subject to final DRO review. Collocation that does not meet the requirement below shall be subject to [Art. 4.C.6, Communication Panel Antennas, Commercial.](#) **[Ord. 2006-004]**

- a. Does not increase the height of the existing structure, as measured to the highest point of any part of the structure or any existing antenna attached to the structure; **[Ord. 2006-004]**
- b. Does not increase the area of the approved ground compound shall be the accessory equipment and structures; and **[Ord. 2006-004]**
- c. The collocation are of a design and configuration consistent with all of the applicable design and aesthetic regulations, or conditions, if any, applied to the first antenna placement. **[Ord. 2006-004]**

D. Review Procedures

Prior to submittal of an application for approval of a proposed tower for Conditional use, development order amendment, original DRO, 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 year of the notice mailing date.

1. 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.

2. 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.

3. Shared Use Application

Potential communication tower users shall respond to the notice within 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 20 day period. The Zoning Division shall provide the shared use application form.

4. 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, 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 25 year period), FCC limitations that would preclude shared use, and other applicable Code requirements.

5. 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 working days after the shared use response deadline.

a. Submittal

Applicant shall submit two 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.

b. 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.

c. Evaluation

Within ten 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.

6. 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.

Section 7 Communication Panel Antennas, Commercial

These standards shall apply to commercial communication panels and antennas mounted on roofs, or attached to buildings or legal billboards (collocations). [Ord. 2006-004]

A. Permitted Districts

Communication panels and antennas, excluding whip antennas not exceeding eight feet in height and six inches in diameter, may be permitted and shall be reviewed as follows in Table 4.C.6.A-20, Panel Antenna Regulations.

This space intentionally left blank.

Table 4.C.6.A-20 - Panel Antenna Regulations

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 Review Permit
Structures greater than 25' and 45' or less in height	Development Review Officer	Development Review Officer	Development Review Officer	Building Review Permit
Structures greater than 45' in height	Class B Conditional use	Building Permit Review	Building Permit Review	Building Review Permit

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

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 feet; maximum depth of four feet; and maximum width of four 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 25-foot setback from the edge of the roof or comply with the architectural compatibility standards pursuant to [Article 4.C.6.B.1, Architectural Compatibility](#).

2. Communication Panels and Antennas

There shall be no minimum setback required for panels or antennas.

D. Whip Antennas

Whip antennas not exceeding eight feet in height and six 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 50 feet from any existing residential structure.

E. Intergovernmental Activities

1. Mapping

PBC shall participate in any countywide mapping program to identify proposed and existing tower sites.

2. Notification

a. PBC shall participate in an intergovernmental notification program by continuously providing information regarding tower construction applications to the PBC Intergovernmental Coordination Program Clearinghouse.

b. All jurisdictions within a two-mile radius of a proposed tower site located in unincorporated PBC shall be notified at the time of application submittal.

Section 8 Communication Cell Sites on Wheels (COWs)

COWs shall comply with the following supplementary use standards. 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.

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 days, including installation and removal.

1. Time Extensions

The Special Permit may be extended up to an additional ten 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 feet in height, or other barrier approved by the Zoning Division.

F. Non-Residential Districts

1. COWs Greater than 50 Feet in Height

COWs greater than 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 110 percent of its height.

b. Separation

The structure shall be separated a minimum of 300 percent of its height from any residential structure on an adjacent parcel.

2. COWs 50 Feet in Height or Less

COWs 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 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 [Art. 4.C.7.F.1, COWs Greater than 50 Feet in Height](#).

G. Residential Districts

1. COWs Greater than 50 Feet in Height

COWs greater than 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 150 percent of its height.

b. Separation

The structure shall be separated a minimum of 300 percent of its height from any residential structure on an adjacent parcel.

2. COWs 50 Feet in Height or Less

COWs 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 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 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 [Article 4.C.7.G.1, COWs Greater than 50 Feet in Height](#), 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.

CHAPTER D EXCAVATION

Section 1 Purpose and Intent

The purpose of this Chapter 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 PBCs natural resources and to achieve these goals, it is the intent of this Section to:

- A. ensure that mining and excavation activities do not adversely impact the health, safety, and welfare of the citizens of PBC;
- B. prevent immediate and long-term negative environmental and economic impacts of poor land development practices;
- C. encourage the use of economically feasible and environmentally sound mining and excavation practices;
- D. 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;
- E. encourage the rehabilitation of commercially mined sites to other beneficial uses by promoting economical, effective and timely site reclamation;
- F. protect existing and future beneficial use of surrounding properties from the negative effects of excavation and mining;
- G. 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;
- H. establish a regulatory framework of clear, reasonable, effective, and enforceable standards and requirements for the regulation of excavation, mining, and related activities; and
- I. 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.

Section 2 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 Code and other State and Local requirements, as applicable.

A. 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, USACE, DEP, and ERM. **[Ord. 2006-004]**

B. 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 [Article 2.D, ADMINISTRATIVE PROCESS](#), 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. The DRO may review and approve the excavation plan, pursuant to [Article 2.D.1, Development Review Officer](#), provided the subject site complies with the compatibility criteria in [Article 4.D.5.F.7.b, Type III A Excavations](#), and the technical standards in [Article 4.D.8, Technical Standards](#), 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 [Article 2.B, PUBLIC HEARING PROCEDURES](#). Applicable standards include:

Technical standards include: 1) [Article 4.D.8.A, Operational Standards and Requirements](#); 2) [Article 4.D.8.B, Construction Standards](#), excluding depth; 3) [Article 4.D.8.C, Reclamation Standards](#); 4) [Art. 4.D.5.F.7.b, Buffer](#); and 5) [Article 4.D.8.E, Maintenance and Monitoring](#).

Section 3 Excavation Types

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. The types of excavation that are allowed are as follows:

A. Agricultural Excavation

Approval process for agricultural excavation is administered by ERM and PZB. Application procedures and requirements are subject to Art. 4.D.5.A, [Agricultural Excavations](#). Agricultural excavation in the WCAA are administered by ERM. Application procedures and requirements are in [Article 4.D.5.B, WCAA Excavations](#).

B. Type I

Two approval processes (Types 1A and 1B) are administered by PZB for excavations on single-family lots. Application procedures and requirements are in [Article 4.D.6.A, Content of Application](#), and [Article 4.D.6.B, Additional Application Requests for Type II, Type II IA and Type III B](#).

C. Type II

The approval process for Type II excavation is administered by PZB and ERM. Application procedures and requirements are in [Article 4.D.6.B, Additional Application Requests for Type II, Type III A and Type III B](#).

D. Type III

Two approval processes for commercial mining excavation activities (Type III A and Type III B) are administered by PZB and ERM. Application procedures and requirements are in [Article 4.D.6, Supplemental Application Requirements](#).

Section 4 Prohibitions and Exemptions

A. Prohibitions

Excavation and mining activities shall be prohibited in the following areas:

1. RR20 FLU Designation.
2. The Pleistocene Sand Ridge.
3. An archeological site, unless approved and requested as a Class A conditional use.
4. Publicly owned conservation areas, publicly owned preservation areas or environmentally sensitive lands.
5. Areas otherwise prohibited by this Section.

