

ARTICLE 5

SUPPLEMENTARY STANDARDS

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ARTICLE 5

SUPPLEMENTARY STANDARDS

CHAPTER A GENERAL

Section 1 Purpose and Intent

The purpose and intent of this Article is to establish minimum standards for accessory and temporary uses, design standards, parks and recreation, performance standards, legal documents, and density bonus programs.

Section 2 Definitions

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

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

1. General

The following standards in this Section shall apply to all development in standard PDD or TDD zoning districts, unless otherwise stated:

a. Standards

An accessory use or structure shall be subject to the same regulations that apply to the principal use or structure, except as otherwise stated.

b. Location

All accessory uses, buildings and structures except for approved off-site parking, shall be located on the same lot as the principal use. No accessory structure shall be located in the front or side street yard.

c. Floor Area

1) Nonresidential Districts

Accessory uses and structures shall not exceed 30 percent of the GFA and or business receipts of the principal use or uses, whichever is more restrictive.

2) Residential Districts

Accessory uses and structures in the U/S Tier shall not exceed the square footage of the principal use.

d. Setbacks, Accessory Structure

1) Residential Districts, Except AR

Accessory structures may be setback a distance of five feet from the side and rear property lines provided it is not located in an established easement or required landscape buffer.

a) Townhouse

Accessory structures shall meet the setback and separation requirements in [Table 3.D.2.A-6](#), Townhouse Regulations. No detached accessory building or structure other than permitted fences or walls shall be permitted on any lot less than 30 feet in width.

b) ZLL

Accessory structures shall meet the setback requirements of [Table 3.D.2.A-6](#), Townhouse Regulations.

c) Exceptions

(1) All structures used as dwellings, such as guest cottages, grooms quarters, and accessory dwellings, shall meet the minimum setback in [Table 3.D.1.A-5](#), Property Development Regulations.

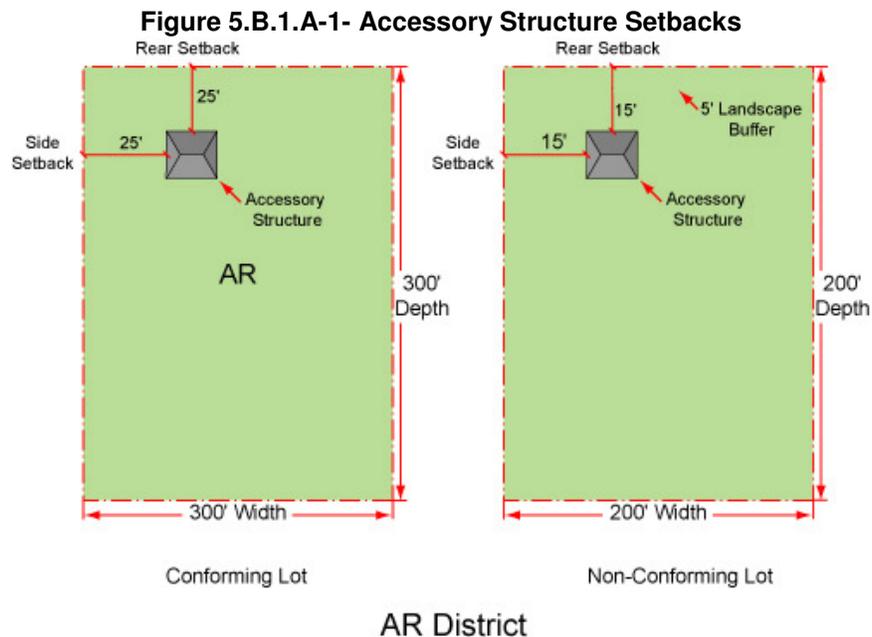
(2) All structures over ten feet in height shall meet the minimum setbacks in [Table 3.D.1.A-5](#), Property Development Regulations.

(3) Encroachment into easements shall be in accordance with [Article 5.F.2.A, Easement Encroachment](#).

2) AR District

a) Conforming Lot Dimensions

Accessory structures may be setback a distance of 25 feet from the side and rear property lines on lots with conforming width and depth lot dimensions.



b) Nonconforming Lot Dimensions

Accessory structures on lots with nonconforming width and depth may be setback a distance of 15 feet from the side and rear property lines.

c) Accessory Structure

Must be five feet from all established easements and may not be located within the required landscape buffer or within the required front or side street setback.

3) Nonresidential Districts

Accessory structures shall meet the setback requirements in [Table 3.D.1.A-5](#), Property Development Regulations.

4) Dimensions

In the U/S Tier, an accessory structure in a residential district shall not occupy more than 25 percent of the distance between property lines.

2. Fences, Walls and Hedges

a. Height

The height of a fence or wall shall be measured in accordance with [Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS](#). Hedges may be planted and maintained along or adjacent to a lot line to a height not exceeding eight feet in the required side (to the required front setback) and rear yards and not exceeding a height of four feet in the required front yards. The height shall be measured adjacent to the hedge from the lowest grade on either side of the hedge.

b. Appearance

The exterior surface of a wall shall be finished with paint, stucco, or other commonly accepted material, and continuously maintained in its original appearance.

c. Dangerous Materials

1) Fences or walls in, or adjacent to, a residential district, shall not be electrified or contain any substance such as broken glass, spikes, nails, or razors designed to inflict discomfort, pain or injury to a person or animal, except as allowed below.

2) Barbed Wire

The use of barbed wire shall be limited as follows: **[Ord. 2005 – 002]**

a) In the AP or AGR districts with any bona fide agricultural use; **[Ord. 2005 – 002]**

b) In the AR district with any bona fide agricultural use, other than nurseries, provided it is setback a minimum of 25 feet from any property line; **[Ord. 2005 – 002]**

c) In nonresidential districts, barbed wire shall not be permitted within the required setback, and shall not be visible from any residential district or road R-O-W, except as follows: **[Ord. 2005 – 002]**

(1) Properties with a Conservation FLU designation, for the purposes of protecting publicly owned natural areas, if limited to the top portion of a fence; and, **[Ord. 2005 – 002]**

(2) In conjunction with a wastewater or water treatment plant, if limited to the top portion of a fence, and located behind any required perimeter buffer hedges and shrubs. **[Ord. 2005 – 002]**

d. Sight Distance

Walls and fences shall comply with [Article 11.E.9.E, Minimum Safe Sight Distance and Corner Clips at Intersection](#).

e. Residential Districts

The maximum height for a fence or wall on or adjacent to a lot line or in a landscape buffer shall be as follows:

1) Within required front setback:

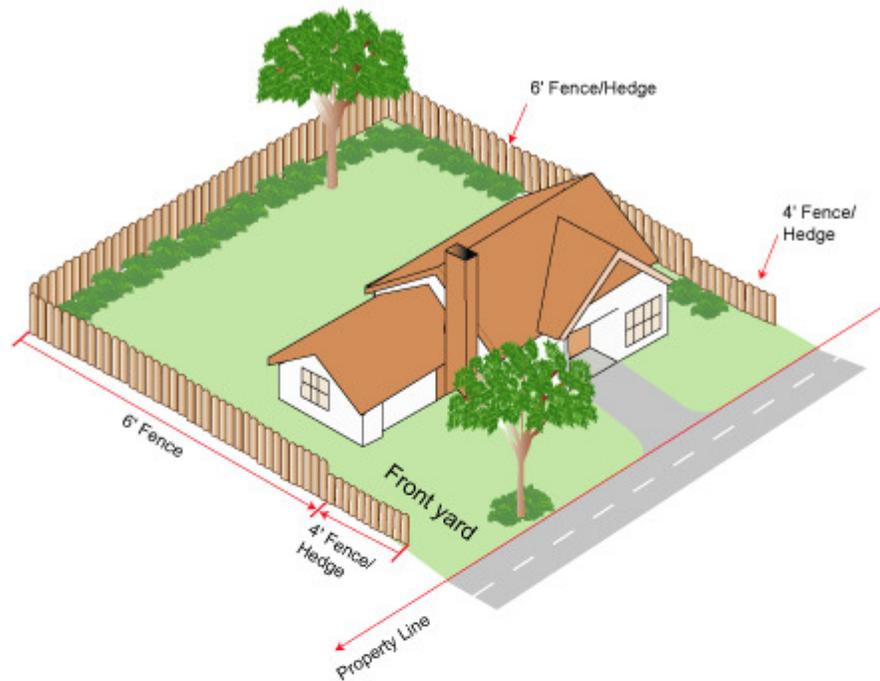
a) four feet, or **[Ord. 2005-041]**

b) six feet for property owned by PBC for preservation or conservation purposes. **[Ord. 2005-041]**

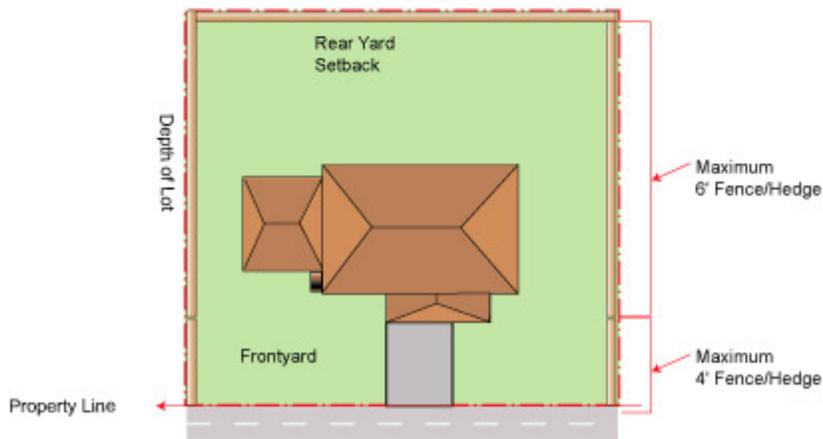
2) Within required side, side street, and rear setback: six feet.

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Figure 5.B.1.A-2- Fence & Wall Height
RESIDENTIAL DISTRICT



PLAN VIEW



[Ord. 2005-041]

f. Nonresidential Districts

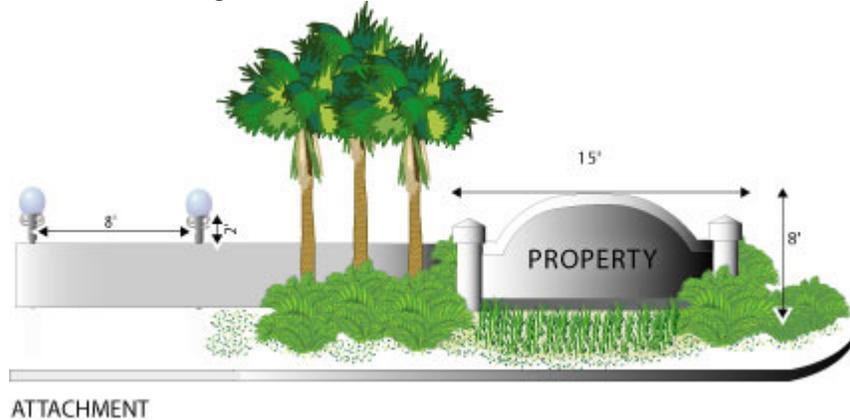
The maximum height for a fence or wall on or adjacent to a lot line or in a landscape buffer shall be as follows:

- 1) Within the required front setback: six feet.
- 2) Within the required side, side street, and rear setback: eight feet.

g. Attachments

Gates, gateposts, decorative features, and lights attached to a fence or wall in the front setback shall not exceed three feet in any horizontal distance or two feet in height above the fence or wall. Decorative features and lights shall be spaced a minimum of eight feet apart.

Figure 5.B.1.A-3 - Attachments to Walls



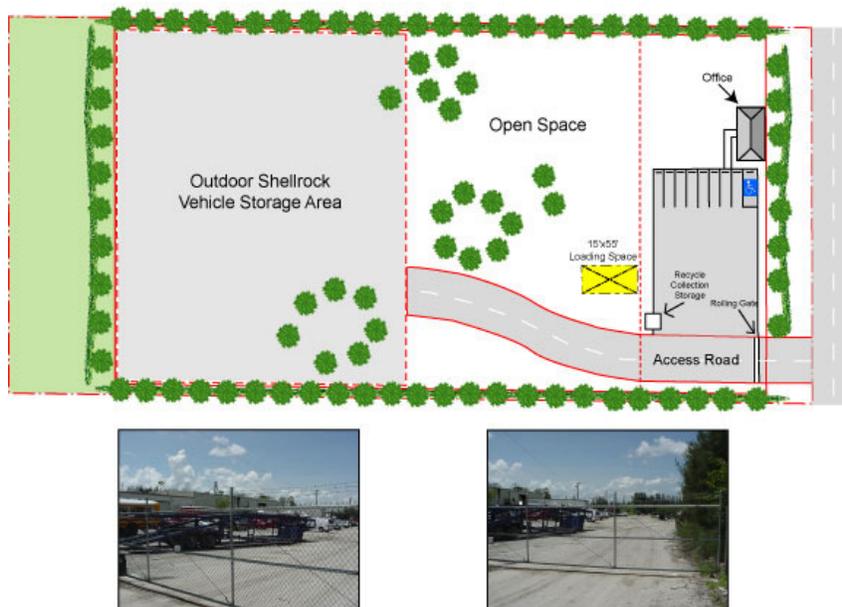
h. Exceptions

- 1) Fences and walls up to eight feet in height shall be permitted within a street buffer adjacent to a golf course.
- 2) Fences around tennis courts may exceed six feet in height, subject to the setback requirements in [Table 5.B.1.A-2, Tennis Court Setbacks](#).
- 3) The ZC and BCC may require increased heights in order to ensure adequate screening and buffering between incompatible uses.

3. Outdoor Storage

Outdoor storage of merchandise, inventory, equipment, refuse, or similar material in all nonresidential districts shall be subject to the following standards.

Figure 5.B.1.A-4 - Outdoor Storage



a. General

Outdoor storage may only be allowed when incidental to the use located on the premises.

b. Location

Outdoor storage areas shall not be located in any of the required setbacks.

c. Nonresidential Districts, Except Industrial

Outdoor storage areas shall be completely screened from view by landscaping, fences, walls, or buildings.

d. Industrial Districts

Outdoor storage areas shall be completely screened from view from all streets and adjacent residential districts by landscaping, fences, walls, or buildings up to a height of 12 feet.

e. Exceptions

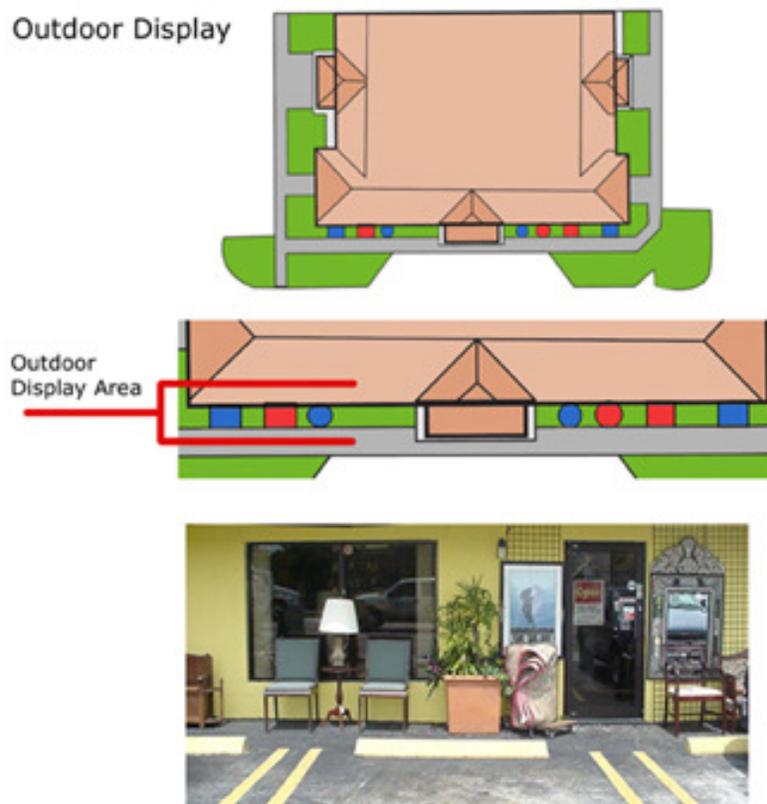
The following uses or material are exempt from this Section:

- 1) Storage and sales of landscape plant material.
- 2) Storage of material used for road construction on a lot directly adjacent to the roadway under construction.
- 3) Uses which allow outdoor storage by definition or in another Section.

4. Outdoor Display

- a. Merchandise must be mobile and stored indoors overnight daily.
- b. Merchandise must be accessory to a principal use located on the same property.
- c. Merchandise shall not be located in any required setback, parking space, loading space, loading area, vehicular use area, fire lane, landscape buffer, or required sidewalk, ADA accessibility route, or drainage easements.

Figure 5.B.1.A-5 - Outdoor Display



5. Docks

a. Accessory Docks

Accessory docks located on the same lot as a residence shall meet a five foot setback from the side property lines. Accessory docks not located on the same lot as a residence shall comply with the following setbacks:

1) Dock in Publicly Owned Waterway

A minimum five-foot side setback measured from the extension of the property lines into the waterway. The property lines shall be extended into the waterway in the same direction and bearing as the side lot lines.

2) Dock in Publicly Owned Waterway

The setback shall be determined by the Person asserting ownership in interest or jurisdiction over the waterway. Signed consent by this Person must be in place prior to permit being issued. Owner sign off and consent shall be required. The dock shall be located directly adjacent to, and abutting, the lot on which the residence is located.

6. Entry Features

Unless exempt in [Art. 3.D.1.D.5, Setback Exceptions](#), entry features shall comply with Table 5.B.1.A-1, Entry Feature Setbacks. Setbacks may be taken from the edge of the pavement for access ways internal to a PDD. [Ord. 2005 – 002]

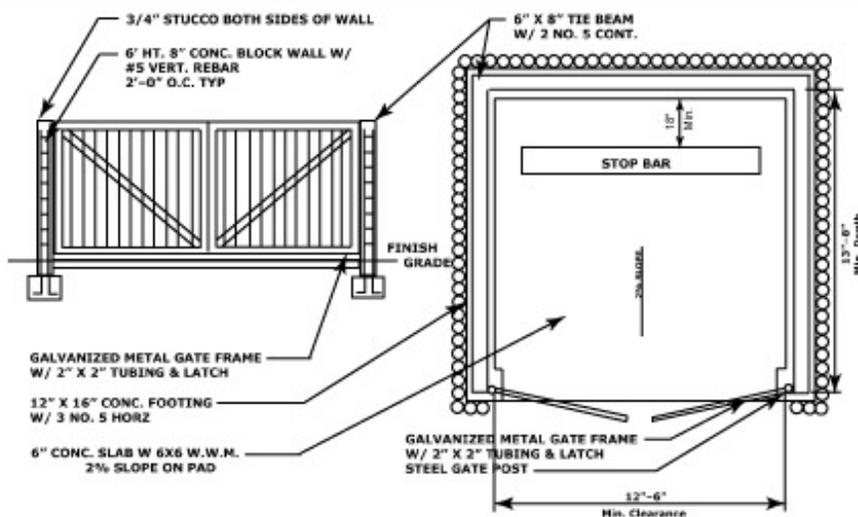
Table 5.B.1.A-1 – Entry Feature Setbacks

Front	25 feet
Side, Street and Rear	15 feet

7. Fuel, Gas, or Chemical Storage Tanks

Above ground accessory fuel, gas, or chemical storage tanks, shall be setback a minimum of 20 feet and shall be completely screened from view by a continuous solid opaque hedge a minimum of four feet in height around the perimeter of the tank enclosure.

Figure 5.B.1.A-6 - Typical Dumpster Layout



8. Dumpsters

Each use shall provide a method for the removal of refuse when individual collection, from a licensed solid waste hauler is not provided. All outdoor receptacles for the storage and disposal of refuse, vegetation, and recyclable material, such as dumpsters, trash compactors, and recycling containers, shall meet the following standards:

a. Storage Area

A minimum of one refuse container and one recycling container shall be provided per multi-family project with 16 units or more and each nonresidential project. All refuse containers shall be stored in a storage area. Storage areas shall have a minimum dimension of ten feet by ten feet.

b. Location

Containers shall be located to minimize turning and back up movements by pick-up and removal vehicles.

c. Setback

Containers shall be setback a minimum of 25 feet from adjacent residential districts and uses.

d. Screening

Containers shall be screened from view by a solid opaque enclosure. The open end of the enclosure shall have an opaque gate which provides a minimum of ten feet of clearance when open for service. All exposed exterior sides of the enclosure, other than the open end, shall be landscaped with one 36-inch high shrub planted 24 inches on center.

e. Retrofitting of Existing Developments

The retrofitting of existing developments to comply with the standards of this Section is permitted at a ratio of deletion of one parking space for each outdoor receptacle, not to exceed ten percent of the total required parking spaces.

9. Recreation Facility

Recreation facilities shall be subject to the following standards:

a. Common Area

- 1) Setbacks from residential uses shall be a minimum of 50 feet from any residential property line. **[Ord. 2006-004]**
- 2) Swimming pools and spas shall be setback in accordance with [Table 5.B.1.A-3, Pool/Spa Setbacks](#).
- 3) Golf course structures and clubhouses shall be setback in accordance with [Table 3.E.2.D-16, PUD Property Development Regulations](#).
- 4) If deemed necessary to ensure compatibility with surrounding uses, the DRO shall require an incompatibility buffer in accordance with [Art.7.F.9, Incompatibility Buffer](#).

b. Residential Lot

- 1) The following setbacks shall apply to tennis courts:

Table 5.B.1.A-2 – Tennis Court Setbacks

Front	25 feet
Side	7.5 feet
Side Street	15 feet
Rear	7.5 feet

10. Swimming Pools and Spas

a. Principal and Accessory Use

1) Principal Use

Any swimming pool or spa owned and operated as a commercial enterprise or in combination with other commercial recreation uses on the same property shall be considered a principal use subject to the PDRs of the applicable district.

