



ULDC REVISIONS STAFF REPORT

BCC SECOND READING AND ADOPTION FEBRUARY 22, 2024

I. General Data

Project Name:	Commercial Vehicles in AR/RSA Zoning
ULDC Articles:	Articles 1, 4, 5, 6, and 7
Project Manager:	Jerome Ottey, Principal Planner
Agency Manager:	Lisa Amara, Zoning Director
Staff Recommendation:	Staff recommends approval based on the findings and conclusions presented in this report.

II. Item Summary

Summary: The item before the Board is a proposed revision to the “Palm Beach County Unified Land Development Code” (“ULDC” of the “Code”). Specifically, the changes propose to modify language related to commercial vehicle parking in residential zoning districts per Board direction. The proposed revisions include the following:

- Revise the definition for Commercial Vehicle to use classes based upon gross vehicle weight rating (GVWR);
- Reorganize Commercial Vehicle language for clarity and consistency;
- Revise the Home Occupation language to rename to Home-based Business and begin updating language for consistency with latest statute language.
- Retain the maximum Commercial Vehicle number and weight to one vehicle with a maximum of 12,500 GVWR, except for Agricultural Residential in Rural Service Area (AR/RSA) zoning which can park up to two vehicles up to 16,000 pounds GVWR with a Home-based Business; and,
- Increase the fence and hedge heights in AR/RSA zoning for residential properties.

Assessment: The topic of commercial vehicle parking in residential areas has been discussed at the BCC on multiple occasions this year, and over the course of several years. This report proposes language to implement BCC direction on August 30, 2023. This is a controversial topic with supporters and opponents, and the implementing drainage and roadway authority for the bulk of the land area affected (Indian Trails Improvement District) is not in support of changes to the ULDC.

III. Hearing History

BCC Permission to Advertise: At the November 29, 2023 presentation for Permission to Advertise, Staff presented this item with the following as directed by the BCC on August 30th:

- Increase from 1 to 2 commercial vehicles on properties with Agricultural Residential (AR) zoning in the Rural Residential future land use designations (AR/RSA), and
- Increase from a max of 12,500 to 16,000 pounds each (gross vehicle weight rating).
- For the Acreage Neighborhood Plan area only:
 - Allow administrative (staff only) approval
 - Allow commercial vehicles over 16,000 lbs for those home based businesses that operated & stored vehicles prior to August 30, 2023.
 - In addition, Staff proposed that the properties that did not meet the requirements for a commercial operation (80 foot paved, County maintained) would need BCC approval (public hearing) Type 2 Waiver.
 - Staff also proposed that the applicant demonstrate adequate turning movements during the review that demonstrated that the vehicle wouldn't be traversing into drainage easements or swales.

The BCC approved Permission to Advertise with direction to Staff to make changes to the ULDC revision as described below. These changes have been made within the LDRAB report as shown in double underline, double strike out.

- For the Acreage Neighborhood Plan:
 - Eliminate the requirement for sites not meeting commercial roadway requirements from needing BCC approved Type 2 Waiver.
 - Replace the turning movement analysis with a flat 24 foot wide driveway width.
 - Develop an option to allow applicants in the Acreage that did not own or reside on the property prior to August 30, 2023 to seek approval for 2 commercial vehicles greater than 16,000 pounds.

LDRAB Recommendation: At the January 16, 2024 meeting, the LDRAB recommended denial of the ULDC revisions by a vote of 5 to 2.

LDRC Determination: At the January 16, 2024 meeting, the LDRC made a recommendation that the proposed ULDC revisions are consistent with the Comp Plan by a vote of 7 to 0.