B. Exemptions

The following excavation activities shall be exempt from the requirements of this Section:

1. 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 [Article 2.B, PUBLIC HEARING PROCEDURES](#), and shall comply with the provisions in [Article 1.F, NONCONFORMITIES](#).

- a. Regulated by a National Pollutant Discharge Elimination System Permit; or
- b. Regulated by a Florida Department of Environmental Protection (DEP) industrial wastewater operation permit; or
- c. Located within an approved residential, commercial, industrial or mixed-use development and function as a stormwater management facility pursuant to:
 - 1) A surface water management construction permit issued by the SFWMD; or,
 - 2) A conceptual permit issued by the SFWMD that delineates proposed littoral slopes of the excavated lake(s) conducive for planting; or
 - 3) 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.](#)

2. Pools

Swimming pools, pursuant to [Article 5.B, ACCESSORY AND TEMPORARY USES](#).

3. Small Ponds

Ponds accessory to a principal use, such as lily ponds, goldfish ponds, reflecting ponds, and other small ornamental water features with a maximum depth of four feet OWL and not exceeding 500 square feet in surface area.

4. Cemeteries

Burial plots in approved cemeteries.

5. R-O-W

Excavation in a road R-O-W, when the road is under construction. To qualify for this exemption, excavation shall be performed by PBC, the FDOT or any Water Control District created by special act to operate under [F.S. Ch. 298.\(95\)](#) Excavation activity located outside the R-O-W boundary,

performed to accommodate roadway drainage, and which creates a permanent open body of water for a period of 180 days or more, shall comply with the standards of a Type II excavation in [Article 4.D.5.E, Type II Excavation](#).

6. Utilities

Excavations necessary for the installation of utilities, including septic systems.

7. 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:

- a. 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;
- b. 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
- c. 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.

8. WCAA Canals

Canals of conveyance located in the WCAA which require permits from SFWMD or DEP, provided the permitted project does not exceed 15 feet in depth from OWL.

9. Mitigation Projects

Mitigation projects permitted by SFWMD, DEP, or ERM, pursuant to [F.S. Chapters 403 and 373](#), and [Chapter 62-312, F.A.C.](#), as amended, and [Art. 14, Environmental Standards](#), including projects approved to implement an adopted Surface Water Improvement & Management (SWIM) plan, provided the permitted project depth does not exceed 20 feet from OWL or 15 feet from OWL in the WCAA. Projects proposed to exceed these depths shall comply with [Article 4.D.6, Supplemental Application Requirements](#), the administrative waiver requirements of [Article 4.D.9, Administration and Enforcement](#), and the technical standards of [Article 4.D.8.A, Operational Standards and Requirements](#), [Article 4.D.8.B.1, Separation](#), [Article 4.D.8.B.2, Slopes](#), [Article 4.D.8.C, Reclamation Standards](#), and [Article 4.D.8.D, Performance Guarantee Requirements](#) .

10. Wetlands

Excavation activities within jurisdictional wetlands that have been issued permits pursuant to Wetlands Protection requirements or have been issued a permit for wetland impacts through the Environmental Resource Permit (ERP) process by DEP, USACE, SFWMD, or any other agency with ERP delegation for PBC. **[Ord. 2006-004]**

11. Agricultural Ditches

Agricultural ditches supporting vegetation production which meet the standards of bona fide agriculture (i.e. groves, row crops, hay, and tree farming) constructed solely in uplands that are less than six feet in depth from OWL. These ditches shall not connect to canals of conveyance or waters of the State without the appropriate Federal, State, and Local approvals and permits.

12. 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.

13. Canals of Conveyance

Canals of conveyance that require permits from SFWMD, USACE, DEP, or ERM pursuant to Wetlands Protection requirements. **[Ord. 2006-004]**

14. Excavation by Public Agencies

Excavation performed by public agencies, including PBC, SFWMD, water control districts created pursuant to [F.S. Chapter 298](#), or special districts created by special legislative act, provided such excavation complies with the standards listed below:

- a. solely under the jurisdiction, authority, and control of PBC, SFWMD, or the applicable district.
- b. completed, operated, and maintained in perpetuity by PBC, SFWMD, water control district, or special district,
- c. an official part of the operation and function of PBC, SFWMD, or a water control district, or a special district.
- d. In order to be exempt under this provision, the public agency shall:
 - 1) schedule and conduct a public hearing; the notice of the public hearing shall be published at least seven days prior to the hearing, in a newspaper of general circulation,

- 2) provide written notice of the intent to engage in excavation activities subject to a permit issued by the SFWMD to the Executive Director of PZB and the Director of ERM at least 30 days prior to the commencement of construction activity, and
- 3) provide written notification of the public hearing required by this subsection to the Executive Director of PZB and the Director of ERM at least 30 days prior to the public hearing.

15. Excavations, Canals, Impoundments

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.

Section 5 Excavation Standards

Before commencement of any excavation, approval shall be obtained pursuant to the procedures and standards defined in this Section.

A. Agricultural Excavations

1. Separation and Setbacks

In addition to the separation requirements in [Article 4.D.5.A, Agricultural Excavations](#), shall maintain a minimum setback of 100 feet, measured from the inside edge of the lake maintenance easement to any adjacent property line.

2. Maximum Depth

Excavation activity shall not exceed 20 feet from OWL. This maximum depth may be exceeded if approved by ERM in accordance with [Article 4.D.9, Administration and Enforcement](#), provided the applicant adequately ensures that (1) chloride levels shall not exceed 250 parts per million (PPM) and TDS does not exceed 500 PPM in the excavated lake 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 by ERM during and after construction.

3. Sediment Sump

A sediment sump may be constructed at the excavated lake or pond inlet to a depth of 25 feet OWL. A sump shall not exceed five percent of the mined lake area.

4. Reclamation, Maintenance and Monitoring

Agricultural excavations shall comply with the excavated area, and littoral zone reclamation requirements of [Article 4.D.8.C, Reclamation Standards](#), and [Article 4.D.8.C.2, Excavated Area Reclamation Standard](#), [Article 4.D.8.C.3, Littoral Planting Reclamation Standard](#), [Article 4.D.8.C.5, Area of Record](#), and 4.D.8.E, the Maintenance and Monitoring requirements and [Article 4.D.9.E, Additional Remedies](#), unless waived by ERM.

5. Use Approval

All applications for agricultural excavation shall include a detailed explanation of the proposed bona fide agricultural use. This explanation shall demonstrate consistency with applicable industry standards and satisfy the definition requirements of bona fide agriculture pursuant to Art. 1.I, Zoning Definitions and Acronyms. The excavation shall be the minimum necessary to implement the proposed bona fide agricultural use.

a. Two Acres or Less

Unless exempt, DRO review and approval shall be required for AG excavation consisting of two acres or less in surface area pursuant to [Article 2.D.1, Development Review Officer](#), The DRO shall review for compliance with the standards of this Section and may approve the application with or without conditions.

b. Greater Than Two Acres

Agriculture excavation activity greater than two acres in surface area shall be subject to approval as a Class A Conditional use pursuant to [Article 2.B, PUBLIC HEARING PROCEDURES](#), and this Section. The BCC may permit offsite removal and apply the appropriate compatibility standards of [Article 4.D.5.F, Type III Excavations](#).