2) Accessory Use

Any swimming pool or spa operated by a non-profit assembly, social, civic organization, homeowners association (HOA), or resident of a dwelling unit shall be considered an accessory use. The accessory use shall be located on the same lot as the principal use except if operated by a residential HOA. If operated by a HOA, the accessory use shall be located within the boundaries of the development.

b. Setbacks for Pools or Spas

1) Setbacks

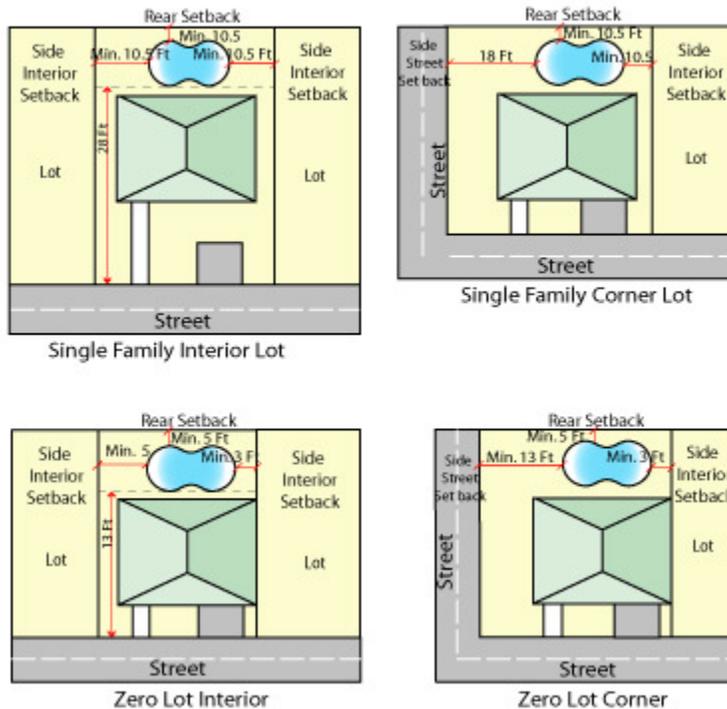
The following setbacks shall apply to pool and spas, and shall be measured to the water's edge:

Table 5.B.1.A-3 - Pool/Spa Setbacks

Setbacks	Front	Side	Side Street	Rear
Single family	28 feet	10.5 feet	18 feet	10.5 feet
ZLL	13 feet	ZLL: 3 feet Non-ZLL: 5 feet	13 feet	5 feet
Townhouse	Parking Tract: 13 feet Street: 28 feet	3 feet	18 feet	5 feet
Multi-Family	28 feet	18 feet	28 feet	15 feet
Recreation Facility less than 1 acre	25 foot setback or separation to the nearest residential lot line			
Recreation Facility 1 acre or more	50 foot setback or separation to the nearest residential lot line			

Figure 5.B.1.A-7 - Pool Setbacks

Examples of Pool Setbacks



2) Exceptions

a) Single Family Design Clusters

Single family design clusters are a type of single-family dwellings no longer permitted. Swimming pools and spas for projects with previously approved single-family design clusters shall comply with the setbacks indicated on the PBC site plan. If setbacks are not indicated on site plan, setbacks for ZLL homes shall be applied.

b) Single Family and ZLL Homes

Swimming pools or spas may be constructed with a three-foot rear or side interior setback if adjacent to open space 50 feet in width or greater.

c) Recreation Facilities

Swimming pools or spas may be constructed with a ten-foot rear or side interior setback if adjacent to permanent open space 50 feet in width or greater.

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Figure 5.B.1.A-8 - Typical Recreational Facilities



c. Building Coverage

Swimming pools and spas shall not be included in the building coverage calculation unless enclosed within a building or a screen enclosure with a solid roof.

d. Fencing, Screening, and Access

Swimming pools and spas shall be enclosed by a safety barrier, wall, fence, or other structure in accordance with the 2001 Florida Building Code, as amended. **[Ord. 2005 – 002]**

e. Common Area

The construction of private swimming pools and spas for individual dwelling units within a common area is prohibited, unless the swimming pools and spas were legally constructed prior to April 21, 1995. If 30 percent of the existing dwelling units in a pod or subdivision have existing legally constructed swimming pools or spas in the common area, the remaining dwelling units within the same pod or subdivision may construct a swimming pool or spa as shown on the final subdivision plan or final site plan. If the final subdivision plan or final site plan does not graphically depict the placement of swimming pools or spas in common area, application shall be made to DRO to amend the final subdivision plan or final site plan to depict the placement of the swimming pool or spa if in compliance with the following criteria:

1) Legally Permitted

The applicant demonstrates that existing swimming pools and spas were legally permitted and constructed in common areas;

2) Joint Applicant

The HOA must be a joint applicant on the building permit application;

3) Setbacks

The swimming pool or spa must comply with all setback requirements measured from the outer boundary of the common area or have a 15-foot separation from primary structures, whichever is greater;

4) Perimeter Landscape Area

Accessory structures and improvements shall not be permitted in a required perimeter landscape area;

5) Open Space

The entire development must continue to meet open space requirements;

6) Documents

The homeowners' documents shall be amended to include provisions that allow private use of the common area upon association approval; and

7) Prohibitions

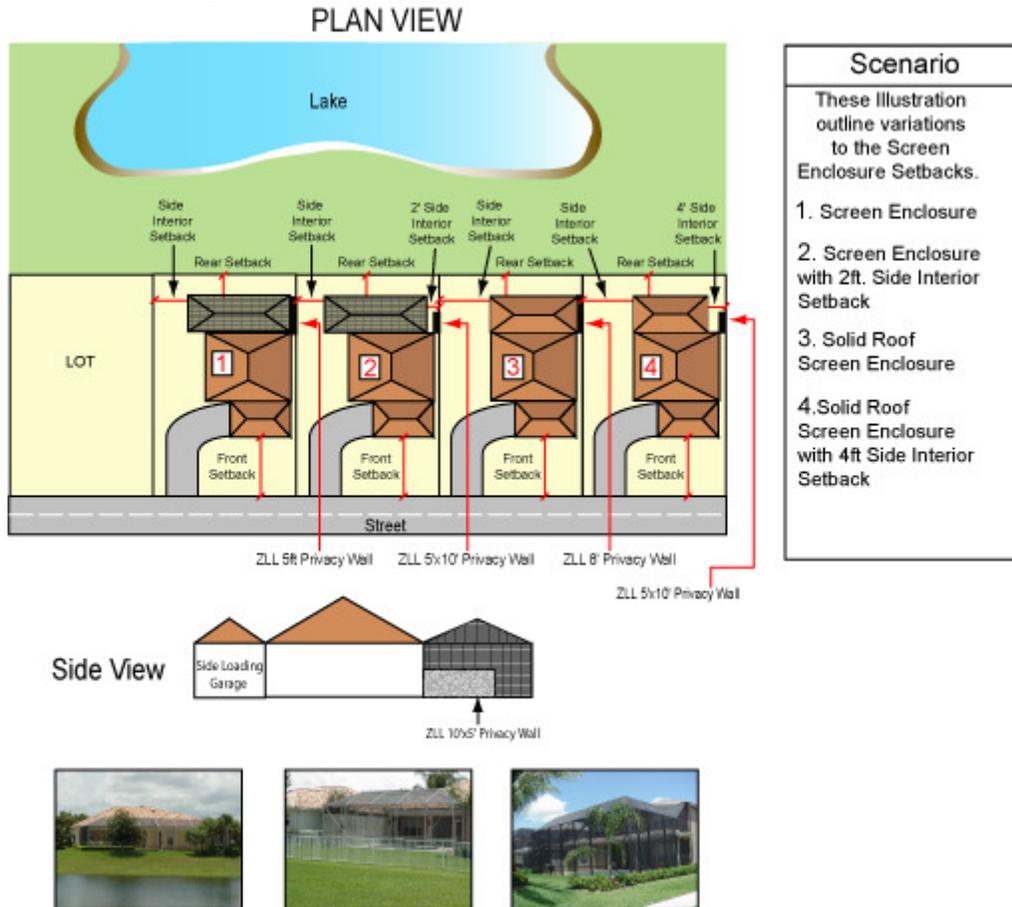
Swimming pools or spas shall not be permitted in a common area that is designed as a water management tract.

11. Screen Enclosures

a. General

Screen enclosures may be covered with a screened or solid roof, as follows:

Figure 5.B.1.A-9 - Typical Screen Enclosure Setbacks



b. Setbacks for Screen Enclosures with Screened Roofs

Setbacks for screen enclosures with screen roofs shall be measured as specified in the table below:

This space intentionally left blank.

Table 5.B.1.A-4 - Screen Enclosure Setbacks

Setback	Front	Side Interior	Side Street	Rear
Single family	25 feet	7.5 feet	15 feet	7.5 feet
Multi-family	25 feet	15 feet	25 feet	12 feet
ZLL				
Interior lot	Parking Tract: 10 feet R-O-W: 25 feet	Non ZLL: 2 feet ZLL: 0 feet	N/A	2 feet
Corner lot		0 feet	10 feet	
Side street home		2 feet	10 feet	
Townhouse	Front (Setback)	Side (Setback/ Separation)	Side Street (Setback)	Rear (Setback/Separation)
Property line	Parking Tract: 10 feet R-O-W: 25 feet	0 feet	Property line: 3 feet Street - 15 feet	0 feet
From Inside edge of landscape buffer or PUD-or tract boundary		15 feet	15 feet	15 feet
Separation between groups		25 feet	15 feet	N/A
Recreation Parcels	Front	Side	Side Street	Rear
Property Line	25 feet	20 feet	20 feet	20 feet

1) Exceptions

a) Single Family Design Clusters

Single-family design clusters are a type of single-family dwelling no longer permitted. Screen enclosures with screen roofs for projects with previously approved single-family design clusters shall comply with the setback indicated on the approved site plan. If setbacks are not indicated on an approved plan, setbacks for ZLL homes shall be applied.

b) Single Family and ZLL Homes

Screen enclosures with a screen roof may be constructed with zero foot rear or side setbacks if adjacent to dedicated open space 50 feet in width or greater in accordance with the setback reductions of [Article 3.D, PROPERTY DEVELOPMENT REGULATIONS \(PDRS\)](#).

c) Recreation Facilities

Screen enclosures may be constructed with a minimum of seven foot rear or side setback if adjacent to dedicated open space 50 feet in width or greater.

2) Townhouses

a) Setbacks are required to be in compliance with the townhouse standards of [Article 3.D.2.A, Townhouse](#);

b) Screen enclosure shall maintain a minimum separation between other screen enclosures or the principal structure of townhouse groups, as specified in [Table 5.B.1.A-4, Screen Enclosed Setbacks](#);

c) Separations between two townhouse groups shall be measured by drawing a centerline between the two adjacent groups and measuring a minimum distance of equal to one-half of the required separation from the centerline between structures to ensure an equidistant separation; and

d) Screen enclosures for townhouses may cover 100 percent of the total lot area provided minimum separations between townhouse groups are met.

3) ZLL Developments

A minimum five-foot high opaque privacy fence or wall shall be provided on the zero side of ZLL extending from the rear of the structure to the rear corner of the screen enclosure. The screen enclosure may be attached to the fence or wall. The wall shall be constructed of materials consistent with [Article 3.D.2.C.8.e, Privacy Walls or Fences](#). A screen enclosure which is not attached to the privacy wall shall be setback a minimum of two feet from the ZLL side.

- 4) **Building Coverage**
Screen enclosures with screen roofs shall not be included in the building coverage calculation.
- 5) **Maximum Allowable Size**
Screen enclosures shall be permitted to cover a maximum of 30 percent of the total lot area, except for townhouses.
- 6) **Height**
The height of the screen enclosure shall not exceed the height of the home to which it is attached.
- 7) **Screen Enclosures Within Common Areas of a Residential Development**
See procedures under [Article 5.B.1.A.10.e, Common Area](#).
- c. **Screen Enclosures with Solid Roofs**
 - 1) **Setbacks**
Screen enclosures with a solid roof shall meet the minimum setbacks of the principal use of the lot.
 - 2) **Special Townhouse Provisions**
If the roof of the enclosure is solid, there shall be a minimum eight-foot high wall on the shared lot line extending from the dwelling to the rear corner of the portion of the enclosure that is roofed. The wall shall be fire-rated in accordance with applicable Building Codes. The screen enclosure may be attached to the masonry wall.
 - 3) **Height**
The height of the screen enclosure with a solid roof shall not exceed the height of the dwelling unit to which it is attached.
 - 4) **Screen Enclosures with Solid Roofs Within Common Areas of Residential Developments**
See procedures under [Article 5.B.1.A.10.e, Common Area](#).
 - 5) **ZLL Setback**
A screen enclosure which is not attached to the privacy wall shall be setback a minimum of four feet from the ZLL side.

12. Accessory Radio Tower

A radio tower for noncommercial electronic communication purposes may be permitted as an accessory structure to civic, institutional, recreational, and agricultural uses subject to the following standards:

- a. **Height**
The radio tower shall not exceed 100 feet in height from ground level; and
- b. **Setbacks**
An accessory radio tower shall be setback a distance equal to the height of the tower. The radio tower shall be located in such a manner that it will not fall on any power line.

13. Amateur Radio and Television Antennas

- a. **Purpose and Intent**
The purpose and intent of this Section is to provide for the safe and effective installation and operation of amateur radio, citizens band radio, and television antenna support structures, and the beam, satellite, or other antennas installed on those support structures. It is also the purpose and intent of this Section to provide for a reasonable accommodation of amateur radio communications, in accordance with [Parts 95 and 97 of Chapter 1 of Title 47 of the Code of Federal Regulations](#), while reflecting PBC's legitimate interest of protecting and promoting the health, safety, welfare, neighborhood aesthetics, and morals of its citizens.
- b. **Applicability**
All amateur and citizens band radio and television transmission and receiving antennas, including satellite dish antennas, shall be governed by the standards of this Section.
- c. **Antennas and Antenna Support Structures**
All antenna support structures and the beam, satellite, or other antenna installed on those antenna support structures, shall be considered accessory uses, allowed only in conjunction with a single family dwelling, and shall comply with this Section and [Article 16, AIRPORT REGULATIONS](#).
- d. **Use Approval**
 - 1) **Existing Uses**

All antenna support structures and the beam, satellite, or other antennas installed on these support structures which have been constructed, installed, and are operational as of February 1, 1990, shall be considered legal, nonconforming uses which are vested.

2) New Uses

Antenna support structures and their antennas shall be permitted as accessory uses to residential uses and be reviewed and approved as provided below:

a) All Lots

A maximum of two antenna support structures and their antennas, 40 feet or less in height, shall be permitted on any lot. Two additional antenna support structures and their antennas shall be allowed, one to a maximum of 75 feet in height, and the second to a maximum of 100 feet in height. Additional support structures or structures that exceed these height limitations shall require a Class B conditional use approval.

b) Permits

All applicable permits shall be obtained.

e. Standards

1) Base Size

The base dimension for each antenna support structure shall be limited to a maximum five feet in overall width at grade. The foundation for each antenna support structure shall be no more than one foot above grade.

2) Setbacks

a) Antenna Support Structure

(1) Location

Antenna support structures shall not be located in the front setback.

(2) Lots Less than One Acre

Antenna support structures shall be located to comply with the district setback standards or a minimum of 25 feet, as measured from the center of the support structure, whichever is greater.

(3) Lots on One Acre or More

Antenna support structures shall be located to comply with the greater of the following:

- (a) The minimum district setback standards as measured from the center of the support structure;
- (b) 25 foot setback for support structures and their antennas less than 75 feet in height; or
- (c) A setback of 50 percent of the height of the support structure and its antenna equal to or greater than 75 feet in height.

(4) All Lots

Antenna support structures shall be located on the property so as to provide adequate setbacks from above-ground utility power lines other than applicant's service lines as follows:

- (a) Setback a minimum distance equal to 50 percent of the height as calculated from grade to the highest point of the antenna support structure and its antenna; or
- (b) The owner shall submit a break point calculation certified by a professional engineer, or the owner shall submit the manufacturer's specifications that demonstrate a clear fall radius.

f. Antennas

In addition to complying with the setback standards, beam array, satellite, or other antennas shall be mounted so as to provide for removal at approach of hurricanes, if necessary, or provide for the lowering of such beam. The antenna or any element thereof shall be set back a minimum of ten feet from all R-O-Ws, easements, or property under different ownership.

g. Anchors

All peripheral anchors shall be located entirely within the boundaries of the property. If said supports and anchors are closer than five feet to property under different ownership, and if such support or anchor extends greater than three feet above the ground, it shall be effectively screened against direct view from abutting properties and shall extend no greater than six feet above ground.

14. Satellite Dish Antennas

a. Applicability

All satellite dish antennas shall be governed by the standards of this Section unless exempted below or regulated as part of an amateur radio antenna.

1) Exemptions

a) Residential Uses

Satellite dish antennas 40 inches or less in diameter shall be exempt from these requirements.

b) Non-Residential Uses

Satellite dish antennas under 80 inches in diameter shall be exempt from these requirements.

b. Standards

1) Residential Uses

a) Number

A maximum of one satellite dish antenna over 40 inches in diameter shall be allowed on a residential lot.

b) Location and Setbacks

Satellite dish antennas shall be mounted on the wall, ground, or a support structure in the side or rear yard and shall not be located on a wall facing the front property line or within an easement.

(1) Setbacks

Satellite dish antennas shall meet setback requirements of the district as measured from the outermost point of the dish on the side closest to the applicable setback or property line.

c) Screening

Satellite dish antennas, if located in the side or rear yard, shall be screened by an opaque fence or hedge.

d) Height

Satellite dish antennas shall not exceed the height limitations of the district.

2) Non-residential Uses

a) Number

No limitation.

b) Location and Setbacks

Satellite dish antennas shall be wall, roof, or ground mounted, and shall not be located in the front or side corner yard.

(1) Setbacks

Satellite dish antennas shall meet setback requirements of the district as measured from the outermost point of the dish on the side closest to the applicable setback or property line.

c) Screening

Satellite dish antennas shall be completely screened from adjacent residential districts by an opaque wall (including parapet walls), fence, or hedge, or combination thereof, pursuant to [Article 5.B.1.A.2, Fences, Walls and Hedges](#).

15. Seaplanes

a. Location

If the seaplane facility use is limited to the adjacent property owners who jointly own and maintain the aircraft facility, it may be located in a residential district and not be of a commercial nature, provided that the facility is not within 400 feet of a residential use. If the facility is a commercial venture, it shall not be located within 1,000 feet of a residential district.

b. Minimum Land Area

The minimum required land area for any type of seaplane operation shall be two acres.

c. Water Area

All seaplane operations shall comply with the following minimum standards for water landing area:

Table 5.B.1.A-5 - Seaplane Landing Area Standards

Length	3,500 feet
Width	300 feet
Depth	4 feet

d. Airport Approach

No seaplane operation shall be considered unless the airport approach to the water landing area is at a slope of 40:1 or flatter for a distance of at least two miles from both ends of the water landing area and is clear of any building structure or portion thereof that extends through and above the airport approach plane.

e. Setbacks

All buildings, structures, and aircraft parked on shore shall be located a minimum distance from all property lines of at least 50 feet.

f. Landing operations

All aircraft landings shall be performed under Visual Flying Rules (VFR) and shall not be conducted during the hours between sunset and sunrise.

g. Parking

Shore facilities shall provide one automobile parking space for each 2,000 square feet of hangar or tie-down area, or one space per craft, whichever is greater. All shore facilities shall provide a minimum of five parking spaces.

16. Neighborhood Commercial Development (NCD)

a. General

It is the purpose of this Section to allow a limited amount of commercial uses in certain residential developments which developed prior to the establishment of planned development regulations in [Ordinance 1973-002](#) (1973). Residential developments which meet the criteria in this Section will be allowed a limited amount of commercial area within the project without rezoning to a planned development district. It is the purpose of this Section to allow limited neighborhood serving commercial uses in residential areas under the control of a HOA without a commercial FLU designation or rezoning to a commercial district.

b. Procedure

Residential developments which meet the criteria in this Section may create a Master Plan showing existing development and the proposed commercial area. The area shall be subject to approval as a Class A conditional use.

c. Criteria

1) Property Owners Association (POA)

The application for a NCD shall be submitted by an HOA under the control of the residents.

2) Minimum Threshold

The HOA must contain a minimum of 500 units.

3) Location

The NCD shall meet the location criteria for a commercial pod in a PUD [Art.3.E.2, Planned Unit Development \(PUD\)](#).

4) Number

A maximum of one NCD shall be permitted for each HOA.

5) Size

A NCD shall not exceed three acres in area.

6) Limitation

Uses shall be limited to the regulations of the CN district, excluding real estate sales offices. **[Ord. 2005-041]**

17. Bike Racks

a. Number of Bikes

Each bike rack shall accommodate a minimum of five bikes.

b. Multifamily Uses

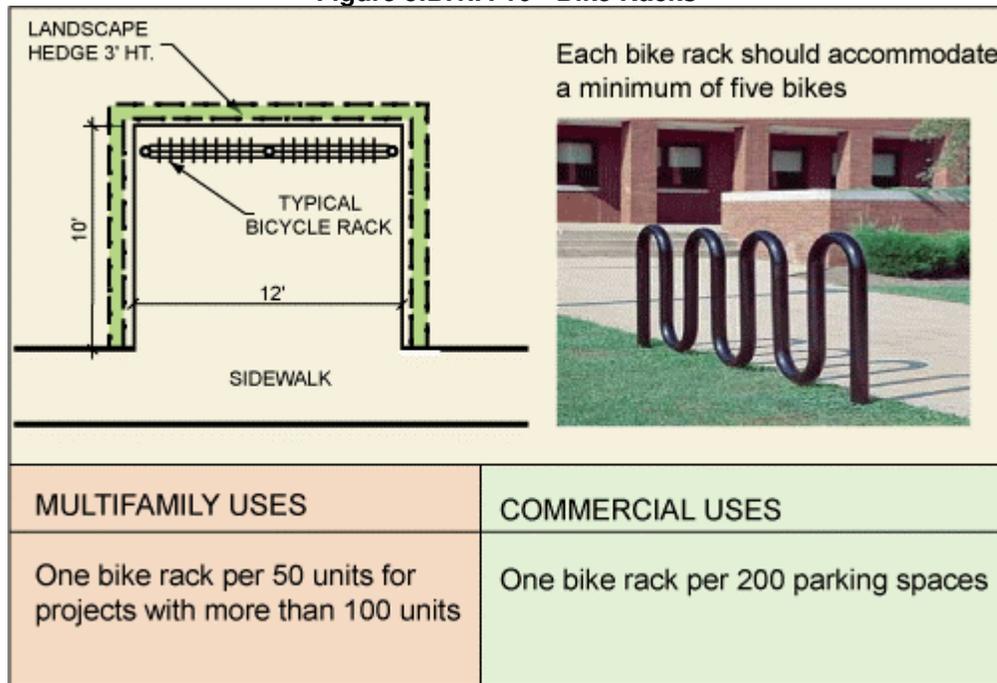
Multifamily projects with more than 100 units shall provide one bike rack per 50 units.

c. Commercial Uses

All commercial projects subject to site plan approval by the DRO shall provide one bike rack per 200 parking spaces.