BCC First Reading: At the January 25, 2024 BCC Meeting, a motion to approve first reading and permission to advertise for second reading as modified at the hearing to remove the exception for the Acreage Neighborhood Plan area was made by Commissioner Woodward and seconded by Vice Mayor Marino and passed by a vote of 4 to 2 with Commissioner Baxter and Mayor Sachs dissenting and Commissioner Weiss absent. Board discussion centered on the ULDC revision history and the proposed Acreage Neighborhood Plan area exception that would have allowed two commercial vehicles greater than 16,000 pounds GVWR to park on residential lots within the AR/RSA. This exception was removed at first reading by the motion and is not contained within the second reading report. The Board discussion also included comments regarding the need for appropriate parking and storage for large commercial vehicles on commercial or industrial properties. A total of 90 comment cards were submitted, 55 in opposition and 34 in support. The comments were largely related to the Acreage Neighborhood Plan exemption. The 29 speakers in opposition included representatives from the Indian Trails Improvement District, South Indian River Water Control District (see letter in Exhibit 5), PB County Estates Landowners Association, and the Acreage Land Owners Association. There were 13 speakers in support.

BCC Second Reading and Adoption: *Scheduled for February 22, 2024*

IV. Intent

The item before the Board is a proposed revision to the “Palm Beach County Unified Land Development Code” (“ULDC” of the “Code”). Specifically, the changes propose to modify language related to commercial vehicle parking in residential zoning districts per Board direction. The proposed revisions include the following:

- Revise the definition for Commercial Vehicle to use classes based upon gross vehicle weight rating (GVWR);
- Reorganize Commercial Vehicle language for clarity and consistency;
- Revise the Home Occupation language to rename to Home-based Business and begin updating language for consistency with latest statute language.
- Retain the maximum Commercial Vehicle number and weight to one vehicle with a maximum of 12,500 GVWR, except for Agricultural Residential in Rural Service Area (AR/RSA) zoning which can park up to two vehicles up to 16,000 pounds GVWR with a Home-based Business; and,
- Increase the fence and hedge heights in AR/RSA zoning for residential properties.

V. Background

In 2023, Planning, Zoning, and Building presented the topic of Commercial Vehicles in Residential Zoning, along with related Code Enforcement issues, at several Board meetings, including January 26, March 23, April 27, and May 26, as well as several Public hearings discussions and public meetings starting from 2019. Memos to the Board associated with those dates summarize the issues related to this topic. In summary, residents with Agricultural Residential (AR) zoning (predominately in the Exurban Tier) have raised issues regarding changes to land development regulations in the Unified Land Development Code (ULDC) related to commercial vehicle parking at residences and related Code Enforcement actions.

At the April 27, 2023 Board of County Commission (BCC) Zoning Meeting, the BCC directed Zoning Staff to research and return with options related to the parking of commercial vehicles in Agricultural Residential (AR) zoning districts. Subsequently, for the August 24, 2023, BCC Zoning Meeting, staff published a lengthy memo as part of the agenda back-up in anticipation of presenting the information and options. The back-up included information regarding:

- Federal, State and Local Government classification of commercial vehicles.
- Commercial vehicles registered with the Florida Department of Highway Safety and Motor Vehicle (FLHSMV) by zip codes encompassing the subject areas of the Acreage and Jupiter Farms.
- Business Tax information through the Palm Beach County Tax Collector, specifically as it relates to Home-based Businesses.
- An analysis of current Unified Land Development Code (ULDC) regulations for commercial vehicle parking and storage, including a history of revisions.

Link to August 24, 2023 Agenda Item:

<https://discover.pbcgov.org/pzb/zoning/Hearings-Meetings-BCC/11-CommercialVehicleMemo.pdf>

At the BCC meeting, the Board continued the item to the Comprehensive Plan Public Hearing on August 30, 2023. Staff presented research, findings, and options for commercial vehicle parking in AR zoning districts in the Exurban and Rural Tiers (Rural Service Area) to the BCC for discussion. Staff presented two basic concepts: either leave the current ULDC language 'as is', or to pursue ULDC revisions with Board direction on commercial vehicle definitions, approval process, access, quantity, size, screening, etc., for allowing commercial vehicle parking and storage on residential properties. Under public comment, members of the public spoke in support and opposition of the allowance of commercial vehicle parking and storage on residential lots. The Board directed Staff to pursue the following:

- Prepare ULDC revisions to increase the number of business related vehicles from one to two and increase the gross vehicle weight rating from 12,500 pound to 16,000 pounds with the rural service area of the Agricultural Residential Zoning District (AR/RSA), and provide a distinction between business related vehicles and personal vehicles.
- Continue coordination with the Indian Trails Improvement District (ITID) to identify a potential path forward to accommodate the parking of vehicles greater than 16,000 GVWR for property owners storing such vehicles on their properties prior to August 30, 2023, specifically within the AR/RSA (north of Southern Boulevard, south of the Bee Highway or The Acreage Neighborhood Plan), utilizing the data from the FLHSMV to verify these properties.
- Clarify existing vehicle language and revise fence and hedge heights for AR/RSA residential properties.
- Provide information on potential properties within the ITID that may be utilized for a Contractor Storage Yard.

First Reading and Revisions: On January 25, 2024, the motion to approve for first reading removed the exception proposed for the Acreage Neighborhood Plan as summarized on page 2 of this report; therefore, this exception is not within Exhibit 1 proposed for adoption. Additional changes to Exhibit 1 have been made for clarity to address concerns addressed at the hearing related to the historical changes of this language. Changes include: the addition of a sentence to the Commercial Vehicle definition to clearly exclude Recreational Vehicles and personally registered and operated vehicles, to refer to State Statutes for added definitions, to correct typographical errors, and to ensure that vehicle language references residential uses rather than residential districts, and that the revisions more closely reflect the structure of the currently adopted language for the reader to more clearly see the proposed revisions. Additional background on prior ULDC revisions to Commercial Vehicles have been added as Exhibit 6.

VI. Data and Analysis

This section provides data and analysis of the proposed revisions.

A. Proposed Amendment

This amendment is comprised of several components, each of which is discussed separately below and corresponds with the specific strike out and underline changes to the ULDC shown in **Exhibit 1**.

- **Revise definition to include Classes of GVWR**

The current Commercial Vehicle definition in Article 1 is difficult to understand and does not match the definition utilized by the State of Florida. Further, most regulatory agencies do not utilize a single definition; rather, the vehicle classes are utilized based upon Gross Vehicle

Weight Rating (GVWR) which is the sum of the vehicle weight, fuel, and load. The Article 1 Definition is proposed to be revised to utilize Classes. In addition, throughout the ULDC the revised language will utilize the GVWR rating rather than the generic 'commercial vehicle' term. This amendment also adds definitions for other relevant vehicle-related terms, which have been taken in part from Ch. 320, Florida Statutes, and in part from Federal Motor Carrier Safety Regulations definitions.

- **Revise Home Occupation**

The Florida Legislature has revised the statute language for Home-based businesses (F.S. 559.955); however, the ULDC has not been modified to incorporate the new statute. The proposed revisions to the Home Occupation language in the ULDC are part of the process of updating the ULDC to be consistent with latest statute language, including:

- Increase from one to two employees
- Allow outdoor equipment on side and rear, require screening,
- Continue to prohibit parking in rights of way
- Require improved surface for vehicular storage
- Clarify nature of business, nuisances, hazards

- **Clarifying Commercial Vehicle Definitions, Classes, and GVWR**

Part of the trouble with deciphering the ULDC language for commercial vehicles, is the lack of consistency in the description of vehicles based on use, or size, or GVWR in the various parts of the ULDC. Further, there is a difference on whether or not the vehicle is associated with a Home-based Business or simply parked on the property. The proposed revisions will retain some of the existing language for areas unaffected by the Board direction, including:

- In Article 6, Residential Parking, residential parcels are allowed to park **one** 'commercial vehicle' defined as a vehicle utilized for vehicles principally used in commerce or trade up to 12,500 pounds GVWR. This language is being retained for properties without a Home-based Business. The current limitation is being retained with the maximum 12,500 pound GVWR, 9 feet in height including any load, bed, or box, and 26 feet in length, but relocated and reworded.
- For Home-based Business, this section of the ULDC will send the reader to Article 4 Home-based Businesses that allow two vehicles of a larger GVWR depending on the type of Home-based Business.