6. Guarantee Requirements

Agricultural excavation shall comply with the Guarantee requirements pursuant to [Article 4.D.8.D, Performance Guarantee Requirements](#).

7. Notice of Intent to Construct

In accordance with [Article 4.D.7, Notice of Intent to Construct](#), shall be required.

B. WCAA Excavations

1. Operational and Construction Standards

An application for WCAA excavation shall comply with the standards in [Article 4.D.8.A, Operational Standards and Requirements](#), and [Article 4.D.9.B, Violations, Enforcement, and Penalties](#), and except for hours of operation.

2. Separations and Setbacks

In addition to the separation requirements in [Article 4.D.8.B.1, Separation](#), a WCAA excavation shall maintain a minimum setback of 50 feet measured from the inside edge of the lake maintenance easement to any adjacent property lines.

3. Depth

The maximum depth for the excavated lake or pond shall not exceed 15 feet from OWL due to chloride and TDS considerations. This maximum depth may be exceeded if approved by ERM in accordance with [Article 4.D.9, Administration and Enforcement](#), provided the applicant adequately ensures that chloride levels shall not exceed 250 parts per million (PPM) and TDS does not exceed 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.

4. Sediment Sump

A sediment pump may be constructed at the excavated lake or pond inlet to a depth of 25 feet OWL. However, this sump shall not exceed five percent of the mined lake area.

5. Use Approval

All applications for WCAA excavation shall include 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 Art. 1.I, Zoning Definitions and Acronyms. Excavation shall be the minimum necessary to implement the bona fide agricultural use.

6. Notice of Intent to Construct

In accordance with [Article 4.D.7, Notice of Intent to Construct](#), shall be required.

C. Type I A Excavation

1. Lot Size

A minimum of one acre.

2. Excavated Surface Area

The maximum surface area of all excavation on the premises shall be less than two-tenths acre or (8,712 square feet).

3. Off-site Removal

Off-site removal of extracted material is prohibited.

4. Separation and Setbacks

In addition to the separation requirements in [Article 4.D.8.B.1, Separation](#), Type I A Excavation shall maintain the following minimum setbacks, measured from the inside edge of the lake maintenance easement.

- a. 15 feet at the time of construction from any adjacent property line. The top of bank shall be a minimum of five feet.
- b. 50 feet from any potable water well.
- c. 100 feet from any septic system pursuant to [Article 15.A, ECR I Onsite sewage treatment and Disposal Systems](#).

5. Slope

If a lake excavated prior to June 16, 1992, does not comply with the minimum slope requirements of [Article 4.D.8.B.2, Slopes](#), a minimum four foot high gated fence completely enclosing the excavated area may be substituted for the required slopes.

6. Depth

Excavation activity shall not exceed ten feet in depth below OWL.

7. Reclamation

The applicant shall comply with the following reclamation requirements prior to issuance of a CO.

- a. Compliance with the slope and drainage and reclamation standards of [Article 4.D.8.B, Construction Standards](#), shall be required.
- b. The property owner shall submit a Certificate of Compliance sealed by a registered Land Surveyor to the Building Division depicting:
 - 1) an as-built survey showing the location, size, and depth of the excavated area; and,
 - 2) in cases where no permanent water body is created, the site plan submitted with the building permit shall serve as the reclamation plan.

8. Procedures

The request 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.

a. Application Requirements and Procedures

The building permit plans shall be supplemented with the following information:

1) Site Plan

A general site plan complying with the standards of this Section;

2) Statement

A statement estimating the amount of excavated material, in cubic yards; and

3) Notarized Authorization

Notarized authorization from the property owner to excavate.

b. Determination of Sufficiency, Review and Decision

A building 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.

D. Type I B Excavation

1. Lot Size

A minimum of two and one-half acres.

2. Excavated Surface Area

The maximum surface area of all excavation on the premises shall be less than 25 percent of the gross lot area and shall not exceed two acres.

3. Off-site Removal

Off-site removal of extracted material is prohibited.

4. Separations and Setbacks

In addition to the separation requirements of [Article 4.D.8.B, Construction Standards](#), Type I excavations shall maintain the following minimum setbacks:

a. 30 feet at the time of construction from any adjacent property line.

b. 50 feet from any potable water well.

c. 100 feet from any septic system pursuant to [Article 15.A, ECR I Onsite sewage treatment and Disposal Systems](#).

5. Maximum Depth

Excavation activity shall not exceed 15 feet in depth below OWL.

6. Reclamation

The applicant shall comply with the following reclamation requirements prior to issuance of a CO.

a. Compliance with the slope angle, drainage, and reclamation standards [Article 4.D.8.B, Construction Standards](#).

b. The property owner shall submit a Certificate of Compliance sealed by a registered Land Surveyor to the DRO depicting:

1) An as-built survey showing the location, size, and depth of the excavation.

2) In cases where no permanent water body is created, the building permit site plan shall serve as the reclamation plan.

7. Use Approval

The request 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.

a. DRO Approval

Pursuant to [Article 2.D, ADMINISTRATIVE PROCESS](#): DRO Approval shall be required. The DRO shall review for compliance with this Section and may approve the application with or without conditions.

b. Duration

A Type I B excavation permit shall expire 120 days from the date authorization is received to begin excavation activity. The DRO may grant one 90 day extension.

E. Type II Excavation

1. Location

A Type II excavation may be permitted to implement a site development plan for a principal use as permitted in the Use Regulation Schedule [Table 4.A.3.A-1, Use Matrix](#), and to implement a Master Plan, site plan, or final subdivision plan approved by the DRO.

2. Standards

An application for a Type II excavation shall comply with the following requirements:

a. [Article 4.D.8.A, Operational Standards and Requirements](#), and [Article 4.D.8.B, Construction Standards](#);

- b. Excavated area, Littoral zone and general upland reclamation requirements pursuant to [Article 4.D.8.C, Reclamation Standards](#);
- c. [Article 4.D.8.D, Performance Guarantee Requirements](#) ;
- d. [Article 4.D.8.E, Maintenance and Monitoring](#); and
- e. [Article 4.D.7, Notice of Intent to Construct](#).

3. Separations and Setbacks

In addition to the separation requirements in [Article 4.D.8.B.1, Separation](#), Type II Excavation shall maintain a minimum setback of 30 feet, measured from the top of bank to the perimeter boundary of the master planned development, subdivision, overall final site plan, streets 80 feet in width or greater, and canal R-O-W. For the purpose of this Section. The top of bank is considered the waterward edge of the lake maintenance easement.

4. Depth

The maximum depth of a Type II excavation shall be in accordance with [Article 4.D.5.A.2, Maximum Depth](#).