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Figure 5.B.1.A-10 - Bike Racks



18. Permanent Generators

a. Applicability

- 1) Use of permanent generators shall be permitted during periods of electrical power outages in utility systems maintained by the utility service provider or when the BCC declares a state of emergency. **[Ord. 2006-004]**
- 2) Type II and III CLF, Club Houses and Nursing or Convalescent Facility
A permanent emergency generator shall be required for all Type II and III CLFs, Nursing or Convalescent Facilities, and PDD or TDD clubhouses 2,500 square feet, or greater. **[Ord. 2006-004]**

b. Standards

1) General

The following standards shall apply to all permanently installed generators. **[Ord. 2006-004]**

a) Maximum Permissible Sound Level

Refer to Art. 5.E.3.B.2, and Table 5.E.4.B-14 Maximum Sound Levels. **[Ord. 2006-004]**

b) Screening

Generators that are not located within, or completely screened by a building, shall be screened from view when adjacent to or visible from a public R-O-W or parcels with a conservation or residential FLU or use. Screening may include the use of fences, walls or hedges, or a combination thereof. **[Ord. 2006-004]**

c) Maintenance Cycle

Generators may be operated for exercising purposes one time per week, excluding Sundays, for a period not exceeding 30 minutes between the hours of 10:00 a.m. to 5:00 p.m. **[Ord. 2006-004]**

d) Location and Setbacks

Generators shall meet the setback requirements of the district for principal structures, but shall not be located between the front or side street façade of a building and a R-O-W or in an easement, unless expressly stated otherwise herein. **[Ord. 2006-004]**

2) Residential

The following shall be applicable to SFD, ZLL, TH, and MF units. **[Ord. 2006-004]**

a) Number

A maximum of one generator shall be allowed on a SFD, ZLL or TH lot. A maximum of one generator per structure shall be permitted for multi-family developments, with

exception to condominiums, which shall be permitted one generator per unit. [Ord. 2006-004]

b) Setback Exceptions

Generators less than four feet in height from finished grade may be allowed within the required side and rear setbacks in accordance with Table 5.B.1.A-6, Setbacks for Generators less than Four Feet in Height. [Ord. 2006-004]

Table 5.B.1.A-6, Setbacks for Generators less than Four Feet in Height ¹

	Side	Rear
SFD	3 feet	5 feet
ZLL	5 feet	5 feet
TH	NA	5 feet
Ord. 2006-004		
Notes:		
1. Refer to FBC for additional location criteria. [Ord. 2006-004]		

3) Type II and III CLF, PUD Club Houses and Nursing Homes

Required generators shall have a minimum operating capacity to provide service for the following: [Ord. 2006-004]

a) Essential Functions

Essential electrical systems within the building, including but not limited to, exit lighting, emergency lighting, elevators, fire alarm system, bathroom exhaust fans, and, bathroom hot water heaters. [Ord. 2006-004]

b) General Lighting

Lighting for a minimum of 30 percent of the building's GFA, including but not limited to, main meeting or gathering area, hallways, and bathrooms. [Ord. 2006-004]

c) Multipurpose Room

Air conditioning for 30 percent of the building's GFA including the largest meeting or gathering room. [Ord. 2006-004]

d) Fuel Storage

Sufficient to operate the generator for the minimum of 72 hours at the full load capacity. [Ord. 2006-004]

4) Non-Residential

There is no limitation to the number of generators. [Ord. 2006-004]

B. Temporary Structures

1. Emergency Structures

This Section is intended to allow placement or erection of temporary government service or infrastructure improvements that address immediate public needs while permanent solutions are being pursued, including temporary fire stations, hurricane shelters, or utility facilities.

a. Determination of Public Emergency

The Executive Director of PZB may authorize the issuance of a building permit for a temporary structure upon determination that a public emergency exists, or an overwhelming public purpose is served by the temporary permit.

b. Duration

The permit shall be approved for a period of up to six months, with one three month extension, or until the emergency is determined to have ceased. The BCC may extend this timeframe under extenuating circumstances at any time.

2. Tents

A tent may be used as a temporary structure subject to approval as a special permit and the standards of this Section. Tents used for retail purposes are also subject to [Article 4.B.1.A.115, Retail Sales, Mobile or Temporary](#).

a. Frequency

Three times per lot per year.

b. Maximum Duration

The tent may be used for a maximum period of 90 days, provided that an additional 30-day administrative extension may be approved subject to a finding by the Zoning Division that the tent and use continue to meet all the applicable requirements of this Code and the Building Code.

c. Setbacks

All principal use setback requirements of the underlying district shall be met.

d. Location

The tent shall be located on the lot so as not to adversely interfere with on-site circulation and shall not be located in any required parking space.

e. Access

Access shall be from an arterial street.

f. Lighting

Lighting shall be extinguished no later than 12:00 midnight.

g. Parking

Parking shall be provided in accordance with [Article 6, PARKING](#).

3. Temporary Structures During Development Activity

Temporary structures may be allowed as follows:

a. Construction Trailer

1) Use

A construction trailer shall be limited to an office used by the businesses of professions actively involved in the construction of a building or structure authorized by a valid building permit issued for the site on which the trailers are located. Use of the office shall be limited to on site activities only. A construction trailer shall not be used as a dwelling.

2) Number

A maximum of one trailer per construction business or profession shall be allowed.

3) Duration

The construction trailer shall remain on site only for the length of time necessary to construct a building or structure which has been issued a building permit.

4) Location

The construction trailer and related parking shall be located on site so as not to interfere with access to developed areas or areas under construction.

5) Removal

A construction trailer shall be removed from the site no later than 30 days after the final CO has been issued. The trailer shall be removed if construction ceases for more than 180 consecutive days. An abandoned trailer shall be considered an unsafe structure and abated pursuant to the Building Code Enforcement Administrative Code of PBC.

b. Watchman Trailer

1) Use

A watchman trailer may be allowed on the site of an active construction project which has been authorized by a building permit. Use of the trailer shall be limited to on site security purposes only. A watchman trailer may be used as a dwelling.

2) Number

A maximum of one watchman trailer per construction project shall be allowed.

3) Location

A watchman trailer, and required parking, shall be located in areas under construction only.

4) Parking

A minimum of two parking spaces shall be provided.

5) Duration

A watchman trailer shall remain on site only for the length of time necessary to construct a building or structure which has been issued a building permit.

6) Removal

A watchman trailer shall be removed from the site no later than 30 days after the final CO has been issued. The trailer shall be removed if construction ceases for more than 180 consecutive days. An abandoned trailer shall be considered an unsafe structure and abated pursuant to the Building Code Enforcement Administrative Code of PBC.

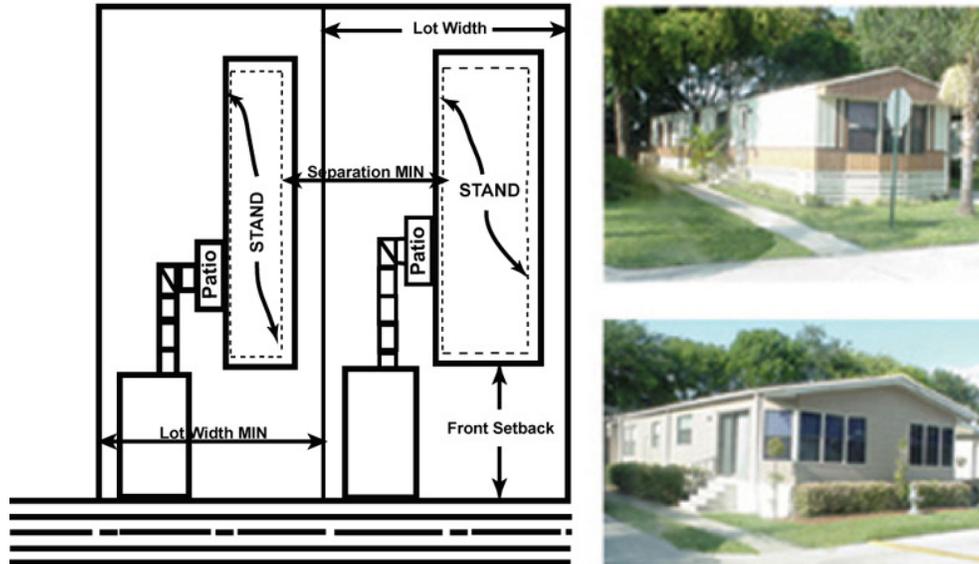
7) Mobile Home

A mobile home used as a watchman quarters shall be subject to the following additional requirements:

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Figure 5.B.1.B-11 - Typical Mobile Home Lot Layout



a) Special Permit

A special permit shall be required. The special permit shall be renewed annually, for a maximum of two years; and

b) Removal Agreement

A notarized removal agreement shall be executed and submitted with the application for a special permit.

c. Real Estate Sales And Management Office

1) Use

A temporary structure for real estate sales and sales management offices may be allowed on the site of an active construction project which has been authorized by a building permit. Use of the structure shall be limited to on site real estate sales and related activities only. A temporary structure used for real estate sales may not be used as a dwelling, as defined in [Article 3.E.1.G, Sales Office and Models](#).

2) PDD

Real estate sales offices in PDDs shall be in accordance with [Article 3.E.1.G, Sales Office and Models](#).

3) Number

A maximum of one sales office per construction project shall be allowed.

4) Location

The sales office, and required parking, shall be shown on the master plan, site plan, or subdivision plan approved by the DRO. A sales office shall comply with the setback requirements in [Table 3.D.1.A-5, Property Development Regulations](#), and shall be located so as not to interfere with on site construction operations and access.

5) Parking

A minimum of six parking spaces, plus one for each employee on the shift of greatest employment, shall be provided. All parking areas, with the exception of handicap spaces and access, shall be provided on a hard surface of pavement, asphalt, shell rock, or mulch, provided the sub-grade is compacted. Handicap spaces and access shall be provided in accordance with [F.S. §316.1955](#), [F.S. §316.1956](#), and [F.S. §553.48](#).

6) Duration

A sales office shall remain on site only for the length of time necessary to construct a building or structure which has been issued a permit.

7) Removal

A sales office shall be removed from the site no later than 30 days after the final CO has been issued. The office shall be removed if construction ceases for more than 180 days. An

abandoned office shall be considered an unsafe structure and abated pursuant to the Building Code Enforcement Administrative Code of PBC.

8) Mobile Home

A mobile home used as a sales office shall be subject to the following additional requirements:

a) Special Permit

A special permit shall be required. The special permit shall be renewed annually, for a maximum of two years; and

b) Removal Agreement

A notarized removal agreement shall be executed and submitted with the application for a special permit.

d. Mobile Home While Constructing SFD

1) Temporary Dwelling During Home Construction

In the AR-Rural district, placement of a mobile home dwelling shall be permitted on a temporary basis subject to the following standards:

a) Agency Approval

Sanitary sewage facilities shall be approved by all governmental agencies having appropriate jurisdiction, permits, and inspections for the installation must be obtained from the PZB Department;

b) Building Permit

A valid building permit for a single-family dwelling unit on the land shall have been approved by the Building Director;

c) Special Permit

A special permit valid for two years shall be obtained. In no case shall the total time exceed the permitted maximum of two years; and

d) Removal Agreement

Execution of a notarized Mobile Home Removal Agreement, which establishes that the mobile home shall be removed within 30 days after the final CO or at the end of the maximum two year timeframe. Additionally, the building permit shall be stamped with the requirement to remove the mobile home within 30 days after the final CO is issued.

2) Additions

No additions shall be permitted to the mobile home, except awnings and demountable screen panels, stairs, decks and trellises.

3) Proof of Ownership

A current recorded warranty deed for the subject property shall be submitted.

CHAPTER C DESIGN STANDARDS

Section 1 Architectural Guidelines

A. Purpose and Intent

The purpose of these guidelines is to encourage development to contribute to PBC as a unique place by enhancing the built environment. These guidelines are intended to ensure that new development and redevelopment will be compatible with the surrounding area and enhance the appearance of the local community.

B. Threshold

This Chapter shall apply to the following projects, buildings and related signs:

1. General

- a. All nonresidential projects or buildings requiring approval by the BCC or ZC; **[Ord. 2006-036]**
- b. All nonresidential projects or buildings requiring approval by the DRO in accordance with Table 4.A.3.A-1, Use Matrix, and Table 3.D.1.A-5, Property Development Regulations, or those exceeding the thresholds in Table 4.A.3.A-2, Thresholds for Projects Requiring DRO Approval; **[Ord. 2006-036]**
- c. Multi-family buildings with more than 16 units; **[Ord. 2006-036]**
- d. Substantial renovations of existing built projects or buildings meeting the threshold of this Chapter; and **[Ord. 2006-036]**
- e. The following uses, regardless of building size: **[Ord. 2006-036]**
 - 1) Automotive paint or body shop; **[Ord. 2006-036]**
 - 2) Repair and maintenance, general; and **[Ord. 2006-036]**

- 3) Retail sales, automotive parts and accessories. [Ord. 2006-036]
- 2. Mixed Use**
Mixed use development that includes a combination of residential and one or more non-residential uses that do not trip the thresholds listed above, shall comply with the following guidelines to ensure the project is vertically or functionally integrated: [Ord. 2006-036]
- a. Art. 5.C.1.H.1.a, General; [Ord. 2006-036]
 - b. Art. 5.C.1.H.1.d, Entries [Ord. 2006-036]
 - c. Art. 5.C.1.H.1.f, Pedestrian Amenities; and, [Ord. 2006-036]
 - d. Art. 5.C.1.H.1.g, Walkways. [Ord. 2006-036]
3. Any mixed use project in the WCRAO. [Ord. 2006-004]
- C. Exemptions**
1. Agricultural or industrial buildings not visible from a public street or residential zoning district.
 2. Buildings which are exempt from local building permits or government review pursuant to State of Florida or Federal Statutes.
 3. Recreational buildings and accessory structures within a PUD.
 4. Primary and secondary building frontages within a TMD, and buildings in the NRM, NG and NC Sub-areas of the WCRAO that have a side setback of less than 15 feet, shall be exempt from the requirements of [Art. 5.C.1.H.1.c.1.a](#)), [Recesses/Projections](#). [Ord. 2005-041] [Ord. 2006-004]
- D. Effect**
- 1. Effect on Prior BCC and ZC Approvals**
These guidelines shall apply to all previously approved projects as a BCC or ZC condition of approval as part of a DOA or Status Report. Previously approved architectural conditions of approval shall remain in full effect unless amended by the BCC or ZC. Non-residential projects previously approved by the BCC or ZC shall comply with [Art. 5.C.1.H.1.a, General](#). [Ord.2006-004]
 - 2. Effect on Prior DRO Approvals**
These guidelines shall not apply to projects or buildings which have a previously approved site plan by the DRO, unless within a PDD or for any use specifically identified within [Article 4.B, SUPPLEMENTARY USE STANDARDS](#). Non-residential projects previously approved by the DRO or ZC shall comply with Art. 5.C.1.H.1.a, General. [Ord. 2006-004]
 - 3. Effect on Other Regulations**
These guidelines shall supplement architectural requirements of an Overlay District, Neighborhood Plan, or other applicable regulations. In case of a conflict, the more strict regulation shall apply.
- E. Review Process**
PZB shall review all applicable buildings for compliance with this Chapter during the building permit or zoning review process, and provide a written determination of compliance with the requirements of this Chapter.
- 1. Methods**
An applicant or PBC may request review for compliance with this Chapter in accordance with any one of the following methods: [Ord. 2005 – 002]
 - a. Method I - Projects Requiring BCC Approval [Ord. 2005 – 002]**
A request for a determination of compliance with the requirements of this Chapter may be submitted with the application. A written determination of compliance with this Chapter shall be made in the staff report containing the recommendation for the development order. The request for a determination shall be submitted no less than 30 days prior to the public hearing.
 - b. Method II - Projects Requiring ZC Approval**
A request for a determination of compliance with the requirements of this Chapter may be submitted with the ZC application. A written determination of compliance with this Chapter shall be made in the staff report containing the recommendation for the development order. The request for a determination shall be submitted no less than 30 days prior to the ZC public hearing.
 - c. Method III - Projects Requiring DRO or Site Plan Approval**
A request for a determination of compliance with the requirements of this Chapter may be submitted with the original DRO or site plan approval application. A written determination of compliance with this Chapter shall be made in the comment letter regarding the development order for the project. The request for a determination shall be included in the initial DRO application.
 - d. Method IV - Projects Requiring Building Permit Approval**
Buildings requiring a building permit only shall be reviewed for compliance through the standard building permit review process. The request for a determination shall be submitted prior to or concurrent with the building permit application.

2. Unique Structure

Deviation from any requirement in this Chapter may be approved by the ZC or BCC. Deviations for projects or buildings only requiring DRO approval or a building permit may be granted by the ZC. The ZC and BCC shall consider the following standards when considering the architectural composition of a unique project or building. Failure to comply with any of the following standards shall be deemed adverse to the public interest:

a. Consistency with the Plan

The proposed architectural composition is consistent with the purposes, goals, objectives, and policies of the Plan, including standards for building and structural intensities and densities.

b. Complies with Other Standards of Code

The proposed architectural composition complies with all standards imposed on it by all other applicable provisions of this Code for use, layout, function, and general development characteristics.

c. Compatibility

The proposed architectural composition is compatible as defined in this Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.

d. Design Minimizes Environmental Impact

The proposed architectural composition minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

e. Circumstances

Whether and to what extent it can be demonstrated that there are any circumstances that warrant a deviation.

3. Peer Review

The applicant may select an architect licensed in the State of Florida to certify to PZB that the proposed project or building is in compliance with this Chapter. PZB shall provide a Peer Review Certification Form (PRCF) for this purpose. Certification shall substitute for a staff determination of consistency with this Chapter.

4. Administrative Changes

Minor changes to BCC or ZC approved architectural elevations may be approved by the Zoning Director provided the changes do not reduce compatibility with surrounding properties. Changes shall be limited to the following:

- a. A maximum increase of 25 percent or ten feet in overall building height, from finished grade to highest point, whichever is less;
- b. Modifications to the architectural composition which are equal to or enhance the approved elevation; and,
- c. Modifications to ensure consistency with this Chapter.

F. Application Contents

Applicable PZB applications shall be supplemented with the following requirements:

1. color elevations, including all architectural features and building height;
2. screening for mechanical, air conditioning, electrical, and satellite dish equipment;
3. architectural finishes (e.g. manufacturer or material specifications for roof, color chips or paint samples, etc.);
4. types of building materials;
5. roof types, pitch, and material;
6. details of all public entries;
7. screening of loading bays, garage doors, overhead doors, outdoor storage, dumpster, garbage disposal, and recycling areas;
8. detail and orientation of all facade-mounted and site lighting fixtures;
9. structural/architectural focal point details (e.g. fountains, gazebos, porte-cochere, etc.); and
10. details of all sign types, including color elevations, architectural finishes, building material, illumination tint, letter size, letter height, logos, amplification, address, and sign are calculations.

G. Visual Impact Analysis

A visual impact analysis shall be submitted with the chosen method of review only for projects or buildings which are contiguous to a public street or to a residentially zoned property. The visual impact analysis shall be prepared and certified by a design professional and include:

1. Environmental Assessment

An assessment of the natural and man made environments surrounding the proposed building utilizing a minimum of four views taken from the subject property of all contiguous public streets and/or residentially zoned properties and one aerial photograph with the proposed building superimposed on the site.

2. Line of Sight Analysis

A line of sight analysis of the proposed building in relation to the surrounding area. This may be accomplished by submitting a two-dimensional cross section(s) of the site showing the proposed building elevations in relation to contiguous public R-O-W's and residentially zoned properties.

3. Prevalent Theme

A written description by the design professional of the prevalent architectural character of the surrounding area, or desirable architectural character, if no prevalent architectural character exists. If a prevalent architectural character does not exist, the use of architectural styles such as Spanish Eclectic, Mediterranean Revival, Florida Vernacular, or Bermuda/Island is encouraged.

4. Architectural Compliance Statement

A written description by the qualified design professional that the visual impact analysis indicates that the architectural composition of the proposed project or building creates focal points in scale with the pedestrian environment, and complements or enhances existing structures in the surrounding area.

H. Guidelines

1. Nonresidential Design Elements

The following guidelines shall apply to all nonresidential projects or buildings that meet the threshold in [Art. 5.C.1.B](#) and are not exempt in [Art. 5.C.1.C](#): **[Ord. 2005 – 002]**

a. General

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

- 1) Similar architectural composition and treatment shall be provided on all sides of each building contiguous to a public street or residential zoning district.
- 2) Out parcels and accessory buildings within a project shall be constructed of compatible materials, color, and character as the principal building.

b. Mechanical Equipment Screening

All electrical, air conditioning, and fixed mechanical equipment, including satellite dishes, shall be screened on all sides by an opaque barrier constructed of compatible materials, and color of the building or equivalent landscaping, to a minimum height equal to the highest point of the equipment. **[Ord. 2006-004]**

1) Exemption

The following shall be exempt from screening requirements: **[Ord. 2006-004]**

- a) Mechanical equipment less than one foot in height, measured from the roof deck, provided it is painted to match the color of the structure it is attached to or servicing. **[Ord. 2006-004]**
- b) Mechanical equipment adjacent to properties with an Industrial FLU or use, unless visible, from a R-O-W or non-industrial property or use. **[Ord. 2006-004]**

c. Roofline

The roofline along each elevation shall incorporate a minimum of one design feature each from Table 5.C.1.H-7, Primary Roof Design Element, and Table 5.C.1.H-8, Secondary Roof Treatment, below. The same features are not required on each elevation:

Table 5.C.1.H-7 - Primary Roof Design Element

a.	Articulated parapet along 30 percent of the roof line for each elevation ^{1,2}
b.	Pitched roof with minimum 12 inch overhanging eaves
c.	Two or more plane breaks or slopes per facade elevation
d.	Any combination of the above

Notes:

1. Parapet length used as part of wall signage shall not be counted as articulation.
2. Maximum spacing between articulation = 100 feet. Spacing may vary for recognized architectural styles such as Art Deco, which cannot comply with this requirement.