- **Home-based Business AR/RSA Zoned Residential Parcels**

- **Two Commercial Vehicles up to 16,000 pounds GVWR**

The Home-based Business language in Article 4 is proposed to allow two commercial vehicles in AR/RSA zoning district on residential properties in association with a Home-based Businesses. These two vehicles will be allowed by right with no separate approval process and be allowed up to 16,000 pounds GVWR per vehicle. Two trailers are allowed as well. This language is proposed for all AR/RSA zoning which includes all residential properties in the Rural and Exurban Tiers. Vehicles associated with an agricultural use approved for an agricultural classification by the Property Appraiser would not be bound by this language.

- **Article 7, Fences & Hedges**

- Increase hedges in front of AR/RSA zoned properties from 4 to 6 feet, and at side and rear increase from 8 to 10 feet
- Allow rail fences in front yards in AR/RSA up to 6 feet in height

- **Article 5, Fences & Walls**

- Allow 6 feet rail fencing in AR/RSA

B. Additional Research

The back-up provided to the BCC for the August 24, 2023 BCC Zoning meeting and August 30, 2023 BCC Comprehensive Plan Public Hearing is incorporated into this report by reference. In addition, Zoning staff contacted the FLHSMV for the registered vehicles over 16,000 pounds GVWR in Rural and Exurban Tiers in the Central Western Communities to establish as a baseline dataset for the proposed 'exception'. At the time of the publication of the LDRAB/LDRC report, Zoning staff had not received this data. As an alternative dataset for the November 29th meeting, Zoning staff had examined the active Code Violations in this area through August 30, 2023.

- **Central Western Communities Commercial Vehicle Code Violations.** Through August 30, 2023, there were 61 sites that have Code Enforcement violations related to commercial vehicle parking and storage, with all violations referencing Art. 6.A.1.B.2.a of the Unified Land Development Code, limiting parking and storage on residential lots to *“One commercial vehicle of not over one ton rated capacity may be parked per dwelling unit, providing all of the following conditions are met: vehicle is registered or licensed; used by a resident of the premises; gross vehicle weight rating (gvwr) does not exceed 12,500 pounds; height does not exceed nine feet, including any load, bed, or box; and total vehicle length does not exceed 26 feet.”*

The violations dated back to 2018 and through examination and analysis, a mix of various types of vehicles and equipment have been identified. Commercial Vehicles and equipment identified ranges from semi-trucks, trailers, box trucks, dump trucks, bucket lift trucks, tow trucks, buses, taxis, forklifts, containers, and other commercial equipment. It was also observed that in some cases, vehicles were inoperable and was being stored for extended periods of time as evidenced by mold and surrounding overgrown vegetation.

Staff examined data from the Florida Department of State, Sunbiz; Palm Beach County Local Business Tax and registration data with the United States Department of Transportation (USDOT) to gather information on business affiliation for the residents of the properties and the associated commercial vehicle violations. Through analysis of the information, it was found that of the 61 sites with violations, only 8 had a Local Business Tax Receipt (LBTR) for their home address. The other 53 sites either had no LBTR or the address for the LBTR was not associated with the residential home. This means the vehicle being parked and stored on the residential lot is a “work vehicle” and is not owned by the resident or the vehicle is being used as part of a Home-based Business and the Owner has not legally paid their taxes and established a business with the Palm Beach County Tax Collector. Staff found 24 of the 61 site or thirty nine percent, had an associated Sunbiz registration with only 20 being active and 4 being inactive.