5. Use Approval

Prior to initiating excavation activity, approval shall be required in accordance with this Section.

a. DRO Approval

Prior to initiating Type II excavation activities, DRO review and approval shall be required. Application shall be made in accordance with [Article 2.D, ADMINISTRATIVE PROCESS](#), and this Section. DRO shall review the final site development plan for compliance with the standards of this Section and may approve with or without conditions.

b. Removal of Excess Fill from the Site

If an excess of ten percent of fill is proposed to be removed from a site and no unusual conditions exist justifying removal of more than ten percent of the excavated material, as specified in [Art. 4.D.5.E, Type II Excavation](#), then the applicant shall apply for a Class A Conditional use or Requested Use pursuant to the standards of [Art. 2.B.2, Conditional and Requested Uses](#), and shall comply with the following standards: 1) [Art. 4.D.8.A, Operational Standards and Requirements](#), 2) Littoral; 3) Upland Reclamation Standards in [Art. 4.D.8.E, Maintenance and Monitoring](#); 4) Maintenance and Monitoring requirements for excavated areas, and littoral plantings in [Art. 4.D.8.E, Maintenance and Monitoring](#); 5) Buffer requirements in [Art. 4.D.5.F.7.b.c\), Type III A Excavation](#); and 6) Setbacks shall be provided pursuant to Type II setback requirements in [Art. 4.D.5.E.3, Separations and Setbacks](#). **[Ord. 2004-040]**

- 1) 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; or
- 2) The removal of the material is the minimum necessary to accommodate on-site drainage requirements or structural fill requirements; and
- 3) The impact of hauling the material off-site will not cause adverse affects to adjacent property owners or streets.

c. Off-site Removal

A minimum of 90 percent of the fill shall be used on site, unless unusual site conditions exist. If the applicant must remove more than ten percent of the fill from the site, then use approval shall be required as follows: **[Ord. 2004-040]**

d. Excavation Necessary to Implement a Final Development Order

If an excess of ten percent of fill is proposed to be removed from a site and no unusual conditions exist justifying removal of more than ten percent of the excavated material, as specified in [Art. 4.D.5.E, Type II Excavation](#), then the excavation shall be considered a Type III A 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 [Art. 2.B.2, Conditional and Requested Uses](#), and shall comply with the following standards: 1) [Art. 4.D.8.A, Operational Standards and Requirements](#), 2) Littoral; 3) Upland Reclamation Standards in [Art. 4.D.8.E, Maintenance and Monitoring](#); 4) Maintenance and Monitoring requirements for excavated areas, and littoral plantings in [Art. 4.D.8.E, Maintenance and Monitoring](#); 5) Buffer requirements in [Art. 4.D.5.F, Type III Excavation](#); and 6) Setbacks shall be provided pursuant to Type II setback requirements in [Art. 4.D.5.E.3, Separations and Setbacks](#).

1) Location

The following Type III A standards shall apply, unless waived by the BCC after a finding of fact that waiver of these standards will not violate the compatibility standards, pursuant to [Art. 4.D.5.F.7, Compatibility Standards](#). [Ord. 2004-040]

e. Excavation, Performed by Public Agency, To Provide Drainage For A Public Street

- 1) Excavation activity located outside the street boundary, conducted solely to accommodate drainage for a public streets and performed or caused to be performed by contract with 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 [F.S. 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 streets.
- 2) For the purpose of this Section, authorization by PBC, FDOT or a Water Control District to construct a public streets shall constitute a valid development order. The excavation activity shall comply with the standards below.
 - a) Notice of Intent to Construct pursuant to [Article 4.D.7, Notice of Intent to Construct](#);
 - b) Operational and Construction standards pursuant [Article 4.D.8.A, Operational Standards and Requirements](#), [Article 4.D.8.B, Construction Standards](#), and [Article 4.D.8.A.10, Hauling Standards](#);
 - c) Littoral zone and general upland reclamation requirements pursuant to [Article 4.D.8.C, Reclamation Standards](#); and
 - d) Maintenance and Monitoring requirements pursuant to [Article 4.D.8.E, Maintenance and Monitoring](#).

F. Type III Excavations

1. Classification of Types

Excavation 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 to be considered a Type III excavation. Two classes of Type III excavations (Type III A and Type III B) are established to distinguish between the types of mining operations.

a. Type III A

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 III A 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.

b. Type III B

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.

2. Standards

An application for A Type III excavation shall comply with the following requirements:

- a. Operational and construction standards pursuant to [Article 4.D.8.A, Operational Standards and Requirements](#), and [Article 4.D.8.B, Construction Standards](#).
- b. Excavated area, Littoral zone and upland reclamation requirements pursuant to [Article 4.D.8.C, Reclamation Standards](#).
- c. [Article 4.D.8.D, Performance Guarantee Requirements](#) .
- d. [Article 4.D.8.E, Maintenance and Monitoring](#).

3. Location

A Type III excavation may be permitted in accordance with [Table 4.A.3.A-1, Use Matrix](#). Mining may be permitted with limitations in the districts identified below.

a. AP District in the AP FLU Designation

Mining shall be limited to the support of public road construction projects, agricultural activities, or water management projects associated with ecosystem restoration, regional water supply or flood protection, on sites identified by the SFWMD or the U.S. Army Corps of Engineers where such

uses provide viable alternative technologies for water management. Mining shall demonstrate compliance with standards in [Article 4.D.5.F.7, Compatibility Standards](#). [Ord. 2005-041]

4. Depth

The maximum depth of a Type III excavation shall be in accordance with [Article 4.D.5.A.2, Maximum Depth](#).

5. Accessory Use

An asphalt batch concrete plant shall be permitted as an accessory use to a Type III B excavation, subject to DRO approval and provided that:

- a. the site is a minimum of 500 acres;
- b. the use is separated at least one-half mile from any residential use or district; and
- c. direct access to the plat is provided from an arterial street.

6. Use Approval

A Class A conditional use approval is required for a Type III excavation, in accordance with [Article 2.B.2, Conditional and Requested 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 in the area. The Water Control District may provide comments to the DRO to be included in the staff report for presentation to the BCC.

a. Approval of Final Plan

Prior to starting any activity associated with the excavation project, the applicant shall submit an excavation plan to the DRO for review and approval in accordance with [Article 2.D, ADMINISTRATIVE PROCESS](#).

- 1) The applicant shall submit a phasing plan complying with the requirements of [Article 4.D.6, Supplemental Application Requirements](#), and [Article 4.D.7, Notice of Intent to Construct](#).
- 2) 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 [Article 4.D.8.E, Maintenance and Monitoring](#), and written authorization by the DRO.

b. Haul Permit

The BCC may require, as a condition of approval, for a haul permit for unpaved collector or arterial streets. If required, a haul permit application shall be submitted to and approved by the Land Development Division in accordance with [Article 4.D.8, Technical Standards](#), prior to issuance of the Notice of Intent to Construct by ERM.

c. Notice of Intent to Construct

Notice of Intent to Construct shall be submitted to and receive approval from ERM in accordance with [Article 4.D.7, Notice of Intent to Construct](#), 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. The DRO 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 [Article 4.D.8, Technical Standards](#), (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 [Article 4.D.8.E, Maintenance and Monitoring](#).

7. Compatibility Standards

A Type III excavation shall be reviewed to assure the proposed excavation is compatible with surrounding land uses and complies with the applicable separation and setback standards and 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 surrounding 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.

a. General

The following standards shall apply to both Type III A and Type III B mining activities.