Table 5.C.1.H-8 - Secondary Roof Treatment

a.	Decorative roof details, such as dormers, cupolas, rafter tails, balconies, terraces, or exposed beams
b.	Cornices with decorative moldings
c.	Pediments, porticos, architectural features at entryways, or decorative towers

d. Facade

The front, side, and rear facades, if contiguous to a public street or residential zoning district of every building, shall incorporate recesses, projections, and architectural elements such as columns, arches, etc., as provided below:

1) Required Design Elements

All applicable facades, unless exempted above, shall meet the following standards:

a) Recesses/Projections

Facades greater than 50 feet in length shall incorporate recesses and projections a minimum of 12 inches in depth along a minimum of 20 percent of the total length of the facade. The recesses or projections shall be distributed along the facade with a maximum spacing of 100 feet between each recess or projection. Facades with four or more bay doors may exclude the combined length of the bay doors from the total facade length.

b) Walls

Blank walls shall not exceed ten feet in height or 20 feet in length. Control and expansion joints shall constitute a blank wall, unless used in a decorative pattern with varied materials or textures and spaced a maximum of ten feet on center. Relief and reveal depth shall be a minimum of three quarters of an inch.

c) Storefronts

Individual ground-level retail uses with exterior public access that are part of a larger freestanding building, other than regional commercial facilities, shall have display windows along a minimum of 20 percent of the facade length. Windows shall be defined with details such as frames, sills, shutters, planters, relief trims, or lintels. Storefront design, relief features, and decorative treatments shall complement contiguous storefronts.

2) Additional Design Elements

In addition to [Article 5.C.1.H.1.c.1, Required Design Elements](#), the front and side facades shall include a minimum of one of the following design elements:

a) Exterior Treatment

The exterior treatment of the front elevation shall consist of a minimum of two different building materials, textures, or finishes at a ratio of a maximum of 80 percent for the primary treatment and a minimum of 20 percent for the secondary treatment. Exterior finishes such as stucco, brick, wood, coquina, or cut stone are encouraged. The surfaces of multiple exterior storefronts within a building, except regional commercial facilities, shall compliment contiguous storefronts.

b) Fenestration Details

Architectural features or details such as, windows, awnings, covered arcades, sills, shutters, reliefs, trims, columns, pilasters, quoins, reveals, cornices, horizontal banding, arches, decorative vents, and/or accent tile, shall be integrated into the facade to avoid the appearance of a blank wall and shall be provided along a minimum of 60 percent of the facade length of the front, side and rear facades if contiguous to a public street or residential zoning district.

e. Entries

All public entries shall be easily identifiable and integrated into the building architecture. Each freestanding principal structure shall have a minimum of one clearly defined primary public entrance feature. The primary entrance shall incorporate a minimum of one design element each from Table 5.C.1.H-9, Primary Entry Feature Design Element, and Table 5.C.1.H-10, Secondary Decorative Treatment, below:

Table 5.C.1.H-9 - Primary Entry Feature Design Element

a.	Canopies, porte-cochere, or porticos
b.	Wall recess or projection a minimum of 12 inches in depth
c.	Covered arcades, a minimum of eight feet clear in width
d.	Peaked roof forms
e.	Arches, columns or pilasters

Table 5.C.1.H-10 - Secondary Decorative Treatment

a.	Overhangs, cornices, and eaves
b.	Decorative moldings or trims around windows and doors
c.	Covered public outdoor patio or plaza incorporated with entry area which are not part of a tenant space
d.	Special pavers, bricks, decorative concrete, or other similar pavement treatment
e.	Architectural details, such as tile work or moldings

f. Color

Color shall be used to achieve compatibility with the surrounding area and to complement the project.

g. Pedestrian Amenities

For PDD only, a minimum of one pedestrian amenity for each 100,000 square feet of GFA or fraction thereof shall be incorporated into the overall development to create a pedestrian friendly atmosphere. Suggested amenities include, but are not limited to:

- 1) public art;
- 2) clock tower;
- 3) water feature/fountain;
- 4) outdoor patio, courtyard or plaza; and
- 5) tables with umbrellas for open air eating in common areas and not associated with tenant use (i.e. restaurant) or outdoor furniture.

h. Walkways

A continuous internal pedestrian walkway shall be provided from each adjacent perimeter public sidewalk to all customer entrances. The design of the walkway shall include all of the following:

- 1) one native canopy tree for each 25 linear feet with a maximum spacing of 50 feet between trees;
- 2) one bench every 200 feet between the public sidewalk and building; and
- 3) walkways traversing vehicular use areas shall be accented with special pavers, bricks, decorative concrete, stamped concrete, or similar decorative pavement treatment.

i. Design Elements Subject to ZC or BCC Approval

The following elements are prohibited, unless approved by the ZC or BCC pursuant to the review process of this Chapter:

- 1) structures which are of symbolic design for the purpose of advertising;
- 2) high intensity, metallic, neon, or fluorescent colors;
- 3) neon tubing, fiber optics or similar lighting, excluding those used for signage;
- 4) high gloss vinyl and plastic awnings;
- 5) awnings with horizontal ribbing, flowered or similarly patterned designs;
- 6) unpainted or plain/unfinished exterior facades, excluding galvalume and galvanized steel roof; and
- 7) smooth-faced, painted, concrete masonry block.

j. Rural Design Elements

The following standards shall also apply to nonresidential projects, buildings, and signs in the Rural and Exurban Tiers.

1) Roof

The roofline along each applicable elevation shall incorporate a minimum of one design feature each from Table 5.C.1.H-11, Roof Design Element, and Table 5.C.1.H-12, Decorative Roof Treatment, below:

Table 5.C.1.H-11 - Roof Design Element

1.	Articulated parapet for each 200 linear feet with an attached hip roof (e.g. hip-on-deck), two or more plane breaks or slopes, and, minimum 12 inch overhanging eave;
2.	Full pitched roof (e.g. hip, gable, mansard, gambrel, etc.) with two or more plane breaks or slopes; or
3.	Combination of items 1 and 2 above.

Table 5.C.1.H-12 - Decorative Roof Treatment

1.	Decorative roof details such as dormers, cupolas, rafter tails, balconies, terraces, or exposed beams;
2.	Cornices with decorative moldings; or
3.	Pediments, porticos, or architectural features at entryways, or decorative towers.

a) Material

Roof materials shall be limited to standing seam metal, corrugated, or 5V crimp made of copper, terne-coated stainless steel, galvalume or galvanized steel, slate, dimensional or architectural wood shingles, or metal shingles.

2) Exterior Building Finishes

Exterior building and sign finishes shall be limited to:

- a) vinyl, lap cedar or hard textured concrete siding with rough or smooth horizontal planks, six inch lap siding, shingles or vertical board and batten;
- b) brick or brick veneer;
- c) stone;
- d) textured stucco; and
- e) split face, pre-formed, or textured masonry block.

3) Facades

a) Single Story Buildings

A minimum of three of the following architectural details or other similar treatment shall be integrated into all applicable single story building facades to avoid the appearance of a blank wall:

- (1) columns or pilasters;
- (2) decorative cornices;
- (3) horizontal banding;
- (4) arches;
- (5) decorative vents or louvers;
- (6) moldings and trims;
- (7) decorative shutters; and
- (8) bay windows.

b) Multi-Story Buildings

In addition to the required architectural details above, multi-story buildings shall also have breaks such as a canopy, balcony, overhang, or other horizontal projections.

4) Porches and Entryways

All buildings shall have prominent entryways with well-defined porches and railings. Porches shall be provided along the entire front facades, and 50 percent of the rear facades if contiguous to a public street or residential zoning district. The design of a porch may be interrupted by required exits, paved pedestrian entrances, loading areas, and shall include the following:

a) Width

Porches shall have a minimum clear, unobstructed width of eight feet.

b) Railings and Posts

Porches shall incorporate decorative railings with posts at a maximum of 12 feet on center along the entire length, excluding pedestrian access points.

5) Windows and Doors

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

2. Multi-Family Design Elements

In addition to the guidelines for non-residential projects, multi-family projects shall adhere to the following guidelines:

a. Master Elevations

Master elevation approvals may be reused within a project, provided the master elevation complies with [Article 5.C.1.G, Visual Impact Analysis](#), for each location in which that elevation is used.

b. Balconies and Patios

Individual balconies and/or patios shall be provided for a minimum of 20 percent of the total number of units within each building.

I. Large Scale Commercial Development

Large Scale Commercial Development shall be defined as any large single tenant retail use, with or without accessory tenants, in a single building, between 65,000 and 200,000 gross square feet. These regulations shall apply to all new developments and developments meeting the requirements of [Art. 5.C.1.D, Effect](#). **[Ord. 2005 – 002]**

1. Single Tenant Limit

Deviations from these requirements shall not be permitted. **[Ord. 2005 – 002]**

a. CL FLU

The maximum building size for a single tenant shall be less than 65,000 gross square feet. **[Ord. 2005 – 002]**

b. CH FLU

The maximum building size for a single tenant shall be 200,000 gross square feet. **[Ord. 2005 – 002]**

1) Exception

An additional 10,000 square feet shall be permitted, for a total of 210,000 gross square feet, subject to BCC approval and the following requirements: **[Ord. 2005 – 002]**

- a) Perimeter landscaping buffer widths and plant material required by [Art. 7.F.10.A, Perimeter Buffer](#), shall be increased by twenty percent. **[Ord. 2005 – 002]**
- b) One additional pedestrian amenity shall be required in addition to the requirements of [Art. 5.C.1.I.d.3.d, Pedestrian Amenities](#). **[Ord. 2005 – 002]**
- c) A minimum of 50 percent of the walkways required by [Art. 5.C.1.I.3.d.2](#), shall be covered, providing overhead shelter from the elements. Covered areas shall be evenly distributed between the furthest parking stalls and public entrances. **[Ord. 2005 – 002]**
- d) A maximum of two out-parcels shall be permitted, subject to the following: **[Ord. 2005 – 002]**
 - (1) Walkways consistent with those required by [Art. 5.C.1.I.3.d.2](#), shall be provided to both outparcels from a public entrance for any single tenant having greater than 200,000 gross square feet. **[Ord. 2005 – 002]**
 - (2) Building square footage for convenience stores with gas sales and/or auto service stations shall be deducted from the additional 10,000 square feet permitted under this exception. **[Ord. 2005 – 002]**
- e) If the project is to be phased, all of the above improvements shall be installed in the first phase. **[Ord. 2005 – 002]**

2. Façade Orientation

For the purposes of this section, façade orientation shall be defined as follows: **[Ord. 2005 – 002]**

- a. Front façade: The wall of a building containing the principal public entrance. The front façade is generally located parallel with and facing the principal parking area for the building. **[Ord. 2005 – 002]**
- b. Side A façade: The wall of a building containing a secondary public entrance. The Side A façade is generally located parallel with and facing secondary parking area for the building. **[Ord. 2005 – 002]**
- c. Side B façade: Any side building façade not having a secondary public entrance. **[Ord. 2005 – 002]**
- d. Rear façade: The rear wall of a building generally opposite the front façade. **[Ord. 2005 – 002]**

3. Single Tenants 65,000 Gross Square Feet or More

Developments with single tenants occupying 65,000 gross square feet or more shall be subject to the requirements of Table 5.C.1.I-13, Large Scale Commercial Development. **[Ord. 2005 – 002]**

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Table 5.C.1.I-13 - Large Scale Commercial Development

Façade Requirements	Front	Side A (1)	Side B	Rear
Roofline – Parapet Articulation	5 feet	5 feet	2.5 feet (2)	2.5 feet (2)
Facade – Recesses and Projections (3)	Option 1: 15 foot depth for 20%; or Option 2: 15 foot depth for 15%, and 5 foot depth for 15%	10 foot depth for 20% (2)	5 foot depth for 20% (2)	5 foot depth for 20%
Fenestration Details – Windows (3)	1.6 sf per lf of facade	0.8 sf per lf of facade	Not Required	Not Required
Exterior Treatment – Use of Building Materials	Minimum of 2 types – 70%/30% ratio			
Covered Walkways/Arcades	70%	30%	Not Required	Not Required
Location of Required Parking	75% maximum	25% minimum side and/or rear (6)		
Foundation Planting % of Façade Length (4)	Min. 50%	Min. 50%	Min. 50%	Min. 20%
Width of Foundation Plantings (5)	50% of facade height	50% of facade height	12 feet	12 feet
Perimeter Buffers	Perimeter buffers shall be in accordance with Art. 7.F.10, Large Scale Commercial Development			
[Ord. 2005 – 002]				
Notes:				
1. Any side or rear facade with a secondary public entrance shall meet the requirements of Side A above. 2. Front facade requirements shall be used for any façade that is oriented towards a street. 3. Percentage as a total length of facade. 4. The percentage length shall be in accordance with Table 5.C.1.I-12, Large Scale Commercial Development, or Table 7.C.3-1, Minimum Tier Requirements, whichever is greater. 5. Minimum width: 12 feet. 6. A minimum of 15 percent of the parking shall be located immediately fronting a Side A entrance. [Ord. 2005 – 002]				

a. Roofline

1) Parapet Articulation

- a) Articulation in parapet shall be required with a minimum of five feet for front and side A facades, and any façade oriented towards a street; and, two and one half feet for side B and rear facades. **[Ord. 2005 – 002]**
- b) A Parapet return is required with a length equal to or exceeding the required parapet articulation. **[Ord. 2005 – 002]**

b. Façade

1) Recesses/Projections

Facades greater than 100 feet in length shall incorporate recesses and projections along the total length of the façade, in accordance with Table 5.C.1.I-13, Large Scale Commercial Development. Required recesses and projections shall be distributed along the façade with a maximum spacing of 150 feet. Recesses and projections shall be from finished grade to roofline. **[Ord. 2005 – 002]**

2) Fenestration Details

- a) Windows
 - Windows shall be provided in accordance with Table 5.C.1.I-13, Large Scale Commercial Development. **[Ord. 2005 – 002]**
 - (1) A minimum of 70 percent of windows on front and side A façades shall be transparent, or window box displaying only merchandise. The remaining 30 percent may be non-transparent. **[Ord. 2005 – 002]**
 - (2) Windows shall be at pedestrian scale. **[Ord. 2005 – 002]**

3) Exterior Treatment

- a) A minimum of two different types of building materials shall be used, with a 70 percent-30 percent ratio. A change in stucco or use of windows will not count toward meeting this requirement. **[Ord. 2005 – 002]**
- b) Exposed gutters or rain leaders are permitted if decorative in nature. **[Ord. 2005 – 002]**

4) Covered Walkways

- a) Facades with a public entrance shall provide covered walkways along a minimum of 70 percent of the overall length of the front façade, and 30 percent of the overall length of side A facades. **[Ord. 2005 – 002]**
- b) Covered walkways shall be a minimum of 10 feet in width, unobstructed, with appropriately spaced columns and pitched roofs. **[Ord. 2005 – 002]**

c. Public Entrances

- 1) A minimum of one public entrance shall be provided along the front façade. [Ord. 2005 – 002]
 - 2) One additional secondary public entrance shall be provided on a side façade, subject to the following: [Ord. 2005 – 002]
 - a) The secondary entrance shall be accessible to the public during the same business hours as the primary entrance, or from 10 a.m. to 6 p.m., whichever is less. [Ord. 2005 – 002]
 - b) Secondary public entrances shall be located a minimum distance of 25 percent of the length of the side A façade, from the corner of the front facade. [Ord. 2005 – 002]
- d. Pedestrian Amenities**
- 1) One public amenity shall be provided for every 50,000 square feet, or fraction thereof, including but not limited to public art; (not depicting any advertising); fountains (of at least eight feet in height, 16 feet diameter; pergolas; bell or clock tower; and public seating areas (not in conjunction with a restaurant). Required pedestrian amenities shall be a minimum of 800 square feet and 25 feet in width. [Ord. 2005 – 002]
 - 2) A minimum of two pedestrian pathways a minimum of ten feet in width leading from the furthest parking spaces to public entrances shall be required. These pathways shall incorporate the use of decorative pavement, trellises, seating, pergolas, arbors, gazebos and landscaping. [Ord. 2005 – 002]

J. Non-Judicial Remedies

Any applicant aggrieved by an administrative interpretation or decision regarding this Chapter who wishes to appeal the interpretation or decision shall file an appeal to the ZC within 30 calendar days from the date a written interpretation or decision is rendered. The appeal shall be heard on the next available ZC agenda. [Ord. 2005 – 002]

K. Exhaustion of Non-Judicial Remedies

Any applicant, the Executive Director of PZB, the BCC member representing the district in which the project or building is to be located, aggrieved by a decision of the ZC regarding an interpretation or decision regarding this shall, within 30 calendar days from the date a decision by the ZC is rendered, file an appeal to the BCC. The appeal shall be heard on the next available agenda as an Administrative Inquiry. [Ord. 2005 – 002]

L. Appeals

An appeal shall be pursuant to the judicial relief standards in Art. 2.A.1.S, Appeal. [Ord. 2005 – 002]

CHAPTER D PARKS & RECREATION – RULES AND RECREATION STANDARDS

Section 1 General

The Director of Parks and Recreations shall be responsible for implementing, applying, interpreting, and modifying the standards of Art.5.D, PARKS.

A. Purpose and Intent

The purpose and intent of this Chapter is to ensure the provision of parks, on-site recreation areas, and facilities in proportion to the demand created by development. By requiring such facilities, it is the intent of this Section to ensure the provision of functionally adequate, aesthetically pleasing and safe park and recreation areas. The specific objectives of this Chapter are as follows:

1. Establish recreational standards for the development of land within unincorporated PBC;
2. Aid in the coordination of land development in PBC in accordance with orderly physical patterns;
3. Provide public and private park and recreation areas in accordance with the objectives of the Recreation Open Space Element of the Plan; and
4. Ensure that necessary recreational improvements will be provided for residents concurrent with residential development.

B. Applicability

The standards of this Chapter shall apply to all development in unincorporated PBC, or existing development that is modified to the extent that it includes residential uses or site design changes or features that were not specifically shown on the previously approved plans. All recreation areas established by this Chapter shall be continuously maintained according to the standards of this Chapter.

Section 2 Types of Parks

A. Countywide Parks and Preservation/Conservation Areas

1. Countywide Parks

The PBC Parks and Recreation Department supplies a countywide system of public park and recreational facilities for which Level of Service (LOS) standards are established in the Recreation and Open Space Element of the Plan. For purposes of park concurrency, Regional, Beach and District Park LOS are established and Park Impact Fees assessed on new residential development to maintain the countywide park systems LOS concurrent with growth. The CIE is updated annually to include projects needed to meet countywide Comprehensive Plan LOS that will be funded through the Parks and Recreational Department's ongoing Capital Improvement Program. **[Ord. 2006-004]**

2. Countywide Park Impact Fees

Park impact fees shall be assessed according to the provisions of [Article 13.B, COUNTY DISTRICT, REGIONAL, AND BEACH PARKS IMPACT FEE](#), as amended, to meet Countywide LOS needs for public regional beach, and district parks.

3. Reservations

Where a planned countywide Beach, Regional, District park, or Preservation/Conservation area is shown in the Plan, and a proposed development application is located in whole or part within the planned beach, regional, district park, or preservation/conservation area, such area shall be reserved for a period not to exceed two years during which time PBC shall either acquire the land or release the reservation. The time period initiating the reservation shall commence with the filing of an application for development order.

B. Community and Neighborhood Park Recreation Standards

1. Required Recreational Areas

All proposed residential development shall make adequate provisions for recreation areas to accommodate the neighborhood and community park level recreational needs of the residents of the development. The recreation areas shall consist of a developed parcel of land that includes recreational facilities of a type consistent with the needs of the residents. The recreation parcel shall be located so as to provide convenient and safe pedestrian access for the residents of the development. The recreation area shall be reserved by the developer for the perpetual use of the residents of the development. The owner of the land or a property owner's association and their successors in interest shall be responsible for the perpetual maintenance of the recreation area.

2. Calculation of Required Recreation

The required recreation area shall be the equivalent of two and one-half acres of developed land per 1,000 people population, based on 2.32 people per unit. Development of recreational facilities shall be of a type suitable for general neighborhood or community park use. The dollar amount to be spent on recreational improvements per acre shall be no less than 75 percent of PBC's average cost per acre for developing community and neighborhood park type facilities as calculated by the Park and Recreation Department based on the current PBC cost per acre to develop Community or Neighborhood park facilities. The minimum dollar amount to be spent on recreation facilities shall be determined by the Parks and Recreation Department at the time of final site plan submission.

3. Approval

Prior to DRO certification, projects proceeding to the public hearing process shall indicate the character and location of the proposed recreation in the application for review and approval by the Park and Recreation Department. For projects requiring final site plan approval, the proposed location and configuration of the recreation area(s) and the recreational improvements shall be indicated on the plan for review and approval by the Parks and Recreation Department.

4. Reduction in Recreation Area Land Requirement

The Parks and Recreation Department may allow reduction of the recreation land area requirement by not more than 25 percent when other open space tracts are platted and made available to residents for recreational purpose and the combined value of the recreation facilities to be constructed and the resulting reduced land area exceeds the total value of the recreation land area and facilities requirement of [Article 5.D.2.B.2, Calculation of Required Recreation](#), by a minimum of 25 percent. **[Ord. 2006-004]**

5. Cash-Out Option

At the option of the Parks and Recreation Department, the developer may, in lieu of or in combination with [Article 5.D.2.B.2, Calculation of Required Recreation](#), contribute the dollar value of the total recreational area requirement of this Chapter including land and improvements of this Chapter for the entire development at the time the first plat is submitted for recording. Land value shall be based on PBC's cost to acquire land for community or neighborhood parks at the time the first plat is submitted for recording, or on a PBC approved certified MSA appraisal of the average value of the land in the development at the time of first plat. All such funds collected shall be held in a non-lapsing Park and

Recreation Trust Fund for the acquisition and improvement of community or neighborhood parks according to the provisions of [Article 5.D.2.B.6, Park and Recreation Trust Fund](#).