Although all commercial vehicles are required to register for a USDOT Number, it was identified that 42 sites have commercial vehicles that would require a USDOT number, and of those 42 sites, 11 had a USDOT number (26%). Of the 11 that have a USDOT number, only 7 are licensed for the vehicle at the residential home, and the other 4 have their vehicles licensed somewhere else. A majority of the violations were observed to include storage of various types of commercial vehicles and equipment, similar to a Contractor Storage Yard use located in an Industrial or Commercial zoning district.

C. Access Requirements and Indian Trails Improvement District Coordination

Following the August 30, 2023 BCC meeting, PZB staff met with Indian Trails Improvement District (ITID) staff to discuss the BCC direction and options for a 'path forward' for existing residences with commercial vehicles. The area subject to the AR/RSA proposed the Acreage Neighborhood plan exception (removed at first reading) is located within the ITID's jurisdiction for roadway and drainage authority, and Exhibit 2 provides two letters from ITID with their position.

The bullets below provide information regarding the roadway requirements for commercial uses and the ITID roadways.

- **Commercial Use Access Requirements.** Per Art. 11, all commercial uses are required to be accessed from a minimum 80-foot Local Commercial Street. The minimum width and standard associated construction requirements accommodate the varying types of vehicles that may need to access these sites. These vehicles vary in terms of purpose, be it for commercial or personal purposes, and size, weight, height, width and length. Residential uses, per Art. 11, are required to be accessed from a minimum 50-foot Local Residential Street and are not typically constructed to standards that would accommodate frequent use by larger vehicles. Some of the roadways throughout ITID's boundary are arterial roadways that are not under the jurisdiction of ITID, and are maintained by the County. These roadways include Seminole Pratt Whitney Road, Persimmon, and portions of Northlake Boulevard.
- **ITID Roadway and Easement Network.** According to ITID, the bulk of the roadways traversing through the Indian Trails Improvement District (ITID) are unique as they are typically unpaved or paved with asphalt millings that have not been constructed to the standards of the County, and were designed to service Single Family homes. Streets within the ITID are also typically constructed with swales for water storage and movement. The ITID states that the current road conditions of the ITID are not conducive to the frequent use by large commercial vehicles as evidenced by the observation of significant damage by semi-trucks, dump trucks, bucket lift trucks and other large commercial vehicles.

D. Consistency with the Comprehensive Plan

A review by the Planning Division indicates that the proposed amendments will not result in inconsistencies with the Comprehensive Plan.

E. Neighborhoods and Neighborhood Plans

On January 17, 2024, representatives for the Acreage Landowners Association (ALA) provided a letter as provided in Exhibit 3. Prior to the first reading, a letter was submitted by the Palm Beach Country Estates (PBCE) that was added to this report as Exhibit 4.

VIII. Assessment and Conclusions

As demonstrated in this report, this proposed amendment will implement Board's direction. Staff recommends ***approval*** of this amendment.

Attachments

Exhibit 1 – Proposed changes in strike out and underline format	E - 1
Exhibit 2 - Letters from ITID	E - 11
Exhibit 3 - Letter from the ALA	E - 19
Exhibit 4 - Letter from the PBCE	E - 23
Exhibit 5 - Letter from SIRWCD submitted at First Reading	E - 25
Exhibit 6 - History of ULDC Changes	E - 27

EXHIBIT 1
COMMERCIAL VEHICLES DEFINITION

This exhibit revises the following Article(s):

- ARTICLE 1 – GENERAL PROVISIONS**
- ARTICLE 4 – USE REGULATIONS**
- ARTICLE 5 – SUPPLEMENTARY STANDARDS**
- ARTICLE 6 – PARKING, LOADING, AND CIRCULATION**

Revision Key: Proposed revisions are shown with new text as underlined, deleted text in ~~strike-out~~, and relocated text italicized. ~~Red Stricken and italicized or italicized~~ means text to be totally or partially relocated.