1) Location and Access

Local residential streets shall not be used for access or as a haul route. The site shall front on and have direct access to an arterial or collector street designated on the County's Future Thoroughfare Identification Map. 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 incompatible affect on surrounding residential uses, and may condition the project to obtain a haul permit in accordance with [Article 4.D.8.A.10, Hauling Standards](#).

a) Restrictions in the RR FLU Designation

Commercial excavation shall be prohibited in neighborhoods which support developed single-family residences on 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 an approved affidavit of exemption, an area which has prepared a neighborhood plan in accordance with the Plan, or is in an area with lots of similar size. Commercial excavation located in an area with a rural residential land use designation that do not satisfy the definition of neighborhood above, shall have a minimum of 100 acres and 500 feet of frontage with direct access to an arterial or collector street as specified herein.

2) Separation from Other Land Uses

Minimum separations from protected land uses are defined in [Article 4.D.5.F, Compatibility Standards](#). Unless otherwise specified, separation 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 [Article 4.D.5.F, Compatibility Standards](#). 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.

a) 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 boundary of the excavation project.

3) Setbacks

Setbacks shall be measured from the outermost edge of the excavated area (top of bank), structure, building, equipment, or stockpile to the boundary of the excavation project.

4) Fence

If mining activity is conducted within one-half mile of a residential use, the mining operation shall be completely enclosed by a minimum six foot high fence, wall, or natural barrier and shall have signage posted to prohibit trespassing.

5) Noise

Airborne noise produced from the excavation activity shall comply with the noise provisions in [Article 5.E, PERFORMANCE 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 DB more than permitted by [Table 5.E.4.B-14, Maximum Sound Levels](#). In addition, the noise level may increase to a maximum of 120 dB once each weekday (Monday - Friday) for a maximum of ten seconds.

b. Type III A Excavations

1) Restrictions in the RR FLU Designation

a) Lot Size

A minimum of 40 acres.

b) Minimum Surface Area

The maximum excavated surface area shall not exceed 30 percent of the gross area contained within the boundary of the excavation project.

2) General

The following standards shall apply to a Type III A excavation:

a) Minimum Separations and Setbacks

In addition to the separation requirements in [Article 4.D.8.B, Construction Standards](#), a Type III A 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 mile, measured from the property line of the excavation project to the inhabited structure.

(2) Setbacks

Table 4.D.5.F-21 - Setbacks

	Residential	Commercial	Industrial/ Agricultural	Streets
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'

b) Stockpile Height

Stockpile height shall be limited to 30 feet.

c) Buffer

A buffer shall be preserved or installed along a property lines in accordance with the provisions below. The buffer shall be planted and maintained in accordance with the standards of [Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS](#), 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 an 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 100 feet. If the 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 to supplement the existing vegetation and shall form a solid visual buffer within two years. All native vegetative buffers shall be protected during the duration of the excavation activity in accordance with the standards in [Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS](#), and in [Article 14.C, VEGETATION PRESERVATION AND PROTECTION](#).

(2) 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 DRO approval of the as-built drawings for the final phase of excavation, provided the last phase is a minimum of 25 acres. A landscape buffer as required by [Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS](#), shall be installed in conjunction with subsequent development.

(3) 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 berm, a solid landscape barrier, or combination thereof to reach a height of eight feet in two years. The BCC may require the buffer to be planted to simulate natural conditions. This buffer shall be installed adjacent to:

- a) all streets;
- b) all residential zoning districts;
- c) lots supporting existing or proposed residential uses in the AR 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; and
- d) commercial zoning districts.

c. Type III B Excavation

1) Restrictions in the RR and SA FLU Designation

a) Lot Size

A minimum of 100 acres.

b) Maximum Surface Area

The maximum excavated surface area shall be determined by the BCC.

2) General

A Type III B excavation shall comply with the following criteria:

a) Minimum Separations and Setbacks

In addition to the separation requirements in [Article 4.D.8.B, Construction Standards](#), a Type III B Excavation, except those that lie in the area defined as the WCAA, shall comply with the separation and setback regulations below. Excavation projects in the WCAA shall be evaluated on a case by case basis in accordance with the compatibility criteria [Article 4.D.5.F.7, Compatibility Standards](#), and shall have separation requirements set by the BCC.

(1) Separation from Residential Uses

Separations from residential uses, shall be a minimum of one-eighth of a mile, in all directions measured in accordance with [Art. 4.D.5.F.7.a-2, Separation from Other Land Uses](#), above. **[Ord. 2005 – 002]**

(2) Setbacks

Minimum setbacks shall be provided based on separations from uses as indicated below. **[Ord. 2005 – 002]**

(3) Separation from Commercial and Industrial Uses

Commercial: 1/2 mile
 Industrial: 1/8 mile

[Ord. 2005 – 002]

Table 4.D.5.F-22- Setbacks Based On Separation From Residential Uses

Uses	Separations			
	1 mile	2 mile	1/4 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 4.D.5.F-23 - 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'

b) Mining Impact Study

A Mining Impact Study shall be submitted for a Type III B excavation 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 [Article 4.D.5.F.7, Compatibility Standards](#). The study shall also demonstrate how these operations will impact surrounding land uses.

(1) Prior to certification of an application for inclusion on a public hearing agenda, the DRO may retain a technical consultant to advise the PBC of the adequacy of the standards established in conjunction with the Mining Impact Study. The cost of PBCs consultant shall be borne by the applicant.

c) 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 working days from the date of the request.

d) Buffer

A buffer shall be installed along all property lines as specified below. The buffer shall be planted and maintained in accordance with the standards of [Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS](#).

(1) Existing Native Vegetative Buffer

Existing native vegetation within 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 in the setbacks until completion of the excavation activity. In such cases, the prohibited species shall be removed prior to DRO approval of the as-built drawings for the final phase of excavation, provided the last phase is a minimum of 25 acres. A landscape buffer as required by [Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS](#), shall be installed in conjunction with subsequent development.

(3) Type 3 Incompatibility Buffer

Sites within a one-quarter mile of a public or private streets, 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 berm, 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, a solid landscape barrier, or combination thereof to reach a height of eight feet in two 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 AR zoning district. Unless otherwise determined by the BCC, a buffer shall not be required adjacent to land in agricultural production in the AP or AR district if the land is used solely for bona-fide agricultural purposes.

3) Hours of Operation

Excavation and hauling activity shall occur only between the hours of 6:00 a.m. and 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.

4) Notice of Intent to Construct

Compliance with [Article 4.D.7, Notice of Intent to Construct](#).

Section 6 Supplemental Application Requirements

A. Content of Application

All Type I B, Type II, Type III A and Type III B excavations shall supplement the applicable application requirements with the material and information listed below.

1. Statement

Application listing the nature of the excavation operation, including but not limited to the:

- a. amount and type of materials to be excavated;
- b. duration of the excavation activity and reclamation activity;
- c. the proposed method of excavation;
- d. the amount of fill to remain on site;
- e. if permitted, the amount of fill to be removed from site; and
- f. intent to comply with [Article 9.A, ARCHAEOLOGICAL RESOURCES PROTECTION](#).