6. Park and Recreation Trust Fund

Monies deposited by a developer pursuant to this Chapter shall be expended within a reasonable period of time for the purpose of acquiring and/or developing land necessary to meet the need for neighborhood or community type recreational facilities created by the development in order to provide a system of parks which will be available to and sufficiently benefit the residents of the development. Monies deposited by a developer pursuant to this Chapter shall be expended to acquire and/or develop land for park purposes not farther than five miles from the perimeter of the development.

7. Other

The BCC shall establish an effective program for the acquisition of lands for the development of public parks in order to meet, within a reasonable period of time, the existing need for public parks. The annual budget and capital improvement program of PBC shall provide for appropriation of funds as may be necessary to carry out PBC's program for the acquisition and/or development of land for public parks. The funds necessary to acquire lands to meet the existing need for PBC parks must be provided from a source of revenue other than from the amount deposited in the Trust Fund.

8. Open Space Credit

Where developed recreational facilities are provided within lands required or credited for other open space purposes pursuant to this Code, (i.e., buffer areas, natural preserves, utility easements, R-O-W, drainage, or water management tracts), only credit for the cost of approved facilities may be applied towards the recreation area requirement of [Article 5.D.2.B.2, Calculation of Required Recreation](#), and only if the facilities are reserved for the use of the residents of the development.

9. Other Credits

Any parcel used to satisfy Parks and Recreation Standards shall meet the following requirements: **[Ord. 2006-004]**

a. Minimum Parcel Size

Minimum parcel size shall be 7,500 square feet exclusive of easements and landscape buffers. **[Ord. 2006-004]**

b. Minimum Parcel Width

Minimum parcel width shall average 75 feet with no dimension less than 50 feet. **[Ord. 2006-004]**

c. Minimum Parcel Depth

Minimum parcel depth shall average 100 feet with no dimension less than 75 feet. **[Ord. 2006-004]**

d. Waiver of Minimum Parcel Dimensions

The Parks and Recreation Department may reduce the minimum recreation parcel dimensions by not more than ten percent when considering location, abutting land uses, accessibility, recreation facilities to be offered and the parcels function in the overall recreation and open space network of the development. **[Ord. 2006-004]**

C. Passive Park

See [Art. 4.B.1.A.93, Passive Park](#)

D. Public Park

See [Art. 4.B.1.A.94, Public Park](#)

E. Infill Neighborhood Park

See [Art. 4.B.1.a.92, Neighborhood Infill Park](#)

F. Phasing

Any development required to provide recreation shall follow one of the following phasing plans:

1. Single Phasing

When the development is to be constructed in a single phase, or where each phase will provide recreational facilities specifically for the residents of that phase, then the recreational site(s) for that phase shall be site planned, or platted, concurrent with that phase of construction. No more than 40 percent of the building permits for residential units shall be issued for the phase until the recreational improvements have been completed in their entirety and open for use and accessible to the residents, or unless a phasing plan for completion of the required recreation area is agreed to and approved by the Parks and Recreation Department. **[Ord. 2006-004]**

2. Multiple Phasing

When the development is to be constructed in multiple phases or plats and one or more required recreational site(s) is/are intended to serve the residents of two or more phases of the development, then the following sequence shall be adhered to:

- a. The recreation site(s) shall be site planned concurrent with the site plan for the first phase of residential development for which the recreational site will serve.
- b. The recreation site(s) shall be platted concurrent with the plat for the residential development phase they will serve. No more than 40 percent of the building permits for residential units shall be issued for any phase until the recreational improvements have been completed in their entirety and open for use and accessible to the residents, or unless a phasing plan for completion of the required recreation area is agreed to and approved by the Parks Department. **[Ord. 2006-004]**

G. County Park Landscape Standards

This section recognizes that public parks require landscaping flexibility to address unique circumstances and design requirements. Deviations for PBC owned and operated public parks from the landscaping requirements of [Art. 7, Landscaping](#), are as follows: **[Ord. 2006-004]**

1. General Standards

a. Minimum Tree Quantities

A minimum of one tree is required per 1,000 sq. ft. overall area, excluding lakes and organized recreation areas. **[Ord. 2006-004]**

b. Minimum Shrub Quantities

A minimum of one shrub is required per 1,250 sq. ft. overall area, excluding lakes and organized recreation areas. **[Ord. 2006-004]**

c. Interior and Perimeter Buffer Trees

A minimum of 75 percent of required trees shall be canopy trees. Palms or pines may be counted as one canopy tree, not to exceed 25 percent of the total number of required trees. **[Ord. 2006-004]**

d. Foundation Planting [Ord. 2006-004]

1) Exemption

Open air pavilions, bathrooms, scoreboxes, mechanical vaults, and similar park structures less than 2,000 sq. ft. are exempt from foundation planting requirements. **[Ord. 2006-004]**

2) Dimensions

Foundation planting shall be provided along a minimum of 50 percent of front and side facades, and the rear facade if oriented towards any public use area. Width shall be a minimum of five feet along front and rear facades, where required, and eight feet along side facades. **[Ord. 2006-004]**

2. Perimeter Buffer Landscape Requirements

a. R-O-W Buffers

R-O-W buffer widths shall be 25 feet for passive recreation uses and 50 feet for active recreation uses. Buffers shall be exempt from the shrub and hedge planting requirements of Table 7.C.3-1, Minimum Tier Requirements and [Art. 7.F.2.B, Shrubs](#), unless adjacent to parking lots and loading areas. Required trees may be planted in a natural pattern. **[Ord. 2006-004]**

b. Compatibility Buffer

Compatibility buffers shall be a minimum of 15 feet in width. Buffers shall be exempt from the shrub and hedge planting requirements of Table 7.C.3-1, Minimum Tier Requirements and [Art. 7.F.8, Compatibility Buffer](#). Required trees may be planted in a natural pattern. **[Ord. 2006-004]**

c. Incompatibility Buffer

Incompatibility buffers shall be a minimum of 25 feet in width. The minimum number of layers of shrubs indicated in Table 7.C.3-1, Minimum Tier Requirements may be reduced to two in all Tiers. **[Ord. 2006-004]**

d. Pathways in Buffers

Pedestrian pathways, exercise trails and other related recreational trails may be allowed to meander in required R-O-W and compatibility buffers. **[Ord. 2006-004]**

e. Berms

Berms shall be permitted in any perimeter buffer in all Tiers. **[Ord. 2006-004]**

f. Fences and Walls

Walls and fences may be located along the property line, and may be exempt from the tree, shrub and hedge requirements of [Art. 7.F.3, Walls and Fences](#). Vinyl coated chain link fences are permitted in any perimeter buffer in any Tier, and may be exempt from the requirements of Art. 7.F.3.C, Chain Link Fences. **[Ord. 2006-004]**

3. Off Street Parking Requirements

a. Interior Islands

One interior island a minimum of ten feet in width shall be required per ten spaces, in all Tiers (maximum 100 feet apart). **[Ord. 2006-004]**

CHAPTER E PERFORMANCE STANDARDS

Section 1 Major Intersection Criteria

As specified in this Code, certain specific uses shall be located at major intersections or internal to a PDD that is located at a major intersection. For the purpose of this Chapter, to be considered a major intersection each roadway at the intersection, shall meet at least one of the following standards:

A. Four Lanes

The roadway currently exists at four lanes or more, link to link, and is shown on the Thoroughfare R-O-W Protection Map. Dedication of R-O-W or construction of additional lanes solely in front of a property shall not satisfy this standard;

B. Five Year Road Plan

The roadway appears in the Five Year Road Plan to be constructed as a major arterial of at least four lanes;

C. Traffic Volume

The average traffic volume on the roadway is greater than ten thousand trips per day as shown on the Metropolitan Planning Organization (MPO) Traffic Volume Map;

D. R-O-W

The roadway is shown on the Thoroughfare Plan as 120-foot R-O-W or greater; or

E. Upgrade Agreement

The applicant agrees to improve the roadway system to meet the standards in this Chapter as a condition of approval.

Section 2 Location Criteria

A. Purpose and Intent

To mitigate the adverse impacts created by excessive concentrations of specific uses at intersections and along roadways that adversely impact traffic flow, pedestrian circulation and visual impacts related to site layout. **[Ord. 2006-004]**

B. Intersection Criteria

Applicable uses shall be limited within 1,000 feet of any intersection, measured from the intersection of the centerlines of each street to the nearest exterior wall or outdoor dining area of the use. **[Ord. 2006-004]**

C. Separation Criteria

Any use within 1,000 feet of an intersection pursuant to the location criteria above shall be exempt from this requirement. A use shall meet the following separation criteria of any other same and existing or approved use, measured by drawing a straight line between the nearest point of the exterior wall or outdoor dining area of the proposed use to the same for an existing or approved use: **[Ord. 2006-004]**

1. 1000-feet; or
2. 500-feet.

D. Existing Uses

The locational and separation criteria in this Section shall have no effect on any existing uses that are conforming uses as of the effective date of this Code. Where applicable, any DOA to an existing use shall comply with Art. 4.B.1.A.109.a.3), Exception, to the greatest extent feasible. **[Ord. 2006-004]**

Section 3 Drainage

For all development in all districts, drainage shall be designed and constructed in accordance with the drainage and storm water management standards of [Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS](#), Platting and Required Improvements, except that the requirements for legal positive outfall, pursuant to [Article 11.E.1.A.3, Stormwater Management System](#), shall not apply to:

A. Development That Meets Both of the Following Criteria

1. The property is not located adjacent or contiguous to a drainage facility which provides access to a point of legal positive outfall.

B. Industrial Designations

Individual lots designated as Industrial on the FLUA which have a zoning designation of IL, IG, MUPD, PIPD, or SWPD are limited to industrial uses, are located 300 hundred feet or more away from connecting to legal positive outfall, and which provide either:

1. Adequate on-site lake area to store the 100 year, three day rainfall event within the limits of the lake;
or

2. Store a 100 year, three day rainfall event on this site in a combination of lake and surface storage conditioned upon providing a hydrological study showing that inundation of the parking lot areas and driveways does not persist for more than 72 hours following cessation of the 100 year, three day rainfall event.

C. Security Trailers or Caretakers' Quarters Allowed In Conjunction with an Exempted Use

Any parcel meeting the above listed exemptions from the provisions of legal positive outfall shall connect to a central sewer system and shall not utilize a septic tank system.

D. Lands with Paola or St. Lucie Soil Types

Projects that are planned on lands located approximately along the I-95 corridor that consist of Paola or St. Lucie soil types which are excessively drained and have a depth to water table in excess of 8 feet, as measured from the average natural elevation of the property. In lieu of providing legal positive outfall for projects meeting the above criteria, projects shall be developed utilizing a water management system that contains the 100 year three-day storm event entirely within a designated retention area, after accounting for soil storage. Calculations showing total on-site retention shall be provided utilizing the rainfall distribution as detailed in SFWMD's Vol. IV Manual, latest edition. **[Ord. 2005 – 002]**

Section 4 Nuisances

A. General

1. Purpose and Intent

The purpose and intent of this Chapter is to regulate possible nuisances, such as excessive noise, vibration, odors, and outdoor lighting which could interfere with the peaceful enjoyment of land.

2. Applicability

This Chapter shall apply to all land in the unincorporated area of PBC, unless exempt pursuant to [Article 5.E.1.E, Upgrade Agreement](#).

3. Conflicts

Any conflict between this Chapter and any other provision in this Code or any other Ordinance adopted by the BCC, or provision, regulation, standard, or law adopted by Statute, the more stringent shall apply.

4. Definitions

(See Art. 1.I, Definitions and Acronyms)

5. Exemptions

The following are exempt from this Chapter:

a. Transportation

Sound generated from motor vehicles legally operating on any public R-O-W regulated by [F.S. Chapter 316](#) (Uniform Traffic Control Law). Sound generated by interstate rail carriers operating on any railroad R-O-W. Sound generated by an airport, including all airport related operations. All other uses of land preempted by applicable State of Florida or Federal laws or regulations.

b. Sanctioned Activities

Sound generated by a government sanctioned activity conducted on public land or in a public R-O-W (e.g. parades).

c. Crowd Noise

Non-amplified sound generated by a crowd noises at sporting events.

d. Research and Technology Overlay (RTO)

Sound generated from a source located within the RTO.

e. Farm Operation

Bona fide agricultural operations conforming to generally accepted agricultural and best management practices.

f. AGR District

Noise, vibration, smoke, emissions, particulate matter, and odors by farm operations conforming to generally accepted agricultural and management practices in the AGR district. **[Ord. 2005-041]**

g. Temporary, Portable Power Generators

Sound generated by temporary, portable power generators used only during periods of electrical power outages in utility distribution systems maintained by the utility service provider. **[Ord. 2005-041]**

B. Noise Limitations and Prohibitions

In addition to the maximum sound levels set forth in [Table 5.E.4.B-14, Maximum Sound Levels](#), the following activities shall be limited or prohibited as follows:

1. Prohibitions

- a. Horns**
Sounding a horn or other audible signal device, except as required by law or as a warning of imminent danger. The sounding of any device for an unnecessary reason or unreasonable period of time is prohibited.
 - b. Parks**
Operating or playing any radio, television, phonograph, musical instrument, or similar device on public land or in a public R-O-W at a distance of 100 feet from the source which generates excessive noise.
 - c. Amplified Sound**
Operating, playing or using any loud speaker, loud speaker system, sound amplifier, radio, television, phonograph, musical instrument, or similar device which generates excessive noise at the property line of inhabited residential land. This provision shall not apply to special events but shall apply to lounges, restaurants, or nightclubs.
 - d. Advertising**
Operating, playing, or using any device which generates excessive noise at the property line that is cast or emitted upon the public streets and sidewalks for the purpose of commercial advertising or for attracting the attention of the public.
 - e. Machinery and Construction Work**
The operation of any machinery, demolition equipment, construction equipment, excavating equipment, power tool, equipment of semi-mechanical device, or undertaking construction work which generates excessive noise at the property line of inhabited residential land between the hours of 10:00 PM and 7:00 AM. Construction work other than minor repairs by a homeowner and work permitted to an owner builder shall be prohibited on Sunday. This restriction shall not prohibit the use of pumps or machinery which, because of their nature and purpose, are required to be in operation 24 hours a day.
 - f. Lawn Equipment**
The operation of lawn or garden maintenance equipment or machinery which generates Excessive Noise at the property line of inhabited residential land between the hours of 10:00 PM and 7:00 AM.
- 2. Maximum Sound Levels**
- a. No person shall operate or cause to be operated any source of sound from any location in such a manner as to create a sound level which exceeds the limits set forth in Table 5.E.4.B-14, Maximum Sound Levels, for more than ten percent of any measurement period, which period shall not be less than ten minutes. Sound Level Measurement Compliance shall be determined with a Type 2 or equivalent sound level meter using the A Weighting Scale in accordance with the standards of the American National Standards Institute (ANSI). All measurements shall be made with a sound meter at or within the boundary of the complaining landowner within the property lines of the receiving land.

Table 5.E.4.B-14, Maximum Sound Levels

Receiving Land Use Type	Sound Source	Time of Day	Maximum Sound Level	
			USA	RSA
Residential	Fixed mechanical equipment	Any time	60 dB	60 dB
Residential	Permanent Generator	See Art. 5.B.1.A.18	75 dB	75 dB
Residential	All other sources	7 AM to 8 PM	60 dB	55 dB
		8 PM to 10 PM	55 dB	50 dB
		10 PM to 7 AM	50 dB	50 dB
Commercial Nonresidential	All sources	Any time	70 dB	70 dB
Non-Residential	Permanent Generator	See Art. 5.B.1.A.18	75 dB	75 dB
Ord. 2006-004				

3. Public Nuisance

a. Injunctive Relief

Any emission of noise the generation of sound from any source in excess of the limitations established in, or pursuant to, this Chapter shall be deemed and is hereby declared to be a public nuisance. Upon receipt of written complaint of violation of this Chapter, the Code Enforcement Officer may investigate and request the County Attorney to file injunctive proceedings to abate

the nuisance. Such proceedings shall be cumulative and in addition to the penalties provided herein.

b. Civil Action

The generation of sound from any source not limited by this Code shall be considered a civil issue and addressed accordingly by law.

C. Vibration

1. Non-Industrial Districts

In all districts, except with an Industrial (IND) FLU designation, no use shall operate so as to produce ground vibration noticeable by a person of reasonable sensitivity at the property line.

D. Smoke, Emissions and Particulate Matter

1. General Requirements

No use or activity shall be operated except in full compliance with the standards controlling air pollution as provided in the laws of the State of Florida and the ordinances. **[Ord. 2006-004]**

2. Smoke

In all districts, unless otherwise covered by a specific visible emission limiting standard by a FDEP Rule or County Ordinance, every use shall be operated so as to prevent the emission of smoke from any source whatever, the density of which is equal to or greater than that designated as Number 1 on the Ringlemann Chart, or the opacity of which is equal to or greater than twenty percent. For the purpose of grading the density of smoke, the Ringlemann Chart, as published and used by the United States Bureau of Mines, or Method 9, as published in Rule 62-296 F.A.C., is incorporated herein by reference. All measurements shall be at the point of emission. **[Ord. 2006-004]**

3. Dust and Particulate

Every use shall be operated to prevent the emission into the air of dust or other solid particulate matter which may cause danger to land and the health of persons or animals at or beyond the lot line of the premises on which the use is located, in accordance with Rule 62-296 F.A.C. **[Ord. 2006-004]**

4. Objectionable Odors

No person shall cause, suffer, allow or commit the discharge of air pollutants which contribute to an objectionable odor in accordance with Rule 62-296 .320 (2) F.A.C. **[Ord. 2006-004]**

5. Toxic or Noxious Matter

No use shall for any period of time, discharge across the boundaries of a lot on which it is located, toxic or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or general welfare, or cause injury or damage to persons, land, or the use of land, or render unclean the waters of the state to the extent of being harmful or inimical to the public health, or to animal or aquatic life, or to the use of such waters for domestic water supply, industrial purposes, recreation, or other legitimate and necessary uses. **[Ord. 2006-004]**

E. Outdoor Lighting

1. Purpose and Intent

It is the intent of this Section to preserve, protect, and enhance the lawful nighttime use and enjoyment of any and all property through the use of appropriate lighting practices and systems. Such individual fixtures, luminaries and lighting systems are designed, constructed, and installed to: control glare and light trespass, minimize obtrusive light, eliminate the increase of lighting levels on competing sites, provide safe roadways for motorist, cyclists and pedestrians, conserve energy and resources while maintaining safety, security and productivity, and curtail the degradation of the nighttime visual environment. **[Ord. 2005-041]**

2. Applicability

All outdoor lighting shall be subject to the requirements of Table 5.E.3.D – 13, Illumination Levels, and Table 5.E.3.D – 14, Maximum Permitted Luminaire Height, unless exempted or permitted to deviate as described herein. Lighting not specifically listed may be classified by the Zoning Director of PZB pursuant to [Art. 1.B, Interpretation of the Code](#). In Addition to the standards in this Section, outdoor lighting shall be consistent with [Article 14, Environmental Standards](#). **[Ord. 2005-041]**

a. Conflict

In the case of a conflict between this Section other provisions of this Code, or other applicable codes, the more strict regulation shall apply. **[Ord. 2005-041]**

b. Non-conforming Lighting

All luminaries that do not comply with the standards of this Section shall be subject to the limitations on expansion, maintenance, relocation, damage repair and renovations pursuant to Art. 1.F, Non-conformities. **[Ord. 2005-041]**

c. Exemptions

The following uses shall be exempt to the extent listed below: **[Ord. 2005-041]**

- 1) **Residential**
Single-family, townhouses, multi-family dwellings up to two units shall not be subject to the requirements of this Section. **[Ord. 2005-041]**
 - 2) **Street Lights**
Street lights in any public ROW that meet the requirements of the appropriate public utility. **[Ord. 2005-041]**
 - 3) **Temporary Lighting**
The temporary use of low wattage or low voltage lighting for public festivals, celebrations, and the observance of holidays are exempt from regulation except where they create a hazard or nuisance from glare. **[Ord. 2005-041]**
- d. Prohibited Outdoor Lighting**
The following types of outdoor lighting are prohibited in unincorporated PBC: **[Ord. 2005-041]**
- 1) Any light that creates glare observable within the normal range of vision onto a street or creates a safety hazard; **[Ord. 2005-041]**
 - 2) Any light that resembles an authorized traffic sign, signal, or device, or that interferes with, misleads, or confuses vehicular traffic as determined by the Zoning Director or Traffic Director; **[Ord. 2005-041]**
 - 3) Beacon or searchlights, except for temporary grand openings and special events, as limited by State of Florida or Federal law; **[Ord. 2005-041]**
 - 4) Any drop lens fixtures; and **[Ord. 2005-041]**
 - 5) Animated lighting, unless authorized under [Art. 8, Signage](#). **[Ord. 2005-041]**
- e. Deviations**
Lighting may vary from this Section to the extent necessary to comply with the following: **[Ord. 2005-041]**
- 1) F.S. 655.962, related to ATM lighting; **[Ord. 2005-041]**
 - 2) F.S. 812.173, related to Parking Lots for Convenience Businesses; **[Ord. 2005-041]**
 - 3) Lighting on schools required by FBC Chapter 423 and 424, and the SDPBC Electrical Design Criteria; **[Ord. 2005-041]**
 - 4) Airport Lighting regulated by State or Federal law; **[Ord. 2005-041]**
 - 5) Lighting for obstructions to air navigation as provide in U.S. Department of Transportation, Federal Aviation Administration Advisory Circular 70/7460-1K; **[Ord. 2005-041]**
 - 6) Lights required on vehicles under state uniform traffic control statutes or for vessels under vessel safety statutes under F.S. 316 and 327; **[Ord. 2005-041]**
 - 7) Lighting for public health required by F.S. 381; **[Ord. 2005-041]**
 - 8) Electrical code statute requirements under state building code; **[Ord. 2005-041]**
 - 9) F.S. 553.963 and F.S. 553.904, Efficiency and Energy Conservation Statutes under Building Code Standards; **[Ord. 2005-041]**
 - 10) Lighting for outdoor theaters under F.S. 555.07; **[Ord. 2005-041]**
 - 11) Lighting for communication towers under Art. 4.C.3.Q.2 of the ULDC; and **[Ord. 2005-041]**
 - 12) Other federal, state and local laws and regulations that may apply. **[Ord. 2005-041]**
- 3. Submittal Requirements**
- a. Photometric Plan**
All building permit applications that include the use of external luminaries, or luminaries visible from the exterior of a structure shall include an outdoor lighting plan and an outdoor security lighting plan showing location, type, and height of all luminaries, and photometrics in foot-candle output of all proposed and existing luminaries on-site. On-site lighting to be included in the calculations shall include, but is not limited to, lighting for parking lot, canopies, recessed lighting along the building and/or overhang. Each plan shall include any calculations or modifications required to comply with items listed in [Art. 5.E.3.D.2.e, Deviations](#). The photometric plans shall include the following: **[Ord. 2005-041]**
- 1) A table showing the average, minimum, and maximum foot-candles, average to minimum ratio, and maximum to minimum ratio on the site, and maximum luminaire heights. Maximum photometric calculation grid shall not exceed ten feet. **[Ord. 2005-041]**
 - 2) Manufacturer's catalog cuts that provide a description of the luminaries, including wattage, lumen output, glare reduction/control devices, lamps, on-off cycle control devices and mounting devices. **[Ord. 2005-041]**
 - 3) All photometric plans must be signed and sealed by a licensed engineer or architect. **[Ord. 2005-041]**