Part 1. ULDC Art. 1.H.2, General Provisions, Definitions and Acronyms, Definitions, is hereby amended as follows:

1 **CHAPTER H DEFINITIONS AND ACRONYMS**

2

3 **Section 2 Definitions**

4

5 **C. Terms defined herein or referenced Article shall have the following meanings:**

6

7 44. **Commercial Vehicle** – ~~means any Motor Vehicle a vehicle~~ principally used in commerce or
8 trade ~~or any vehicle that is not a recreational vehicle that exceeds the following limits: rated~~
9 ~~capacity of one ton; gross vehicle weight rating (GVWR) does not exceed 12,500 pounds,~~
10 ~~including load; height exceeds nine feet, including any load, bed, or box; and, total vehicle~~
11 ~~length of 26 feet. The term Commercial Vehicle does not apply to Recreational Vehicles that~~
12 ~~are not used in commerce or trade, and does not apply to Motor Vehicles that are registered~~
13 ~~and operated for personal use that are not used in commerce or trade. A Commercial Vehicle~~
14 ~~is categorized by Gross Vehicle Weight Rating (GVWR) as follows:~~

- 15 o Class 1 (<6,000 lbs)
- 16 o Class 2 (6,001-10,000 lbs)
- 17 o Class 3 (10,001-14,000 lbs)
- 18 o Class 4 (14,001-16,000 lbs)
- 19 o Class 5 (16,001-19,500 lbs)
- 20 o Class 6 (19,501-26,000 lbs)
- 21 o Class 7 and up (26,001+ lbs), including any vehicle meeting the definition of “Commercial
22 motor vehicle” per F.S. § 320.01 which is principally used in commerce or trade ~~Such~~
23 ~~vehicles shall include tow trucks, transport vehicles, construction vehicles, semi-trucks, and~~
24 ~~step-vans. [Ord. 2008-003]~~

25

1 **G. Terms defined herein or referenced Article shall have the following meanings:**

2
 3 21. Gross vehicle weight rating (GVWR) - means the value specified by the manufacturer as the
 4 loaded weight of a single motor vehicle. This figure consists of the summation of the axle
 5 weight, the curb vehicle weight, and the weight of all accessories, passengers, and cargo.
 6

7 **M. Terms defined herein or referenced Article shall have the following meanings:**

8
 9 44. **Motor vehicle** - shall have the meaning ascribed by F.S. § 320.01 Statutes of the State of
 10 Florida providing for the regulation, registration, licensing, and recordation of ownership of
 11 motor vehicles in the State of Florida.
 12

13 **S. Terms defined herein or referenced Article shall have the following meanings:**

14
 15 19. Semitrailer - shall have the meaning ascribed by F.S. § 320.01.
 16

17 **T. Terms defined herein or referenced Article shall have the following meanings:**

18
 19 45. Trailer - shall have the meaning ascribed by F.S. § 320.01.
 20
 21 68. Truck tractor - shall have the meaning ascribed by F.S. § 320.01.
 22
 23

Part 2. ULDC Art. 4.B.1.D and E Use Regulations, Use Classification, Residential Uses, Accessory Residential Uses and Standards is hereby amended as follows:

24 **CHAPTER B USE CLASSIFICATION**

25 **Section 1 Residential Uses**

26 **D. General Standards for Accessory Uses**

27 Accessory uses shall comply with the specific Supplementary Use Standards contained
 28 in this Section.

29 **1. Corresponding Accessory Use to a Principal Use**

30

Table 4.B.1.D – Corresponding Accessory Use to a Principal Use

Accessory Use	Principal Use													
	Mobile Home Dwelling	Multifamily	Single Family	Townhouse	Zero Lot Line	Bona Fide Agriculture	Stable, Commercial/ Stable, Private	Agricultural Uses	Commercial Uses	Industrial Uses	Institutional, Public, and Civic Uses	Recreation Uses	Utility and Excavation Uses	Transportation Uses
Home-based Business Occupation	P	P	P	P	P	-	-	-	-	-	-	-	-	-
[Ord. 2018-002] [Ord. 2018-018] [Ord. 2020-001] [Ord. 2023-023]														
Notes:														
-	Accessory use not allowed.													
P	Permitted by Right.													
....														