2. Site Plan

A site plan depicting:

- a. Boundaries, dimensions and acreage of the site and excavated surface area(s);

- b. All existing and proposed improvements including easements, streets, weigh stations, and other structures;
 - c. Setbacks and separations;
 - d. Preservation areas;
 - e. Water table elevations, including Ordinary Water Level.
- 3. Vegetation Permit**
A vegetation permit application pursuant to [Article 14.C, VEGETATION PRESERVATION AND PROTECTION](#).
- 4. Aerial**
An aerial at a scale of 1:200 or better, clearly depicting the site and phase lines.
- B. Additional Application Requests for Type II, Type III A and Type III B**
All applications for Type II, Type III A and Type III B excavations shall require the additional information listed below.
- 1. Soil 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.
- 2. Site Plan**
A site plan depicting:
 - a. [Article 4.D.8.A, Operational Standards and Requirements](#), as applicable; and
 - b. Equipment storage, and stockpile areas, including sizes and heights.
- 3. Landscape Plan**
A landscape plan indicating the buffers and reclamation planting required.
- 4. Cross Sections**
Cross Sections delineating compliance with the following requirements, as applicable:
 - a. [Article 4.D.8.B, Construction Standards](#);
 - b. [Article 4.D.8.C, Reclamation Standards](#); and
 - c. Buffer details.
- 5. Operations Plan**
An operations plan shall be submitted in the form of a statement and 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 impacts from hauling operations will be controlled.
- 6. Haul Route Plan**
A map indicating all possible proposed haul routes within the radius of impacts as defined in [Article 4.D.5.F.6, Use Approval](#).
- C. Additional Application Requests for Type III A and Type III B**
All applications for Type III A and Type III B Excavation shall require the additional information listed below.
- 1. Site Plan**
A site plan depicting:
 - a. Location of grading, sorting, crushing and similar equipment necessary for the operation and distribution of excavated material.
- 2. Additional Information**
- a. Report Schedule**
Report Schedule, pursuant to [Article 4.D.8.E, Maintenance and Monitoring](#).
 - b. Location Map**
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 [Article 4.D.5.F.7, Compatibility Standards](#).
 - c. Phasing Plan**
A phasing plan and tabular data depicting acreage, location, sequence of operations and schedule of reclamation requirements.
 - d. Tree Survey**
A tree survey, as required by [Article 4.D.8.C.4.d, Calculating Planting Requirements](#).

Section 7 Notice of Intent to Construct

All applications for Agricultural, WCAA, Type II excavation, and Type III mining activities shall submit a Notice of Intent to Construct in accordance with the provisions below.

A. Notice of Intent

Prior to commencement of any on-site excavation or mining activities, a Notice of Intent to Construct shall be submitted to and receive written approval from ERM.

B. Contents of Notice of Intent to Construct

The following information shall be included with the completed Notice of Intent to Construct form:

1. paving and Drainage plans, if applicable;
2. preliminary plat, if applicable, and restrictive covenant, pursuant to [Article 4.D.8.C.5, Area of Record](#);
3. [Article 4.D.8.C.3, Littoral Planting Reclamation Standard](#); **[Ord. 2005 – 002]**
4. master Plan, showing all phases of development, if applicable; and **[Ord. 2005 – 002]**
Items 1 and 2 (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).
5. methods of stormwater pollution prevention if construction of the project may result in an area of exposed soil greater than one acre subject to Federal National Pollution Discharge Elimination System (NPDES) stormwater regulations, a copy of the on-site Stormwater Pollution Prevention Plan shall be submitted as part of the permit application. **[Ord. 2005 – 002]**

C. Agriculture Excavation

All Agricultural and WCAA excavation 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 [Art. 1.I, Definitions and Acronyms](#).

D. Type III Exceptions

A Type III application shall include documentation of an approved for Class A conditional use pursuant to [Article 2.B, PUBLIC HEARING PROCEDURES](#).

E. Written Approval

ERM shall issue a written approval to the applicant within 30 days upon receipt 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.

Section 8 Technical Standards

A. Operational Standards and Requirements

All excavation types shall comply with the following operational standards, unless specifically exempt or prohibited pursuant to this Section.

1. 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.

2. 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.

3. Emission 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 onto adjacent properties pursuant to the smoke, emissions and particulate matter provisions in [Article 5.E, PERFORMANCE STANDARDS](#), and [Rule 62-296, F.A.C.](#)

4. 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.

5. Equipment Storage, Maintenance and Service Areas

Equipment storage, maintenance and service areas shall be setback a minimum 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 [Article 5.E, PERFORMANCE STANDARDS](#).

6. Regulated Substances

All storage and use of regulated substances shall comply with local, state, and federal regulations. All regulated substance dispensing areas shall comply with Best Management Practices. Any spill of any regulated substance shall be reported to the PBCHD within one hour and to ERM within one hour or at the beginning of the next business day.

7. Dewatering

Dewatering shall not be allowed unless permitted by a State agency, Federal agency, the SFWMD, or the dewatering operation is in compliance with conditions of F.A.C. 40E-20.302(3). If dewatering is permitted, pumps shall be located, submerged, buried, or encased in an insulated structure in order to comply with the noise standards in Art. 5.E, Performance Standards. **[Ord. 2005 – 002]**

8. Access to Public Prohibited

Signs shall be posted prohibiting access to the general public while excavation and reclamation activity is being conducted.

9. Retail Sale of Material

The retail sale of excavated material shall not be permitted on site.

10. Hauling Standards

a. General

- 1) All trucks hauling material from sites that permit off-site removal shall be covered to prevent debris and fill from spilling onto the roadway.
- 2) The hauler shall employ measures acceptable to the PBCHD, and any applicable road maintenance authority, to ensure that roads are properly maintained and kept free of fugitive particulate matter.
- 3) The BCC may require special conditions, including, but not limited to:
 - a) construction of turn lanes and other roadway improvements necessary to provide safe traffic movement;
 - b) requirement to obtain a haul permit from the DEPW in accordance with the procedures herein.
- 4) All vehicles used to haul excavated material shall use the approved haul routes. Vehicles shall not use local residential streets to access arterial or collector streets.

b. 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. For the purpose 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 street.

c. Contents of Application

A haul permit application shall include, but not be limited to, the following:

- 1) the name and address of the applicant and owners of the property;
- 2) the legal description of the property;
- 3) a map showing all haul routes from the excavation site to the nearest major non-residential streets; and
- 4) any other material as required by the Director of Land Development as deemed reasonable and necessary to evaluate the application.

d. Guarantee Required

A guarantee for road maintenance and repair shall be required and shall be released as set forth in [Article 4.D.8.D, Performance Guarantee Requirements](#) , for all affected streets as required herein.

e. 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.

f. 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.

g. 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.

h. Periodic Inspections

Every six 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.

i. 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.

11. Phasing

In the event the excavation activity is conducted in phases, the phasing plan required by [Article 4.D.8.A, Operational Standards and Requirements](#), shall be subject to [Article 2.E, MONITORING, Table 2.E.3.B-1, Time Limitation of Development Order for Each Phase](#), and the requirements in [Article 4.D.8.C, Reclamation Standards](#). All excavation types, except Type IIIA and Type IIIB shall comply with [Article 2.E, MONITORING](#), which limits the project to two 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 III A and Type III B 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 FLU designations, and other pertinent information.