- 4) A Certificate of Compliance signed and sealed by a licensed engineer or architect must be submitted prior to the issuance of a Certificate of Occupancy. **[Ord. 2005-041]**
 - 5) The photometric plan shall not include time averaging or other alternative methods of measurement. A Light Loss Factor (LLF) shall be used for the calculations in a photometric plan. The values of the LLF shall be a maximum value of 0.72 for Metal Halide and 0.81 for High Pressure Sodium based on manufacturers' initial lamp lumens. **[Ord. 2005-041]**
- 4. Standards**
- a. Confinement**
All outdoor lighting shall be full cutoff luminaires. No luminaires shall be directed upwards to avoid urban sky glow. In the U/S Tier, accent and landscape luminaires not exceeding 100 watts with a maximum illumination of one-foot candle measured at 12 feet in height. **[Ord. 2005-041]**
 - b. Light Trespass**
The maximum illumination at the property line of an adjoining residential parcel or public ROW is 0.33 horizontal and vertical foot-candles measured at six feet above grade level. Said illumination likewise measured at the property line of an adjoining non-residential parcel, shall not exceed 3.0 horizontal and vertical foot-candles measured at six feet above grade level. **[Ord. 2005-041]**
 - c. Security Lighting and Time Restrictions**
 - 1) Full cutoff luminaires shall be used for all security lighting and dusk-to-dawn area lighting. **[Ord. 2005-041]**
 - 2) Outdoor illumination, including but not limited to, areas used for outdoor sales and display, eating, parking, assembly, service, storage of equipment and freight, loading and unloading, repair, maintenance, commercial activities, and industrial activities shall not continue after 11:00 P.M., or no more than one hour after active use of the area ceases, whichever is later, except for security lighting. **[Ord. 2005-041]**
 - 3) Security lighting shall be required for all active entrances to buildings, parking lots and access to buildings or parking lots. All security lighting shall maintain an average of 1fc, a minimum of 0.5fc and a maximum of 3fc from dusk until dawn. **[Ord. 2005-041]**
 - 4) No outdoor recreational facility shall be illuminated after 11:00 P.M. except to conclude a scheduled and sanctioned recreational or sporting event by PBC or other authorized agency in progress prior to 11:00 P.M. The luminaires shall be extinguished after outdoor recreational events are completed and the site has been vacated. **[Ord. 2005-041]**
 - a) Exceptions**
Public recreational facilities such as boat ramps, fishing piers, or other similar facilities that operate or are open to the public on a 24 hour basis. **[Ord. 2005-041]**
 - 5) Automatic timing devices that control the hours of illumination shall be required for all parking lots, car dealerships/outdoor display lots and parking garages. These devices may remain on Eastern Standard Time throughout the year. **[Ord. 2005-041]**
 - d. Illumination Levels**
Table 5.E.4.D – 15, Illumination Levels, indicates the minimum and maximum illumination levels for specific site elements, as well as the maximum to minimum, and average to minimum ratios. **[Ord. 2005-041]**

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Table 5.E.4.D-15 - Illumination Levels

Outdoor Lighting	Maximum Illumination (1)	Minimum Illumination (1)	Max to Min Ratio	Average to Min Ratio
Buildings and Accessory Structures				
a. Accent, Pathway and Landscape Lighting (2)	5.0 (5)	-	-	-
b. Canopies, Drive-thru and Overhangs	30.0	3.0	10:1	2.5:1
Parking Lots				
a. Multi-family Residential	3.0	0.3	10:1	-
b. All Others	12.0	1.0	12:1	3:1
Parking Structures				
a. Parking Area	10.0	1.0	10:1	4:1
b. Ramps - Day	20.0	2.0	10:1	-
c. Ramps - Night	10.0	1.0	10:1	-
d. Entrance Area - Day	50.0	5.0	10:1	-
e. Entrance Area – Night	10.0	1.0	10:1	-
f. Stairways	5.0	2.0	-	-
Property Boundary	Refer to Light Trespass			
Specialty Lighting (4)				
a. Golf Courses	Per IESNA Lighting Handbook			
b. Outdoor Entertainment				
c. Parks				
Other Lighting Types				
a. Outdoor Display and Storage for vehicle sales and rental.	15 (3)	1.0	15:1	4:1
b. Other Outdoor Display and Storage Areas.	20	1.0	15:1	4:1
c. Outdoor Work Areas	20	1.0	15:1	4:1
[Ord. 2005-041]				
Notes:				
1.	Measured in foot-candles.			
2.	Building or accessory mounted luminaires used to light parking lots shall comply with Parking Lot illumination levels.			
3.	May be increased to 20 foot-candles for the first row of display parking located adjacent, but not more than 100' from a ROW.			
4.	Applicable to outdoor recreation areas only, excluding areas such as parking lots, drive isles, pathways, building and landscape lighting.			
5.	Fully shielded bollards not greater than 42 inches in height may be permitted up to 20 foot-candles.			

e. Luminaire Heights

Table 5.E.4.D – 16, Maximum Permitted Luminaire Height, identifies the maximum height for any freestanding or structure mounted luminaires.

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Table 5.E.4.D-16 - Maximum Permitted Luminaire Height

Location	Maximum Height	
	U/S Tier	Rural, Exurban and AGR Tiers
Buildings and Accessory Structures		
a. Buildings	25 feet or eave overhang, whichever is lower (unless required by the Florida Building Code)	
b. Accessory Structures	10 feet	8 feet
Parking Lot		
a. Residential	20 feet	15 feet
b. Industrial	40 feet	-
c. Commercial, Civic and Institutional	30 feet, or equal to the height of the building up to a maximum of 40 feet	
Parking Structures		
a. Luminaires on top parking level.	20 feet or 25 feet (4)	15 feet
Property Boundary		
a. Luminaires within 100 feet of residential (2)	20 feet	15 feet
Specialty Lighting (3)		
a. Golf Courses	Per IESNA Lighting Handbook	
b. Outdoor Entertainment		
c. Parks		
[Ord. 2005-041]		
Notes:		
1. For the purposes of this table, residential parcel shall include any residential use, or any vacant parcel with a residential FLU designation. [Ord. 2005-041] 2. The height of any lighting luminaire within 100 feet of a parcel with a residential use or FLU designation shall be limited in accordance with the height limitations for Property Boundary, Residential. [Ord. 2005-041] 3. Applicable to outdoor recreation areas only, excluding areas such as parking lots, drive isles, pathways, building and landscape lighting. [Ord. 2005-041] 4. Minimum setback shall be 45 feet from exterior edge of wall for all luminaries, except luminaries mounted to interior face of perimeter wall, which do not exceed the height of the perimeter wall. [Ord. 2005-041]		

f. Measurement

- 1) Illumination levels shall be measured in foot-candles with a direct-reading, calibrated, portable light meter. The light meter shall be placed not more than six inches above grade level. **[Ord. 2005-041]**
- 2) For the purpose of measuring light trespass, the light meter shall be placed at the property line of the subject parcel six feet above the grade level. **[Ord. 2005-041]**

CHAPTER F LEGAL DOCUMENTS

Any legal documents requiring PBC approval shall be reviewed prior to submission by a licensed attorney. This shall include documents required by Code or as a condition of any land use approval. For the purposes of the provisions, "legal documents" shall include, but not be limited to, the following types of documents: restrictive covenants, easements, agreements, access agreements, removal agreements, unity of control, and unity of title. Any document that follows exactly the language of a PBC-approved form is exempt from this requirement.

Section 1 Maintenance and Use Documents

A. Purpose and Intent

This Chapter is established to ensure that adequate ownership and maintenance measures will be provided in residential and other developments to protect and perpetually maintain all common areas or other required areas (including improvements located upon or within the common areas) required pursuant to this Code or other applicable PBC ordinances or regulations. This Chapter is also established to ensure the continued availability and utility of the common areas for the residents or occupants of the development and to prevent such facilities or the need for such facilities from becoming an unnecessary burden or nuisance to the PBC or surrounding property. Nothing in this Chapter shall be construed as creating any obligation upon the PBC to maintain such common areas or their improvements or to otherwise ensure their availability and condition.

B. Applicability

This Chapter shall apply to all developments subject to review by the DRO as delineated elsewhere in this Code. Developments for which waivers of platting are administratively obtained shall also comply with the requirements of this Chapter.

C. Exception

Generally, the maintenance and use documents requirement shall not apply to lands or improvements to be owned and maintained under a condominium or cooperative. The developer of any lands to be owned and maintained under a condominium or cooperative shall establish and regulate those in accordance with the requirements set forth by The State of Florida. If the condominium or cooperative is located within a PUD, though, additional PBC document requirements may apply.

D. General Requirements

A developer shall submit documents establishing maintenance and use of the common areas of a proposed development and other required areas at the point in the development process set forth in [Article 11.D, PLATTING](#), or as required as a condition of approval by any decision making or administrative body of PBC. All documents shall be reviewed and approved by the County Attorney's office prior to recording in the public records. The recording of the documents and all associated fees shall be the responsibility of the developer. All documents shall be recorded as approved by the County Attorney's office, and copies of the recorded documents shall be submitted to the PBC when requested.

E. Documents Establishing Maintenance and Use

The type of document required to establish use rights and responsibility for maintenance of the common areas and private preserve areas of a development depends upon the nature of the development.

1. Developments Including a Subdivision of Five or More Lots

A POA shall be required. Developer shall submit a Declaration of Covenants and Restrictions, Articles of Incorporation, and By-Laws. If there are to be party walls within the development, the Declaration of Covenants and Restrictions shall include a Declaration of Party Wall. This requirement applies to both residential and non-residential developments.

2. Subdivisions of a Maximum of Four lots

A POA may or may not be required depending upon the individual subdivision. The determination shall be made by the County Attorney's Office. If a POA is required, then the submittal requirement shall be as listed above. If a POA is not required, then the developer shall submit a Unity of Control. If there are to be party walls within the development, a Declaration of Party Wall shall be included in the submission.

3. Rental Projects

A Unity of Title shall be submitted for a development that will be owned and maintained by a landlord for the benefit of lessees residing on or occupying leaseholds on a Lot or Parcel.

F. Content Requirement for Documents

The following shall be the minimal content requirements for documents. Provisions which do not conflict with any PBC requirements may also be included.

1. Property Owner's Association (POA) Documents

a. Declaration of Covenants and Restrictions

1) Legal Description

a) For Master Associations

All property included within the Master Plan for a development (no matter how many phases in which it shall be developed) shall be subjected to the terms of the declaration at the time the first plat of the development is recorded. Property shall not be withdrawn from the terms of the declaration unless it is also withdrawn from the Master Plan.

b) For Sub-Associations

All property included within a plat in which a sub-association is named in a dedication/reservation shall be subjected to the terms of the declaration for that sub-association at the time the plat is recorded.

2) Definition

There shall be a declaration in which, minimally, the following terms (or similar terms) are defined: association, common areas, member, properties, declarant/developer, unit/lot/parcel. The definition of association shall include the name of the POA responsible for maintaining the common areas of the development. The association named here must be the same association that accepts the dedications/reservations on any plat of the development. The association shall be a State of Florida corporation not for profit. The definition of common areas shall include the phrase "any area dedicated to or reserved for the association on any recorded plat or replat of the Properties".

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The definition of member shall reflect the requirement that all persons or entities holding title to any portion of the properties shall be voting members of the association. In the case of a master association, this may be accomplished either by direct membership by all owners or by the owners' sub-association membership with the sub-association(s) being the voting member(s) of the master association. The definition must specifically allow direct membership for any owner who is not a member of a represented sub-association.

The definition of properties shall include all the property subject to the terms of the declaration including any added by amendment to the declaration. The definition of declarant/developer shall include successors and assigns. The definition of unit/lot/parcel shall identify the division of property by which membership in the association is defined and shall be consistent with the terms used to define member in the declaration.

3) Association Structure and Responsibilities

There shall be provisions for the following:

- a) All persons or entities owning any portion of the development shall automatically become members of the association;
- b) All members of the association shall be entitled to vote on association matters;
- c) The association shall have the authority to assess all members for association expenses including, but not limited to, the cost of maintaining the common areas;
- d) All members of the association, except any governmental entity, which may own property in the development, shall be subject to assessments by the association. The developer shall either pay assessments or fund the deficit in the association's operating budget until he has turned over control of the association. After he has turned over control of the association, he shall pay assessments for any lot(s) he may still own;
- e) The association shall have the authority to place a lien on a member's property for any unpaid assessment;
- f) The developer may control the association while development is ongoing. He must, however, establish in the declaration a definite time by which he will turn over control of the association to the owners; and
- g) The declaration shall provide that the association shall be responsible for the maintenance of the common areas and private preserve areas. Maintenance responsibility may be delegated to a sub-association or to an individual lot owner (in the case of certain limited use areas), but the delegating association shall be responsible in the event the sub-association or the lot owner fails to maintain any portion of the common area or other required areas.

4) Common Areas

The common areas shall be defined to include any area dedicated to or reserved for the association on any recorded plat of the properties. The developer shall state at what point he will deed the common areas to the association.

5) Easements

The following easements shall be granted or confirmed if already established by recorded plat or grant of easement:

- a) Ingress/egress easements for members, their guests, and licensees;
- b) Utility easements for installation, maintenance, and repair by any utility company, including cable, servicing the development;
- c) Drainage easements;
- d) Maintenance easements for maintenance of the common areas. If the association will need access to an owner's property to fulfill its maintenance obligation, the easement should be granted here;
- e) Encroachment easements for accidental encroachment onto the common area;
- f) Common area easement for use by all members of the association and their guests;
- g) Developer's easement to allow developer access as needed to complete construction of development;
- h) Public service for police protection, fire protection, emergency services, postal service, and meter reading;
- i) Zero-lot line (ZLL) easement, if applicable. A three-foot easement contiguous to the ZLL boundary shall be established for the purpose of incidental encroachment, access and maintenance; or
- j) All easements, with the exception of the developer's easement, shall be perpetual.

6) Architectural Control

Any provisions included in the declaration regarding architectural control should be consistent with PBC regulations. It should be noted in the declaration that nothing in the declaration should be interpreted as an exemption from compliance with PBC regulations.

7) General Provisions

There shall be provisions for the following:

a) Duration

The declaration shall run with the land for a minimum of 20 years with provision for automatic renewal;

b) Enforcement

The association, the individual members, and the developer shall all have the ability to enforce the terms of the declaration;

c) Amendment

The method by which the declaration may be amended shall be established. If the developer is given a separate right for amending the declaration, his right shall not survive the turnover of control. No amendment that withdraws property from the terms of the declaration shall be recorded unless approved in writing by the County Attorney's office. No amendment inconsistent with the requirements of this Chapter shall be recorded unless approved in writing by the County Attorney's office. Nothing contained herein shall create an obligation on the part of the County Attorney's office to approve any amendment.

d) Dissolution

Any owner may petition the Circuit Court for the appointment of a receiver to manage the affairs of the association in the event of dissolution of the association.

b. Articles of Incorporation

- 1) All terms shall be consistent with the terms of the Declaration and By-Laws.
- 2) The POA shall be a State of Florida corporation not-for-profit with, minimally, the authority to maintain common areas or other required areas, assess members for operating costs, place liens on members' property for failure to pay assessments, and enter into agreements with governmental entities.

c. By-Laws

All terms shall be consistent with the terms of the declaration and articles of incorporation.

2. Declaration of Party Wall

A declaration of party wall shall be recorded whenever there are shared walls in a development. The declaration may be a part of a declaration of covenants and restrictions or it may be recorded as a separate instrument. It should address the following:

- a. Repair of the wall is a joint obligation and expense unless damage is caused by the negligence of one party. In that case the cost of repair is the obligation of that party alone;
- b. Repair or replacement of the wall shall be to its original construction;
- c. Each party shall have the right to file a lien for the cost of repairs;
- d. The mortgagee shall have the same rights as the mortgagor;
- e. Structural changes in the wall are prohibited;
- f. If there is a common roof, the same provisions shall apply;
- g. If access and/or parking are to be shared, there should be an easement granted to accommodate that; and
- h. This shall be a covenant running with the land.

3. Unity of Control

A unity of control shall be recorded against a subdivision of a maximum of four lots if the County Attorney's Office has exempted the subdivision from the requirements for a POA. The unity of control shall contain the following:

- a. Legal description of the property subject to the terms of the unity of control. This shall include all property included in the master plan for the development;
- b. Creation of perpetual cross-access, parking, drainage, and utility easements for the benefit of all owners of the development;
- c. Maintenance responsibilities for all common areas of the development and method by which maintenance costs shall be shared; and
- d. Establishment of these provisions as covenants running with the land.

4. Unity of Title

The owner of a rental project shall record against his property a unity of title. The unity of title, which shall be a covenant running with the land, shall provide that the property shall be considered one plot and parcel and that no portion of the property may be conveyed to another owner. The County Attorney's office, after consulting with the Zoning and Land Development Divisions, may agree to release the unity of title provided that covenants establishing maintenance and use are recorded in its place. The cost of recording the unity of title and/or a release shall be the responsibility of the owner.

Section 2 Easements

A. Easement Encroachment

1. Minor Encroachments

Minor encroachments of buildings and structures may be allowed within an easement in accordance with this Chapter.

2. Prohibition

No portion of any building or structure designed for human occupancy, screen enclosure, pool, or spa shall be permitted within any easement.

3. Incompatible Uses

No construction shall be permitted within any easement where such construction is incompatible with the use for which the easement was established. If the terms of the easement, statute, law, ordinance, rule, regulation, or approval pursuant to which the easement was established prohibits or excludes the use, such use shall be considered incompatible. The burden shall be on the applicant to demonstrate that the proposed construction is or will not become incompatible with the purpose for which the easement was established, or impair the rights of the easement holders and beneficiaries. The determination of whether a use is incompatible with the purpose for which an easement was established shall be made by the appropriate regulating agency(s) in accordance with this Chapter.

4. Application Process

Buildings and structures, which are not prohibited pursuant to [Article 5.F.2.A.2, Prohibition](#), shall be subject to the following:

- a. If an application for a building permit includes construction in an easement, the application shall include consent from all easement holders and beneficiaries. The consent shall be specific to the proposed construction and in a form acceptable to PZB; and
- b. Prior to the issuance of the building permit, the applicant shall record an executed removal and indemnification declaration. The removal and indemnification declaration shall inure to the benefit of the easement holders and beneficiaries.

5. Additional Requirements for Drainage Easements

- a. All construction in a drainage easement shall be subject to approval by the Department of Engineering and Public Works (DEPW).
- b. If a building permit is required, the applicant shall obtain approval from the DEPW prior to submitting the building permit application to PZB.
- c. The applicant shall submit a request to encroach a drainage easement in or on a form established by the DEPW and include a copy of the recorded deed to the parcel on which the easement is located; the document creating the easement; a certified sketch of survey of the easement; a sketch or plans showing the proposed construction in relation to the location of existing drainage improvements in the easement; and such other documentation as the DEPW reasonably deems appropriate.
- d. The DEPW may deny, approve, or approve with conditions the construction.
- e. No approval shall be given before the DEPW has received specific written consent from all easement holders, easement beneficiaries, and governmental entities or agencies having jurisdiction of the drainage easement. The DEPW is hereby authorized to effect consent on behalf of PBC when PBC is the easement holder or beneficiary of a drainage easement. The DEPW may require that consent be in or on a form established by the DEPW.
- f. The DEPW shall also have executed in proper form, and shall cause to be recorded against the applicant's land involved, a removal and indemnification declaration (with the necessary consents) on a form approved by County Attorney's Office. Said declaration shall provide that all direct and indirect costs related to removal shall be borne by the property owner, its heirs, successors, assignees, and grantees; that the aforesaid person(s) shall indemnify and hold PBC, its officers, employees, contractors, and agents harmless against any and all claims and liabilities of whatever nature (including personal injury and wrongful death) arising from any approval granted hereunder or the construction or installation approved hereunder. The removal

declaration shall inure to the benefit of the easement holders and beneficiaries. It shall contain such other terms and covenants as the DEPW or the County Attorney deems appropriate. Proof of the recording of the document shall be furnished to PZB with the application for a building permit.

6. All Other Approvals Required

- a. All other government permits, approvals, or consents necessary for the construction shall be obtained prior to commencement of the construction.
- b. Compliance with this Chapter shall not be construed to relieve the applicant from obtaining any required approvals, if applicable, for encroaching into the affected easement.
- c. Nothing herein shall be construed as affecting any right to construct except to the limited and strict extent of any approval granted hereunder. An approval granted in accordance with this Chapter is for the limited purpose of complying with this Chapter only.