1 E. Accessory Residential Uses and Standards

2

3 11. Home-based Business Occupation

4 a. Definition

5 A business, profession, occupation, trade, artisan, or handcraft ~~conducted in a dwelling unit~~ for
6 commercial gain by a resident of the unit on the property. A Home-based Business Occupation
7 shall not include those businesses that are open to the public including those required by State
8 of Florida agencies.

9 b. Approval Process ~~Incidental Nature~~

10 Home-based Businesses on residential properties are permitted by right unless otherwise
11 regulated by this Article. Home-based Businesses within certain zoning districts may be
12 approved subject to additional standards and approval process for Home-based Businesses
13 with Limited Pet Boarding, limited Landscape Service, or limited Contractor Storage Yard
14 pursuant to this Article. Shall be clearly incidental and subordinate to the residential use of the
15 dwelling property. [Ord. 2018-018]

16 c. Location

17 The Home-based Business may not conduct retail transactions at a structure other than the
18 residential dwelling; however, incidental business uses and activities may be conducted at the
19 residential property ~~With the exception of outdoor instructional services, a Home Occupation~~
20 ~~shall be conducted within the principal dwelling or off site, and shall not be conducted within~~
21 ~~any accessory building or structure or within any open porch or carport that is attached to and~~
22 ~~part of the principal structure.~~ Instructional services, which by their nature must be conducted
23 outside of the residential dwelling principal structure, such as swimming lessons, shall be
24 located in a rear or side yard.

25 d. Incidental Nature ~~No Change to Character of Dwelling~~

26 The activities of the Home-based Business shall be secondary to the property's use as a
27 residential dwelling and shall be clearly incidental and subordinate to the residential use of the
28 property. As viewed from the street, the use of the residential property shall be consistent with
29 the uses of the residential areas that surround the property. External modifications made to a
30 residential dwelling to accommodate a Home-based Business must conform to the residential
31 character and architectural aesthetics of the neighborhood. The residential character of the
32 dwelling in terms of exterior appearance and interior space shall not be altered or changed to
33 accommodate a Home Occupation.

34 e. Employees

35 The employees of the Home-based Business who work at the residential dwelling must also
36 reside in the residential dwelling, except that up to a total of two employees or independent
37 contractors who do not reside at the residential dwelling may work at the residential dwelling.
38 The business may have additional remote employees that do not work at the residential
39 dwelling. Shall be conducted by members of the immediate family residing in the dwelling unit
40 only. A maximum of one person who is not a member of the immediate family may assist in the
41 operation of the Home Occupations at the residence.

42 f. Advertising

43 No external evidence or sign shall advertise, display, or otherwise indicate the presence of the
44 Home-based Business Occupation, nor shall the street address of the Home-based Business
45 Home Occupation be advertised through signs, billboards, television, radio, or newspapers.
46 Advertising on vehicles shall be limited to the minimum necessary to meet requirements
47 mandated by F.S. ch. 489 or Chapter 67-1876 of the PBC Contractor's Certification Division
48 Manual.

49 g. Cottage Foods

50 No food preparation shall be allowed, except as allowed in accordance with F.S. § 500.80,
51 Cottage Food Operations, as amended.