12. 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.

B. Construction Standards

All excavation types shall comply with the following construction standards, unless exempt.

1. Separation

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: Excavation shall not be constructed within:

- a. wellfield Zone 1 or 300 feet from a public water supply well, whichever is more restrictive;
- b. 200 feet from a wetland or in a wetland, unless approved by ERM;
- c. 300 feet from a Class I or Class II Landfill;
- d. 300 feet from a site with known contamination;
- e. 100 feet from a septic system or sanitary hazard;
- f. 100 feet from a potable water well, except for Type I A and Type I B excavations; or
- g. 200 feet from publicly owned conservation areas, publicly owned preservation areas or environmentally sensitive lands, unless approved by ERM.

2. Slopes

a. Slope Angle

Slopes for all excavation types with unplanted littoral zone areas shall be no steeper than four feet horizontal to one foot vertical to a minimum depth of minus two feet OWL. Slopes below the minus two feet depth shall not exceed two feet horizontal to one 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 30 days of final grading and thereafter maintained to prevent wind and water erosion.

b. Slope for Planted Littoral Zones

The slope for excavation with planted littoral zone areas shall be no steeper than ten feet horizontal to one foot vertical to a distance of five 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 30 days following completion of slope construction.

1) Inspection

Within 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.

c. Drainage

Overland sheet flow directly into an excavated area shall be minimized. Those areas within a maximum of 50 feet of the excavated lake 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 an approved plan.

3. 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 reclamation plan.

C. Reclamation Standards

1. General

a. Types of Reclamation

Four types of reclamation standards are defined below. Reclamation standards vary based on the type of excavation activity as set forth in [Article 4.D, EXCAVATION](#).

1) Excavated Area

This area includes the depth of a lake and all slopes waterward of the top of bank, excluding littoral plantings.

2) Littoral Planting

This area includes all plantings waterward from edge of OWL or plus one (+1) OWLs.

3) 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.

4) 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.

2. Excavated Area Reclamation Standard

All slopes shall be reclaimed in accordance with [Article 4.D.8.B, Construction Standards](#), and in [Article 4.D.8.C, Reclamation Standards](#). 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 50 percent coverage shall be required. The depth of the lake and side slopes shall be comply with [Article 4.D.8.B, Construction Standards](#).

3. Littoral Planting Reclamation Standard

All Agricultural (excluding WCAA), Type II and Type III Excavations, excluding ponds, shall comply with the following littoral zone standards. Exempted excavations within the WCAA shall provide a littoral zone if the land use ceases to be agricultural. **[Ord. 2006-004]**

a. Planted Littoral Zones

Planted littoral zones shall be provided which comprise, at a minimum, an area equivalent to eight square feet per linear foot of shoreline. 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. For basins with multiple lakes that are interconnected, littoral zones may be concentrated within one or more lakes so long as the basin as a whole contains the total required littoral area. The planted littoral zone area shall be limited to the area between one foot above OWL and two 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. Requirements for littoral zone planting shall be in addition to any planting for wetland mitigation required by DEP, SFWMD, USACE, ERM or any other agency with wetland jurisdiction. **[Ord. 2005 – 002] [Ord. 2006-004]**

b. 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 square feet of planted littoral zone shall be required. Thus every linear foot of vertical wall shall require 16 square feet of planted littoral zone to be planted.

c. Planting Requirements

The littoral zone shall be provided with a minimum of six 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 species of appropriate native wetland vegetation, with an average spacing of two feet on center or as approved by ERM. The design and species used shall be such that the plants have an anticipated minimal 80 percent coverage. This criterion shall be met from the 180-day 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.

d. 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 48 hours prior to completion of the littoral zone planting.

e. 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.

4. Upland Reclamation Standards

Upland reclamation standards apply to Type II and all Type III excavations only.

a. Reclamation Plan

1) 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 DRO 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 [Article 4.D.8, Technical Standards](#), except for the littoral planting plan which has its own application submittal requirements. However, the reclamation plan submitted to DRO shall indicate the littoral planting areas.

2) Type II Excavation

The certified final site development plan shall function as the standards required for the final development plan.

3) Type II Excavations Exceeding Off-site Removal Limitations

As set forth in [Article 4.D.5.E, Type II Excavation](#), shall be classified as a Type III A Excavation when the applicant proposes to remove more than ten 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.

4) Type III Excavations

The reclamation plan for a Type III excavation shall comply with the upland reclamation standards in this Section.

b. Perimeter Reclamation

At a minimum, 75 percent of the perimeter of the excavated area shall have a width of 180 feet; and the remaining 25 percent shall have a width of 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.

c. 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 this excavation, the next phase of excavation may commence upon written authorization by DRO. The applicable guarantee must be on file prior to authorization for the commencement of excavation on any subsequent phase.

1) 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 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. PZB shall be notified 48 hours prior to completion of the upland plantings.

d. Calculating Planting Requirements

In addition to the buffer requirements in [Article 4.D.5.F, Type III Excavations](#), the following upland planting requirements shall apply.

1) 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 inches or greater to be measured at four and one-half 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 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 feet high. In addition, two understory 18 inch high seedlings shall be planted for each tree required to be planted.

e. Upland Planting Reclamation 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 [Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS](#), and [Article 14.C, VEGETATION PRESERVATION AND PROTECTION](#). A minimum of five 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 80 percent at the end of each monitoring period.

f. Plan Requirements

The upland reclamation planting plan shall be submitted to the DRO simultaneously with the application for the final site plan.

1) 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.

2) 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 ERM.

g. Phased Projects

In the event that upland reclamation is to be conducted in phases, the following additional requirements shall apply:

- 1) A phasing plan shall be submitted indicating:
 - a) exact acreage of each phase;
 - b) proposed duration of excavation and reclamation of each phase; and
 - c) number of trees to be planted.

5. 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 11, 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 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.

D. Performance Guarantee Requirements

1. 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.

2. Guarantees Required

The guarantees for phased projects may be bonded separately with approval by the DRO.

a. 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.

b. Type III

Approval of at least five guarantees shall be required for Type III excavations:

- 1) excavated areas;
- 2) reclaimed upland areas;
- 3) upland planting areas;
- 4) littoral zones; and,
- 5) road maintenance and repair when a haul permit is required in accordance with [Article 4.D.8.A, Operational Standards and Requirements](#).

3. 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.