7. Accountability

The applicant is responsible for providing and representing true, accurate and correct information. Except as specifically set forth herein, no PBC official, employee, or agent shall have the duty of

- a. searching the Official Records of the Clerk of the Circuit Court, or
- b. conducting any other investigation to determine whether a permit application or request for PBC approval is inconsistent with the use for which an easement was established; whether an easement exists in the area within which a permit for construction/development is sought; or **[Ord. 2005 – 002]**
- c. whether any other government or private approvals are required for construction or development for which the permit is sought. However, PZB, DEPW or any other department, official employee, or agent may undertake an investigation, search, or inquiry to determine the aforesaid. **[Ord. 2005 – 002]**

8. Modifications

- a. If, upon inspection, the construction is found to be materially different than that which was approved by PBC, then the approval shall be of no force and effect and the construction shall be removed immediately, unless the modification is approved by the department having jurisdiction pursuant to this Chapter.

CHAPTER G DENSITY BONUS PROGRAMS

Section 1 Workforce Housing Program (WHP)

A. Purpose and Intent

The WHP implements Future Land Use Atlas Element (FLUE) Policy 1.2-e, provides for the development and equitable geographic distribution of affordable housing in fulfillment of Housing Element (HE) Policy 1.5.g, and preserves the affordability of units created under the program in accordance with HE Policy 1.1-o by providing a density bonus and incentives in exchange for the construction of dwelling units affordable to very low, low, and moderate income households. **[Ord. 2005 – 002]**

B. Applicability

In cases of conflict between this Chapter and other Articles of this Code, the provisions of this Chapter shall apply. **[Ord. 2005 – 002]**

1. Location

The WHP may only be applied to residential development in unincorporated PBC in the U/S Tier or Scientific Community Overlay (SCO). **[Ord. 2005 – 002]**

2. Land Use

The WHP is consistent with the following future land use atlas (FLUA) designations in the Plan: Residential: LR-1 through HR-18; Commercial (mixed use); Industrial (mixed use); Economic Development Center (EDC); Traditional Town Development (TTD); and Multiple Land Use (MLU). **[Ord. 2005 – 002]**

3. Discretionary and Voluntary Program

The WHP is a discretionary program in which additional density may be granted if the granting of such density will further the objective of providing affordable housing. The program is not intended to create additional property rights for a landowner. The WHP is a voluntary program and may not be conditioned upon the owner(s) of any property, unless agreed to by the owner(s). **[Ord. 2005 – 002]**
[Ord. 2006-004]

C. Incentives

1. Density Bonus

A density bonus of at least 40 percent and up to 100 percent of the permitted density, may be allowed based on project location, the existing very-low and low income concentrations in the area of the proposed development and land use compatibility. [Ord. 2005 – 002]

2. Traffic Performance Standards Mitigation

Transportation Element 1.2-b allows special methodologies to be applied to WHP developments located within the U/S Tier of the unincorporated County and/or the Scientific Community Overlay. The WHP developments need not meet the level of service standards if the project traffic is less than or equal to up to five percent of the peak season, peak hour Level of Service D Standard on any Link or Intersection, as provided in the ULDC. The special methodologies may be applied to all units in the project, including the market rate units upon which the density bonus is based. A TPS special methodologies determination, utilizing the standard stated above, will follow the process as described in Art. 12.H. Housing Element [Ord. 2005 – 002]

3. Expedited Review

The following expedited review processes may apply to a proposed WHP development. [Ord. 2005 – 002]

- a. Design review of multifamily or townhouse structures by the Building Division and Fire Rescue shall be allowed concurrent with DRO review, prior to permit application. [Ord. 2005 – 002]
- b. Platting
 - 1) If only a boundary plat is required, permits will be issued after submittal of the final plat for recording. [Ord. 2005 – 002]
 - 2) If a subdivision plat is required, permits will be concurrently reviewed, but only issued at recording of the plat. [Ord. 2005 – 002]

D. Density Bonus

A density bonus may be approved by the Planning Director or BCC in accordance with the requirements of this Article. [Ord. 2005 – 002]

1. Permitted Density

For the purposes of this Section, permitted density shall be the number of units allowed by:

a. Standard District

The standard density allowed by the Plan; [Ord. 2005 – 002]

b. PDD or TDD

The maximum density allowed by the Plan, or the density approved by the development order for a PDD or TDD, whichever is less; or [Ord. 2005 – 002]

c. TDR Receiving Areas

TDR units shall not be included in the density bonus determination. [Ord. 2005 – 002]

2. Bonus Determination and Percentage of Affordable Units

The number of units awarded as a density bonus shall be determined by the Planning Director, in accordance with Table 5.G.1.D-13, Density Bonus. The determination shall be based on the size, location and development characteristics of the project with consideration given towards affordability, accessibility, compatibility, quality of design, pedestrian and vehicular circulation, open space, and resource protection. The percentage of affordable units shall be at a minimum of 50 percent of the total number of density bonus units. The Planning Director shall prepare a report for the applicant, DRO, ZC, or BCC, whichever is appropriate. In the report, the Planning Director shall make a determination of compliance with this chapter, consistency with the Plan and recommend approval, approval with conditions, or denial of the request. [Ord. 2005 – 002] [Ord. 2006-004]

Table 5.G.1.D – 13, Density Bonus

% of Affordable Housing in Sector	> 50%	40-50%	20-40%	0-20%
Maximum Density Bonus	40%	60%	80%	100%
Minimum Density Bonus	40%	40%	40%	40%
Minimum % of Density Bonus Units Required to be Affordable	50%	50%	50%	50%

Notes for Table 5.G.1.D-13, WHP Density Bonus

- 1. The minimum density bonus shall be as indicated, or a maximum of 16 units/acre, whichever is less [Ord. 2005-002] [Ord. 2006-004]

3. Maximum Bonus and Density

The overall density allowed (density plus density bonus) shall not exceed 16 units/acre, or a 100 percent increase above the permitted density, whichever is less. **[Ord. 2005 – 002]**

E. Review Process

The review process for WHP applications is based upon the density bonus requested. Notice of all proposed projects shall be forwarded to the BCC. **[Ord. 2005 – 002]**

1. Building Permit Approval

The transfer of two units per acre or less, not exceeding a total of five WHP density bonus units, may be approved through the building permit application process, subject to Planning Division approval; **[Ord. 2005 – 002]**

2. DRO Approval

The transfer of two units per acre or less shall be reviewed and approved by the DRO. Parcels which meet the minimum acreage thresholds for PDDs or TDD's shall not utilize this option; **[Ord. 2005 – 002]**

3. Class A Conditional Use Approval

The transfer of more than two units per acre shall be reviewed and approved as a Class A conditional use. Parcels which meet the minimum acreage thresholds for PDDs or TDDs may utilize this option, provided the parcel meets the PDRs contained in [Article 3.E, Planned Development Districts \(PDDs\)](#), or [Art. 3.F, Traditional Development Districts \(TDDs\)](#); **[Ord. 2005 – 002]**

4. Requested Use Approval

The transfer of any density to a PDD or TDD shall be reviewed and approved as a requested use. **[Ord. 2005 – 002]**

F. Application Requirements

1. Pre-application Procedures

All requests for a WHP density bonus shall require the submittal of a pre-application to the Planning Division prior to submittal of an application for a TDD, PDD, or DRO approval. **[Ord. 2005 – 002]**

a. Contents of Application

The pre-application shall be in a form established by the Planning Director, and made available to the public. The Planning Director shall establish the geographic area (sector) within which the dispersal analysis is to be made (see Art. 5.G.1.G.7.a, Sector Analysis). **[Ord. 2005 – 002]**

b. Sufficiency Review

The [pre-application](#) shall be subject to the provisions of [Art. 2.A.1.G.3, Sufficiency Review](#). **[Ord. 2005 – 002]**

c. Density Determination

The Planning Director shall provide a written density determination letter within ten days of determining the pre-application is sufficient. The letter shall also include the identification of the Sector, as indicated under [Art. 5.G.1.G.7.a, Sector Analysis](#). **[Ord. 2005 – 002]**

2. Application Procedures

A WHP application shall be in accordance with the review processes indicated above, and the requirements of Art. 2, Development Review Procedures, or the building permit process, whichever is applicable. **[Ord. 2005 – 002]**

G. Standards

1. Requirements

The minimum requirements for a WHP application are as follows: **[Ord. 2005 – 002]**

a. Minimum Size

The project shall have a minimum of ten permitted units. **[Ord. 2005 – 002]**

b. Design Standards

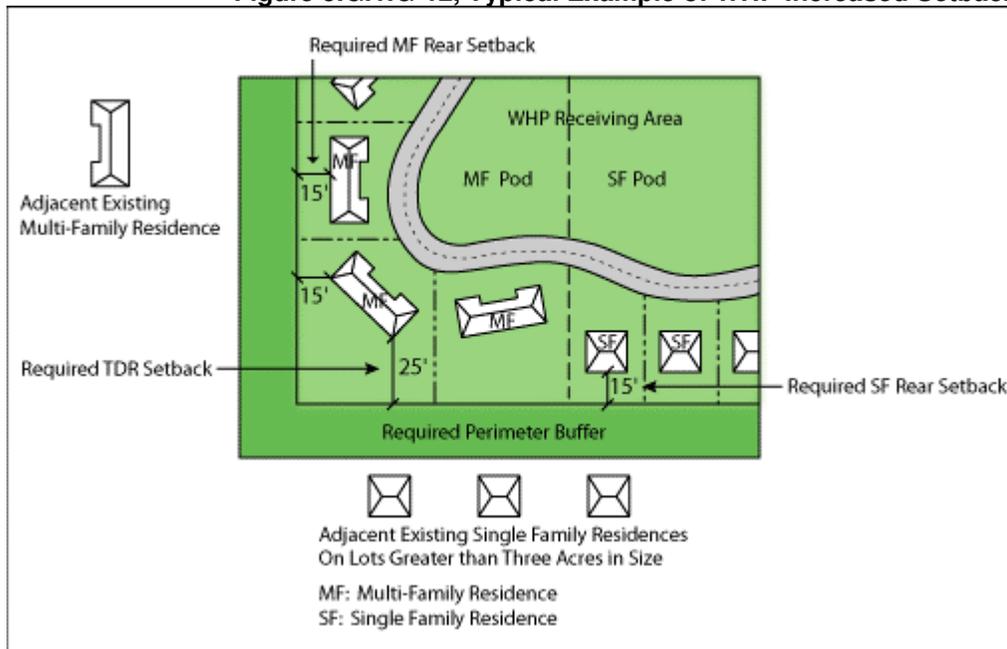
WHP units shall be integrated within the development and designed to be compatible with the overall project, as follows: **[Ord. 2005 – 002]**

1) All affordable units shall be constructed on-site. **[Ord. 2005 – 002]**

2) All affordable units shall be designed to the same exterior standard as other units in the development. **[Ord. 2005 – 002]**

3) All affordable units shall be uniformly dispersed throughout the project, according to unit type. **[Ord. 2005 – 002]**

Figure 5.G.1.G-12, Typical Example of WHP Increased Setbacks



2. Management Plan

If the percentage of affordable units exceeds 50 percent of the total number of units in a project, a Management Plan may be required by the Planning Director. The purpose of a Management Plan is to ensure that predominate workforce housing projects provide convenient amenities and services for moderate or low income households. Items to be addressed in the Management Plan include: the types and quantity of recreation facilities provided, tenant and/or ownership education services provided, accessibility to social service information and/or programs, on-site management, on-site day care facilities, on-site security, crime prevention design considerations, and assurances that the Management Plan will be implemented and maintained. **[Ord. 2005 – 002]**

3. Mass Transit/Employment

100 percent of the affordable units shall have access within one-half mile to a mass transit stop, business center or if on a thoroughfare road access to a bus stop feeder via a pedestrian accessible route. **[Ord. 2005 – 002]**

4. Mix of Units

The application shall indicate the number of very low, low and/or moderate-income units and whether the affordable units are rental or for-sale units. The applicant shall describe the manner in which the affordability of these units is to be maintained for the duration of the affordable limitations. **[Ord. 2005 – 002]**

5. Assurance of Affordability

The applicant, developer and/or property owner shall record in the public record a guarantee which, for a minimum period of ten years for ownership units and 20 years for rental units, maintains the affordability of units that are required to be affordable housing. During this time period, no unit shall be sold, resold, or rented except to a very low, low or moderate-income qualified household. The guarantee shall be approved by the County Attorney and recorded prior to final DRO approval of the site plan. **[Ord. 2005 – 002]**

6. Limitation on Restrictions

WHP affordable units shall not be subject to restrictions beyond income qualifications. The limitation on restrictions may be waived by the ZC, BCC, or Planning Director, only to ensure housing for a specific target group (e.g. disabled populations) where there is a demonstrated need. **[Ord. 2005 – 002]**

7. Equitable Geographic Distribution

WHP projects shall be equitably distributed so that there is no undue concentration of low and income households housing, as required by HE Policy 1.5.g. in the Plan. **[Ord. 2005 – 002]**

a. Sector Analysis

Equitable distribution shall require the establishment of a “sector” and an analysis of the existing concentration of very low and low income housing in the area of a WHP project, as follows: **[Ord. 2005 – 002]**

- 1) Prior to submittal of a WHP pre-application, the applicant shall meet with the Planning Director to establish the sector within which the distribution analysis shall be conducted. **[Ord. 2005 – 002]**
- 2) The sector shall be proportional to the size and character of the proposed development. At a minimum, the sector shall consist of one or more neighborhoods that include features such as schools, shopping areas, an integrated network of residential and collector streets bounded by arterial roads, civic uses, localized shopping, and employment opportunities. For data and analysis purposes, the sector shall be adjusted to accommodate census tracts or census block groups but shall not extend beyond important physical boundaries that may include a major arterial roadway or a wildlife refuge. The boundaries of the sector shall be approved by the Planning Director. **[Ord. 2005 – 002]**
- 3) Household income characteristics for the sector shall be derived from the most current available census data. The income level of a “family of four” shall be used for the determination of households within the very low, low, and moderate income household categories. The analysis of housing and demographic data within the sector shall be in a manner and form approved by the Planning Director.
- 4) The above information shall be considered by the Planning Director in making the density bonus determination in accordance with Art. 5.G.1.C-1, Density Bonus. The density bonus shall not be granted until the project is found in compliance with Housing Policy 1.5.g. in the Plan. **[Ord. 2005 – 002]**

8. Compatibility

The resulting development shall be compatible with surrounding residential land uses, as described herein. **[Ord. 2005 – 002]**

a. Compatibility Factors

The determination of compatibility shall include: **[Ord. 2005 – 002]**

- 1) An assessment of the FLU designations, potential use, and actual use of surrounding lands. **[Ord. 2005 – 002]**
- 2) The impact of the proposed development on surrounding land uses, both current and future. **[Ord. 2005 – 002]**

b. WHP Buffer

Notwithstanding the requirements of Article 7, Landscaping, the perimeter buffer along the boundaries of a WHP development that abuts existing residential uses, or properties with a residential FLU designation, shall be increased in accordance with [Table 5.G.1.G-15, WHP Increased Buffer Widths](#). **[Ord. 2005 – 002]**

1) Exception to WHP Buffer

Increased buffer width shall not apply to a WHP development site consisting of 12 acres or less, that abuts residential uses with the same or more intense housing classification. **[Ord. 2005 – 002]**

Table 5.G.1.G-15 – WHP Increased Buffer Widths

WHP Density Bonus	Buffer Width
0 – 2.0 du/ac	5'
2.01 – 4.0 du/ac	10'
4.01 – 8.0 du/ac	15'

c. WHP Increased Setbacks

When a WHP development has a more intense housing classification as described below, an additional ten-foot rear setback shall be required, as indicated in [Figure 5.G.1.G-12, WHP Increased Setbacks](#). For the purposes of this Section, housing classification shall be ordered from least intense to most intense, as indicated in Table 5.G.1.G-16, Housing Classification:

Table 5.G.1.G-16 – Housing Classification

Intensity by Group	Housing Type
1 - Low	Single-family residential on lots greater than one acre in size; Single-family residential on lots less than one acre in size; and Zero lot line homes.
2 - Medium	Mobile homes; Townhouses; and Multi-family.
3 - High	Type II or III Congregate Living Facilities.

Section 2 Transfer of Development of Rights (TDRs) – Special Density Program

A. Purpose and Intent

The purpose of this Chapter is to provide for a TDR Program, including the establishment of a TDR Bank, to facilitate both the protection of environmentally sensitive lands, the preservation of agriculture on lands designated as AGR on the FLUA, and to promote orderly growth in PBC. This is accomplished by allowing development rights to be severed from environmentally sensitive lands and lands designated as AGR and transferred to sites where additional development can be accommodated. The TDR program is designed to redistribute population densities, or development potential, to encourage the most appropriate and efficient use of resources, services and facilities.

Further, it is the purpose and intent of this Chapter to provide an alternative to the development of environmentally sensitive lands and lands designated as AGR on the FLUA by establishing a mechanism to seek economic relief from the limitation of development imposed on these lands. TDR can mitigate inequities in the valuation of land by providing a means of compensating landowners whose property is restricted, by permitting the sale of development rights, and making landowners in more intensively developed areas pay for the right to develop beyond the existing density, by purchasing development rights.

The TDR Program allows a property owner to achieve a density bonus by purchasing the increase in density from the PBC TDR Bank, or from a property owner with land in a designated sending area, without going through the land use amendment process. In order to increase density, the site must meet the requirements to become a designated receiving area and follow the procedures as described in this Chapter. After development rights have been transferred from the sending area to the receiving area, an appropriate conservation easement or an agricultural conservation easement shall be attached to the sending area and recorded in the public records of PBC, restricting future development potential.

The TDR Program is the required method for increasing density above the maximum density permitted by a property's FLUA designation within unincorporated PBC, unless an applicant can both justify and demonstrate a need for a Site Specific Plan Amendment and demonstrate that the current FLUA designation is inappropriate, as outlined in [Art. 2.C, FLU Amendments](#), or the applicant is using the WHP as outlined in [Art. 5.G, Density Bonus Programs](#). [Ord. 2005 – 002]

B. Authority

The BCC has the authority to adopt this pursuant to [Article VIII, Sec. 1, Fla. Const.](#), the PBC Charter, [F.S. §125.01](#), et seq. and [F.S. §163.3161](#), et seq.

C. Applicability

This Chapter shall apply to property in unincorporated PBC which is located within designated sending areas, as defined in [Article 5.G.2.F, Sending Areas](#). Development rights may be transferred from sending areas pursuant to the procedures contained in this Chapter, to property which meets the qualifications to receive such density according to [Article 5.G, Density Bonus Programs](#), and the standards contained herein.

The use of TDR shall be allowed in all residential zoning districts within the U/S Tier and shall be approved pursuant to this Chapter. TDR units may be utilized for all housing types. Additionally, TDR units may be converted to CLF beds subject to the provisions of [Article 4.B.1.A.34, Congregate Living Facility](#), whereby the total approved density, including TDR units, is utilized when calculating permissible CLF occupants per [Table 4.B.1.A-4, Maximum Permissible Occupancy in Type 3 Congregate Living Facilities](#).

D. Previous Approvals

All previously approved transfers of development rights, as long as they remain in force, shall remain valid and shall not be affected nor changed by subsequent revisions to the TDR Program.

E. Administration

1. General

Except as otherwise specified, the TDR Program shall be administered by the Executive Director of PZB.

2. Responsibilities

The Executive Director of PZB shall be responsible for:

- a. Establishing, administering and promoting PBCs TDR Program;
- b. Establishing and administering the TDR Bank;
- c. Ensuring the orderly and expeditious processing of TDR applications under this Chapter;
- d. Ensuring the contracts for sale and purchase of development rights are executed and all deeds and conservation easements are filed in the public records of PBC;
- e. Ensuring that the Property Appraisers Office is notified of all TDRs;
- f. Ensuring that the densities approved through the TDR Program are placed on the FLUA as notations following approval of the TDR receiving area;
- g. Ensuring that the FLUA is amended by a staff initiated Site Specific Plan amendment to reflect an appropriate FLU designation for the sending areas following recordation of the deed of transfer;
- h. Ensuring that the FLUA is amended by a staff initiated Site Specific Plan amendment to reflect an appropriate land use designation for land acquired by PBC whose units are placed in the TDR bank; and
- i. Coordination with municipalities in the administration of the TDR provisions.

F. Sending Areas

1. General

Sending areas represent those areas of PBC that are designated by the BCC to warrant protection. The owner of property in a designated sending area may transfer the development rights to a parcel of land in a designated receiving area, subject to the provisions of this Chapter.

2. Eligible Sending Areas

- a. Lands designated RR-20 on the FLUA;
- b. Lands designated as priority acquisition sites by the Environmentally Sensitive Lands Acquisition Selection Committee (ESLASC) or the Conservation Land Acquisition Selection Committee (CLASC) that meet the criteria listed below:
 - 1) Rarity in PBC of native ecosystems present on the environmentally sensitive lands site;
 - 2) Diversity of the native ecosystems present on the environmentally sensitive lands site; or
 - 3) Presence of species listed as endangered, threatened, rare or of special concern by the U.S. Fish and Wildlife Service, the Florida Fish and Wildlife Conservation Commission, the Florida Committee on Rare and Endangered Plants and Animals, or the Florida Department of Agriculture.
- c. Lands designated AGR on the FLUA;
- d. Privately owned lands designated CON on the FLUA; and
- e. Other sites determined by the BCC to be worthy of protection, provided that the sites:
 - 1) Further the purpose of the TDR Program in keeping with the criteria listed above; or
 - 2) Further other PBC Goals, Objectives, and Policies. At such a time that the BCC determines that a parcel of land is environmentally sensitive, or preservation of the site is in the public interest, the parcel is eligible to become a sending area. The site shall be designated by resolution of the BCC.

3. Overlap in Sending Areas

In such cases where a parcel of land is both a priority acquisition site and designated RR-20 or AGR on the FLUA, all provisions in this Chapter pertaining to the priority acquisition sites shall prevail.