4. 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:

- a. A cash deposit or certificate of deposit assigned to PBC;
- b. An escrow agreement for the benefit of PBC;
- c. 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 a 60 day written advance notice and acceptance of cancellation by ERM, PZB or Land Development Division, as applicable;
- d. An unencumbered, clean, irrevocable letter of credit which must be executed on a form provided by PBC; or
 - e. 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.
- 5. Amount of Guarantee**
- a. 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.
 - b. Excavated Area**
Guarantee shall be a minimum of 1,000 dollars per acre of permitted excavation area.
 - c. Littoral Zones**
The guarantee shall be a minimum of 10,000 dollars and shall be an amount of no less than 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.
 - d. Reclaimed Upland and Upland Planting Areas**
Guarantee shall be a minimum of 10,000 dollars and shall be an amount of no less than 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.
 - e. 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 50,000 dollars per mile of affected streets within the radius of impact.
- 6. 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.
- a. Reclaimed Upland Area and Upland Planting Areas**
Guarantees for the reclaimed upland area and upland planting areas shall be submitted with the DRO application and approved prior to DRO certification of the final excavation plan.
 - b. 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.
 - c. 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.
- 7. Duration and Release**
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.
- a. Excavated Areas for Type III Excavations**
At the request of the applicant, the guarantees shall be released by ERM, after DRO certification of the final as-built reclamation plan, in accordance with [Article 4.D.5.F.6, Use Approval](#).
 - b. Upland Reclamation Area**
At the request of the applicant, the guarantees shall be released by PZB, after DRO certification of the final as-built reclamation plan, in accordance with [Article 4.D.8.C.5, Area of Record](#).
 - c. Littoral and Upland Planting Reclamation Areas**
The guarantees shall remain in effect a minimum of 730 days (two 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 [Article 4.D.8.D, Performance Guarantee Requirements](#) . 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.
 - d. 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.

8. PBC Use of Guarantee

Should PBC find it necessary to use the performance guarantee for corrective work or to fulfill the applicant's 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.

E. Maintenance and Monitoring

The following maintenance and monitoring program is required for all planted littoral zones and reclaimed planted upland areas.

1. Excavation Activity

The applicant shall submit an annual report to the DRO indicating the status of the excavation activity. The report shall include, but not be limited to, the status of:

- a. the current phase(s) of excavation;
- b. all phases of excavation and reclamation activities (including date(s) of completion and anticipated dates of completion);
- c. amount of material extracted and amount of material removed from the site;
- d. condition of perimeter buffers and landscaping; and
- e. status of compliance with conditions of approval and applicable requirements in this Section.

2. 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 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:

a. Maintenance

Inspections, monitoring, exotic plant species removal and replanting during each monitoring period shall be required to maintain the minimum:

- 1) 80 percent coverage criterion for the planted littoral zone from the 180 day monitoring period; and,
- 2) 80 percent survivorship for the planted upland area from the 180 day monitoring period;

b. Exotic Plant Species

Complete removal of the following plant species from the planted littoral zone and upland areas, as applicable:

- 1) prohibited and invasive non-native plant species as defined by [Article 14.C, VEGETATION PRESERVATION AND PROTECTION](#); and
- 2) invasive species, such as cattails, primrose willows and water hyacinth.

c. 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."

d. 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, 90 day, 180 day and 360 day reports.

The time zero monitoring report shall be submitted within 30 days of the initial planting. Each subsequent report shall be submitted within 30 days of the completion of the monitoring period. If following the first year of the maintenance and monitoring period, PBC 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 PBC to extend their maintenance and monitoring period, until compliance with the maintenance and monitoring requirements is met.

e. 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 80 percent survivorship/coverage criteria, if such plantings were necessary.

3. 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.

- a. The reclaimed upland areas shall maintain a minimum survivorship of 80 percent, and the planted littoral zone shall maintain a minimum coverage of 80 percent.
- b. Exotic and invasive non-native plant species as defined by [Article 14.C, VEGETATION PRESERVATION AND PROTECTION](#), such as cattails, primrose willows and water hyacinth, shall be restricted to a coverage of less than ten percent of the required planted littoral zone. No exotic or invasive non-native plant species shall be permitted in the upland areas.

4. Repair, Reconstruction Modification

DRO 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.

Section 9 Administration and Enforcement

A. Administrative Waiver from Construction Criteria for Agricultural, WCAA, Type II and Type III Excavations

1. Authority and Criteria

Administrative waivers from the slope, depth, or littoral zone standards contained in [Article 4.D.8, Technical Standards](#), 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:

- a. 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;
- b. That appropriate technology and methods will be used to ensure consistency with the intent of the Code; or
- c. The proposed administrative waiver will not be adverse to the general intent and purpose of this Section.

2. Limitations

No administrative waiver shall be approved for those separation items in [Article 4.D.8.B, Construction Standards](#), 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 percent; nor within 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.

3. 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.

- a. Upon receipt of a request to deviate from the Construction Criteria, ERM shall have 30 days to request any additional information.
- b. Within 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.

- c. 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.
- d. If an applicant fails to respond to a request for the fee or any additional information within 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.

B. Violations, Enforcement, and Penalties

1. Violations

For each day or portion thereof, it shall be a violation of this Section to:

- a. fail to comply with a requirement of this Section, a condition of an approval or an authorized exemption granted hereunder;
- b. 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;
- c. alter or destroy the approved depths, slopes, contours, or cross-sections;
- d. 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;
- e. dredge, excavate, or mine the lake or littoral zones without prior receipt of approval(s) from ERM and/or PZB;
- f. cause water quality violations in excess of the standards contained in [F.A.C. Chapter 62-302](#); or
- g. dewater in Type 1(A) Type 1(B); and Agricultural excavations unless otherwise permitted by a State agency, Federal agency, the SFWMD, or the dewatering operation is in compliance with the conditions of F.A.C. 40E-20.302(3). **[Ord. 2005 – 002]**

C. Enforcement

Violation of each subsection of this Section, any conditions of approval, or any of those violations listed in Art. 4.D.9.B.1, Violations, Enforcement and Penalties, above, shall be deemed a separate violation and may be subject to fines up to 1,000 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 DRO 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: **[Ord. 2005 – 002]**

- 1. 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.
- 2. This Section shall be enforced through the remedies as outlined in [Article 10, ENFORCEMENT](#). However, PBC is not prevented from enforcing the provisions of this Section by any other measures allowable by law, including but not limited to, [F.S. Chapters 125 and 162](#), as may be amended.
- 3. 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 [Article 2.E, MONITORING](#), and [Article 10, ENFORCEMENT](#).

D. 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.

E. Additional Remedies

In addition to the sanctions contained herein, PBC 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.

F. 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.

G. Appeals

An applicant may appeal a final determination made by:

1. Director of ERM

Appeal shall be made to the Environmental Ordinance Appeals Board (EOAB) pursuant to this Section. The applicant shall comply with the following appeal procedures.

a. Submittal

An appeal must be made within 20 days of the applicant's receipt of the final action.

b. Hearing

Each hearing shall be held within 60 days of submittal of all documents which the EOAB deems necessary to evaluate the appeal. At the conclusion of the hearing, the EOAB 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 days after the hearing. Written order of the EOAB shall be final.

2. Director of Zoning or Director of Land Development

Appeal shall be made to the appropriate appeals board as provided in [Article 2.D.1, Development Review Officer](#) or [Article 2.B.3, Variances](#), as applicable.

3. Judicial Relief

An applicant or ERM may appeal a final written order of the EOAB within 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.

Amendment History:

[Ord. 2003-067; January 1, 2004] [Ord. 2004-051; November 24, 2004] [Ord. 2004-054; November 24, 2004] [Ord. 2005-002; February 2, 2005] [Ord. 2005-041; September 1, 2005] [Ord. 2006-004; March 1, 2006] [Ord. 2006-036; August 29, 2006]