4. Transfer Rate

The owner of land which is designated as a sending area may elect to transfer development rights as provided in this Chapter. Development rights may be transferred from sending areas according to the following schedule. For the purposes of this Subsection, acres means gross acreage.

- a. Development rights may be transferred from property designated RR-20 on the FLUA at the rate of one development right per five acres. The minimum land area eligible for the TDR as a sending area shall be ten acres.
- b. Development rights may be transferred from property designated AGR on the FLUA at the rate of one development right per one acre. The minimum land area eligible for the transfer of development rights as a sending area shall be 20 acres unless the sending area parcel is located adjacent to other preserved properties, in which case the minimum land area shall be five acres.

- c. Development rights may be transferred from priority acquisitions sites (both residential and non-residential) located outside of the U/S Tier at a transfer rate of one development right per five acres. The minimum land area eligible for the TDR as a sending area shall be five acres.
- d. Development rights may be transferred from privately owned lands designated CON on the FLUA at a rate of one development right per ten acres. The minimum land area eligible for the transfer of development rights as a sending area shall be ten acres.
- e. Development rights may be transferred from all environmentally sensitive sites described in [Article 5.G.2.F.2, Eligible Sending Areas](#), at a rate which equals the maximum density permitted by the future land use designation for the property. The minimum land area eligible for the transfer of development rights as a sending area shall be determined by the BCC, upon a recommendation from PZB and ERM.

5. Computation of Development Rights

The number of development rights assigned to a sending area parcel of land shall be determined by the Executive Director of PZB pursuant to [Article 5.G.2.F.2, Eligible Sending Areas](#), and [Article 5.G.2.I, TDR: Sending Area Procedure](#), as calculated below:

- a. All development rights shall be in whole numbers, no fractions shall be permitted. Any fractional residential unit that may occur during calculations shall be converted upward, if one-half or more of a whole unit, or downward, if less than one-half of a whole unit, to the nearest whole unit.
- b. The amount of development rights assigned to a sending area parcel shall be reduced by one dwelling unit for every conforming residential structure situated on the property at the time of approval.

6. Restriction on Future Use

Upon BCC or DRO approval of the TDR transfer, a conservation easement or agricultural conservation easement shall be recorded in the public records of PBC. The BCC or DRO shall determine which easement is appropriate for the sending area as part of the approval of the TDR transfer. Prior to recordation of the easement, a legally enforceable maintenance plan providing for perpetual maintenance of the sending area shall be established by the property owner and approved by ERM. No further development permit or development order for the designated receiving area shall be issued by PBC until the applicable easement is recorded in the public records of PBC. The easement shall restrict the use of the sending area in perpetuity. In particular, a conservation easement shall require that the sending area be maintained in its natural state while an agricultural conservation easement shall restrict the use of the sending area to bona fide agriculture, fallow land, or uses permitted in the Conservation Water Resources Area (WRA) future land use category; all other development rights of the subject property shall be considered transferred in perpetuity.

7. Existing Uses

Conforming residential dwelling units which existed prior to making application to transfer development rights shall be permitted to remain as legal conforming uses. All other existing uses on the sending area shall cease.

8. Remaining Land Area

If all of the development rights assigned to a sending area are not transferred off the site, the remaining land, if proposed for development, shall be developed in accordance with this Code and in a manner which is compatible with the surrounding area. This provision shall not apply to sending areas designated AGR on the FLUA; these parcels are required to transfer all development rights off the site.

If the owner of land in a sending area only transfers a portion of the development rights available for the property, PBC, upon a recommendation from PZB and ERM, reserves the right to determine which portion of the land is subject to the applicable conservation easement. The intent is to link environmentally sensitive land, to link agricultural land, and to link open space areas, when feasible, and allow compatible development to occur on the remainder of such sites.

G. Transfer of Development Rights (TDRs) Bank

1. General

The purpose of this Chapter is to authorize the establishment of a TDR Bank. The TDR Bank is hereby created in order to, among other things, facilitate the purchase and transfer of development rights as hereinafter provided and maintain an inventory of those development rights purchased by PBC.

2. Establishment of Development Rights for the Bank

Development rights for the TDR Bank shall be generated from environmentally sensitive lands purchased by PBC, including the priority acquisition sites meeting the criteria in [Article 5.G.2.F.2, Eligible Sending Areas](#), through August 30, 1999. Priority acquisition sites in the unincorporated area

of PBC which are not purchased as part of the acquisition program shall maintain the opportunity to transfer development rights on the private market. The TDR Bank shall be maintained by the Executive Director of PZB and shall be reviewed in accordance with the FLUE of the Plan to determine the need for additional units.

Development rights in the TDR Bank generated under the TDR Program shall remain in the TDR Bank until sold by PBC, the TDR Bank is dissolved, or the units are otherwise disposed of.

3. Transfer Rate From the Purchase of Environmentally Sensitive Lands

a. Land Purchased Inside the U/S Tier

The number of development rights within the bank shall equal the maximum density allowed by the FLU designation as established by the applicable PBC or municipal Comprehensive Plan.

b. Land Purchased Outside the US Tier

The number of development rights severed, or generated for the bank, shall equal the TDR transfer rate established in [Article 5.G.2.F, Sending Areas](#).

4. The Application, Sale, and Value of Development Rights

PBC may sell development rights to property owners who meet the receiving area criteria pursuant to this Chapter.

a. A property owner seeking an increase in density must apply to become a receiving area and submit a draft Contract for Sale and Purchase of Development Rights as part of the application described in [Article 5.G.2.J, TDR: Receiving Area Procedure](#).

b. The value and price of a development right shall be set by the BCC. The BCC may utilize the following to set the price:

- 1) The current market value; or
- 2) A recommendation from the LUAB and the Planning Division. The BCC may discount the price of development right as provided in the Plan; or
- 3) TDR applications not subject to approval by the BCC requesting TDR units from PBC's TDR Bank shall utilize the price set by the BCC.

5. Annual Report

The Executive Director of PZB shall present an annual report to the BCC which outlines the number of development rights currently in the bank; the number of rights available for sale; the number of rights sold during the year; the purchase price per development right; recommendations for improving the TDR Program; and any other information deemed relevant.

6. Revenue from the Sale of TDRs

The revenue generated from the sale of development rights from the TDR Bank shall be allocated to the Natural Areas Fund administered by ERM for acquisition and management of environmentally sensitive lands and wetlands.

H. Receiving Areas

Development rights shall only be transferred to those parcels which meet the qualifications for designation as receiving areas.

1. Eligible Receiving Areas

- a. PDDs and TDDs. The total density of the project, including the TDR units, shall be utilized for calculating the minimum PDD or TDD acreage threshold; and
- b. Residential Subdivisions which are not within a PDD or TDD.

2. Qualify as a Receiving Area

- a. Be located within the U/S Tier; or the Scientific Community Overlay; **[Ord. 2004-040]**
- b. Be compatible with surrounding land uses and consistent with the Plan;
- c. Meet all concurrency requirements;
- d. Meet all requirements as outlined in this Code; and
- e. Be compatible with adjacent Environmentally Sensitive Lands.

3. Compatibility with Adjacent Environmentally Sensitive Lands

A receiving area shall not degrade adjacent environmentally sensitive lands. Receiving areas, therefore, shall reduce the intensity/density of that portion of the development which is contiguous to any regionally significant natural resource as defined by the Treasure Coast Regional Planning Council, environmentally sensitive land as defined by the ESLASC or CLASC, or sites designated as preserve areas according to [Article 14.C, Vegetation Preservation and Protection](#), so that the development is compatible with, and does not negatively impact the environmentally sensitive area, by providing a buffer zone of native vegetation according to the following table.

Table 5.G.2.H-21 - Required Buffer Zone

Density of Adjacent Pod/ Development Area	Required Buffer Zone of Native Vegetation
Net density less than or equal to three units per acre	50 foot buffer
Net density greater than three and less than or equal to five units per acre	100 foot buffer
Net density greater than five units per acre	200 foot buffer

4. TDR Buffer

Notwithstanding the requirements of [Art. 7, Landscaping](#), the perimeter buffer of a TDR receiving area that abuts existing residential uses, or properties with a residential FLU designation, shall be increased in accordance with Table 5.G.2.H-22, TDR Increased Buffer Widths. **[Ord. 2005 – 002]**

Table 5.G.2.H-22 – TDR Increased Buffer Widths

Range of Units Transferred to Receiving Area	Buffer Width
0 - 1 du/ac	10'
0 - 2 du/ac	15'
2.01 - 3 du/ac	20'
3.01 - 4 du/ac	25'
[Ord. 2005 – 002]	

a. Exception to TDR Buffer

Increased buffer width shall not apply to a TDR receiving area that abuts residential uses with the same or more intense housing classification, as indicated in Table 5.G.2.H-23, Housing Classification. **[Ord. 2005 – 002]**

Table 5.G.2.H-23 – Housing Classification

Intensity by Group	Housing Type
1 - Low	Single-family residential; or Zero lot line homes.
2 - Medium	Mobile homes; Townhouses; or Multi-family.
3 - High	Type II or III Congregate Living Facilities.
[Ord. 2005 – 002]	

b. Upgraded Landscaping

Where an increased buffer width is required, an additional native palm or tree shall be provided for each 30 linear feet, with a maximum spacing of 90 feet between clusters. **[Ord. 2005 – 002]**

c. TDR Increased Setbacks

When a TDR development has a more intense housing classification, an additional ten-foot rear setback shall be required. For the purposes of this Section, housing classification shall be ordered from least intense to most intense, as indicated in [Table 5.G.2.H-23, Housing Classification](#). **[Ord. 2005 – 002]**

d. Location

The required buffer shall be located along the perimeter of the receiving area or pod.

e. Exception

A receiving area consisting of 12 acres or less shall not be subject to the TDR buffer requirements.

5. Residential Density Bonus

The maximum number of development rights which may be transferred to the receiving parcel shall be determined in accordance with [Article 5.G.2.H, Receiving Areas](#), and [Article 5.G.2.J, TDR: Receiving Area Procedure](#). The following density increases may apply to properties which meet the receiving area criteria:

a. Approved receiving areas may receive a bonus density as follows:

- 1) Receiving areas in the U/S Tier west of the Florida Turnpike: up to two du/acre additional; and

- 2) Receiving areas in the U/S Tier east of the Florida Turnpike, but not in a Countywide Community Revitalization Team (CCRT) revitalization and redevelopment area: up to three du/acre additional; and
 - 3) Receiving areas in the Revitalization and Redevelopment Overlay: up to four du/acre additional.
- b. Receiving areas meeting one or both of the following criteria shall be eligible for an additional one du/acre density bonus above the density bonus described in [Article 5.G.2.H.5, Residential Density Bonus](#).
- 1) Receiving areas within ¼ mile radius of a public park, community commercial facility or mass transit facility within the U/S Tier; and
 - 2) Receiving areas within ¼ mile radius of a regional commercial facility or a major industrial facility within the U/S Tier.
- In order to be eligible for the additional one du/acre density bonus, at least 25 percent of the receiving area must be located within the required radius. The density bonus shall apply to the entire receiving area.

6. Prohibitions

Under no circumstances shall a receiving area contain a sending area as defined in [Article 5.G.2.F.2, Eligible Sending Areas](#).

I. TDR: Sending Area Procedure

1. Sending Parcel Application

The property owner of lands which are designated sending areas as defined under [Article 5.G.2.F.2, Eligible Sending Areas](#), must make application to PZB for an administrative determination in order to be formally designated as a sending area. The purpose of this administrative determination is to ascertain the exact number of development rights the property owner is entitled to. The application shall include, at a minimum:

- a. Proof of ownership;
- b. A legal description of the property; and,
- c. Contract, or option, for the purchase and sale of development rights (unless requesting a TDR Certificate, as outlined in [Article 5.G.2.I.6, Development Rights Certificates](#). The application shall be submitted to the Executive Director of PZB. Applications for a sending area designation may be accepted for review and processing at any time.

2. Review Process

a. Environmentally Sensitive Lands and Lands Designated RR-20 or CON on the FLUA

Prior to the first scheduled DRO meeting to consider the TDR application, the Executive Director of PZB shall review the sending area application and make a determination regarding the number of units associated with the parcel. As part of review of the application, the Executive Director of PZB shall notify ERM of the application and request that a site check be conducted.

ERM shall complete a site check to ensure that the site has not been altered and the site meets the criteria provided in [Article 5.G.2.F.2, Eligible Sending Areas](#), ERM shall complete a written recommendation to the Executive Director of PZB regarding the site.

b. Land Designated AGR on the FLUA

Prior to the first scheduled DRO meeting to consider the TDR application, the Executive Director of PZB shall review the sending area application and make a determination regarding the number of units associated with the parcel. As part of review of the application, the Executive Director of PZB shall complete a site check to ensure that the site is suitable for bona fide agricultural or other open space purposes consistent with the AGR provisions in the Plan.

Sending area applications which are not submitted in conjunction with a receiving area application shall be reviewed and acted upon within 25 days.

3. Written Determination

The property owner shall receive a written determination from the Executive Director of PZB indicating how many development rights can be transferred from the property. The number of development rights for the site shall be documented and be kept on file in the PZB Department.

The written document shall be valid for a period of 12 months. If any modifications or alterations are made to the property during the 12 month period, the property owner shall not be permitted to participate in the TDR Program.

4. Easement Agreement/Restriction

Prior to site plan certification, the applicable conservation easement, in a form and content acceptable to the County Attorney shall be recorded in the public records of PBC. The easement shall restrict future use of the land consistent with the requirements in [Article 5.G.2.F.6, Restriction on Future Use](#).

Prior to recordation of the easement, a legally enforceable Maintenance Plan providing for perpetual maintenance of the sending area shall be established by the property owner and approved by ERM.

5. Re-Submittal of Application

The owner of a sending parcel may re-apply until all development rights have been severed from the property.

6. Development Rights Certificates

Environmentally sensitive lands and lands designated as CON or RR-20 on the FLUA must be deeded to, and accepted by PBC, subject to the discretion of the BCC, before the Certificate can be issued. Environmentally sensitive lands and lands designated as CON or RR-20 on the FLUA deeded to, and accepted by PBC, shall be managed by PBC or its designee. AGR lands shall be managed by the property owner in perpetuity as provided in the Maintenance Plan.

a. Eligibility

Development Rights Certificates shall only be issued to property owners of ESL or RR-20 land that deed without compensation environmentally sensitive land to PBC or property owners of AGR land that record an agricultural conservation easement, and follow the procedures in this Chapter. The development rights certificate shall require that restrictions be placed on the sending area prior to the sale of those development rights. A minimum transfer of five acres is required.

b. Issuance of the Certificate

Upon completion of the application process, and recordation of the deed transferring ownership of the property to PBC, or recordation of the agricultural conservation easement and approval by ERM of a legally enforceable maintenance plan providing for perpetual maintenance of the sending area, the property owner shall be issued a Development Rights Certificate. The Certificate shall indicate the exact number of development rights which can be sold, transferred, or traded, by the holder of such Certificate. The Certificate shall remain in effect until applied to a TDR receiving area in accordance with provisions of this Chapter.

c. Unused Certificates

A property owner of AGR land, with an agricultural conservation easement recorded, may reassociate development rights to the original sending parcel provided that no development rights have been sold. A written request to reassociate the development rights shall be submitted to the Executive Director of PZB along with proof of ownership and a legal description of the property. Prior to approval of a request to the reassociate development rights, the applicant must petition and receive BCC approval to release the easement recorded against the sending area parcel.

7. Limitations

The amount of development rights assigned to a sending area parcel, or indicated on a certificate, shall be reduced by one for every conforming residential structure situated on the property at the time of application.

J. TDR: Receiving Area Procedure

1. General

Receiving areas shall be approved concurrent with issuance of a Development Order for a PDD, TDD or a residential subdivision, except for the SCO PIPD, which shall be approved by the DRO. The following procedures shall be followed in order to become a receiving area to obtain the density bonus. [Ord. 2005 – 002]

2. Preapplication Conference

Prior to submittal of an application requesting a receiving area density bonus, the applicant must attend a preapplication conference with the appropriate PZB staff, pursuant to [Article 2.A, General](#), to review the proposed development, and the requirements and procedures of the TDR Program.

3. Review Process

The review process for TDR applications is based upon the density and type of residential development proposed.

a. The transfer of two units per acre or less to a residential subdivision is reviewed by the DRO and shall be subject to the provisions of [Article 2.D.1.C, Review Procedures](#), except as provided below. Parcels which meet the minimum acreage thresholds for a PDDs or TDD shall not utilize this Chapter option;

b. The transfer of more than two units per acre to a residential subdivision is reviewed as a Class A conditional use and shall be subject to the provisions of [Article 2.B, Public Hearing Procedures](#), except as provided below. Parcels which meet the minimum acreage thresholds for a PDDs or TDD are allowed to utilize the option contained in this paragraph, provided the parcel meets the

PDDs PDRs contained in [Article 3.E, Planned Development Districts \(PDDS\)](#), or contained in [Article 3.F, Traditional Development Districts \(TDDS\)](#);

- c. The transfer of any density to a planned development is reviewed as a requested use and shall be subject to the provisions of Art. 3.E, Planned Development Districts (PDDs), except for SCO PIPD, which shall be approved by the DRO. A general application by a property owner for receiving area status and a density bonus shall be accepted for review and processing pursuant to Art. 2, Development Review Process. **[Ord. 2005 – 002]**
- d. BCC approval is required for any project that is requesting a combined density increase/transfer through the WHP and TDR programs that exceeds two units per acre. **[Ord. 2005-041]**

4. Contents of Application

In conjunction with the general application for a residential subdivision, a rezoning to a PDD or TDD, or an amendment to a previously approved PDD, TDD or residential subdivision submitted to the Zoning Division pursuant to [Article 2, Development Review Process](#), or [Article 2.D.1, Development Review Officer](#), as applicable, an applicant for receiving area status and a density bonus must submit a supplemental TDR Application.

The application shall be submitted in a form established by the Executive Director of PZB and made available to the public. A site plan which shows the location of roadways, parking areas, buffer areas, recreation and open space areas, and building areas shall be a part of the application. Additionally, the applicant shall include typical building footprints and elevations as a part of the application.

5. Standards

In addition to fulfilling the requirements of [Article 5.G.2.H, Receiving Areas](#), to qualify as a receiving area and be eligible for an increase in density, all applications requesting receiving area designation shall comply with these standards:

- a. The transfer of development rights is by deed, and the deed shall be recorded before final site plan approval;
- b. The transfer is to a parcel of land which meets all the requirements of this Code and within which the transferred densities have been included and amended;
- c. The proposed development meets all concurrency requirements at the level of impact calculated to include the TDR density;
- d. If the transfer is between two private parties, at the time the transfer is approved, the sending area from which the transfer will occur shall be subject to a conservation easement and shall be identified on the Zoning Map. Pending recording of the conservation easement, no development approvals or development permits will be issued for the sending area or receiving area;
- e. If the transfer of rights is from the PBC TDR Bank, all rights have been accounted for and there are enough development rights in the bank to cover the project;
- f. The proposed development and density are compatible with the surrounding area and land use; and
- g. The proposed development and density do not negatively impact adjacent environmentally sensitive lands.

6. Contract for Sale and Purchase of Development Rights

A contract for sale and purchase of development rights, an escrow agreement and a deed of TDR shall be required as part of the approval of a TDR transfer. The contract shall be recorded prior to certification of the site plan for a TDR receiving area. Prior to issuance of the first building permit, the funds from the escrow agreement shall be released to PBC or evidence of payment to a private party shall be provided, the deed shall be recorded and a copy of the recorded deed shall be provided to PZB. Building permits for sales models and/or temporary real estate sales and management offices permitted pursuant to this Code shall be exempted from this requirement regarding the release of escrow funds.

K. Notification to Property Appraisers Office

Upon recordation of the deed of transfer, the Executive Director of PZB shall notify, within 20 days, the Property Appraiser's Office in writing that development rights have been transferred from the sending area or TDR Bank to the receiving area in perpetuity.

L. County Initiated Land Use Amendment

Following recording of the deed, the Planning Division, upon direction from the BCC, shall initiate a Site Specific Plan Amendment to designate the property with a CON designation or place a notation which reflects the use of the property as an Agricultural Reserve Preservation Area (AGR/P). Densities obtained through the TDR Program shall be placed on the FLUA as notations following approval of the TDR receiving area.

M. Overall Accounting System for TDR Density

PZB shall maintain an overall accounting system for monitoring density availability and density transfers in the TDR Program. The accounting system shall include both private development rights and development rights in PBC's TDR Bank.

Density needed for the TDR Program may be derived from different sources including, but not limited to:

1. Density Reduction

Approved Site Specific Plan Amendments since 1990 which resulted in a density reduction; and,

2. PUD Unused Density

At such a time that the TDR Program, any subsequent density bonus programs, or amendments to the Plan requesting an increase in density, deplete the number of units available from previous amendments, PZB shall begin to monitor the PUD units which have been approved through the zoning process, but which have remained unused. The later units may at that time be considered as a source for density for the TDR Program.

Section 3 Property Development Regulations (PDRs) for Density Bonus Program Development

A. Purpose and Intent

The purpose and intent of this Chapter is to provide flexibility from traditional PDRs in order to provide greater opportunity for cost effective development for housing approved in conjunction with a density bonus program. The regulations represent the minimum regulations acceptable without compromising minimum health and safety standards.

B. Applicability

The provisions of this Chapter may be applied to all residential development which receives a density bonus for workforce housing, as defined in the Plan.

C. Threshold

100 percent of the units subject to the density bonus, or a minimum of 50 percent of the total number of units in the project, whichever is greater, shall be set aside for workforce housing in accordance with the applicable density bonus program in the Plan.

1. Lot Dimensions

The lot dimensions in all residential districts for all housing types may be reduced by 20 percent.

2. Building Intensity

The maximum building coverage and floor area ratio for all residential districts for all housing types may be increased by 20 percent.

3. Setbacks

The minimum building setbacks/separations for all residential districts for all housing types may be reduced by 20 percent, except for the front setback in the RS and RM districts, which may be reduced by 40 percent.

Amendment History:

[Ord. 2005-002; February 2, 2005] [Ord 2005-041; September 1, 2005] [Ord. 2006-004; March 1, 2006] [Ord. 2006-036; August 29, 2006]