1 **1) Parking**

2 The need for parking generated by the business may not be greater in volume than would
3 normally be expected at a similar residence where no business is conducted. Vehicles
4 and trailers used in connection with the business must be parked in legal parking spaces
5 on the lot operating the Home-based Business and shall not be parked within the right-of-
6 way, on or over a sidewalk, or on any unimproved surfaces at the residence. The operation
7 of refrigeration units is prohibited while the vehicle is parked or stored on the property

8 **2) Employee Parking**

9 One parking space shall be provided on the property for each employee working at the
10 residence.

11 **3) Hours of Operation**

12 The loading or unloading, or movement of any parked or stored Commercial Vehicles,
13 equipment, or other similar activities, or arrival/departure of employees shall be prohibited
14 between the hours of 8:00 p.m. and 6:00 a.m.

15 **4) Commercial Vehicle Registration and Ownership**

16 The Commercial Vehicles parked on the Home-based Business property must be
17 registered to the Home-based Business and/or owned by a resident of the dwelling unless
18 approved as a Home-based Business Contractor Storage Yard pursuant to the approval
19 process in Article 4.

20 **5) Number of Commercial Vehicles**

21 a) A maximum of two Commercial Vehicles and two trailers shall be allowed in the
22 AR/RSA Zoning District;

23 b) A maximum of one Commercial Vehicle and one trailer shall be allowed on all other
24 residential properties.

25 **6) Commercial Vehicle Maximum GVWR**

26 Commercial Vehicles shall be limited to the following categories and GVWR:

27 **a) Residential Properties Except AR/RSA**

28 Class 1, 2, and only those vehicles in Class 3 up to a maximum of 12,500 pounds
29 GVWR and a trailer up to a maximum of 10,000 pounds GVWR shall be allowed on all
30 residential properties, except AR/RSA; and,

31 **b) AR/RSA Zoning District**

32 Class 1, 2, 3, and 4 up to a maximum of 16,000 pounds GVWR and trailers up to a
33 maximum of 10,000 pounds GVWR shall be allowed in the AR/RSA Zoning District.

34 **m. ~~Violations or Hazard~~**

35 If any of the above requirements are violated, or if the use, or any part thereof, is determined
36 by the Zoning Director to create a health or safety hazard, then the Business Tax Receipt may
37 be revoked.

38

Part 3. ULDC Art. 6.A, Parking, Loading, and Circulation, General, is hereby amended as follows:

1 CHAPTER A GENERAL

2 Section 1 General

3 A. Purpose and Intent

4 The purpose and intent of this Article is to ensure the design and function, provisions of parking, loading,
5 queuing, vehicular and pedestrian circulation, driveways, and access are in proportion to the demand
6 created by each use and are efficient and safe. [Ord. 2020-001]

7 B. Applicability

8 The standards of this Article shall apply to all development in unincorporated PBC, or existing
9 development that is modified to the extent that it includes uses or site design features that were not
10 specifically shown on previously approved plans. All parking areas established by this Section shall be
11 continuously maintained in accordance with this Article. Parking and loading spaces shall be provided
12 in accordance with [Table 6.B.1.B, Minimum Parking and Loading Requirements](#), unless stated
13 otherwise below. [Ord. 2020-001]

14 1. Prohibitions

15 Parking and loading spaces are prohibited in the following: [Ord. 2020-001]

- 16 a. Landscape buffers; and [Ord. 2020-001]
- 17 b. Drainage District R-O-W or Easements, except additional parking in excess of the minimum
18 required may be located in these areas with an agreement with the applicable district and
19 subject to approval by the Zoning Director. [Ord. 2011-011] [Ord. 2020-001]

20 2. Exemptions

21 The following exemptions shall apply, unless the parcel is vacant. [Ord. 2007-013] [Ord. 2020-
22 001]

23 a. **Commercial Vehicle**

24 ~~One commercial vehicle of not over one ton rated capacity may be parked per dwelling unit,
25 providing all of the following conditions are met:~~

- 26 ~~1) vehicle is registered or licensed;~~
- 27 ~~2) used by a resident of the premises;~~
- 28 ~~3) gross vehicle weight rating (GVWR) does not exceed 12,500 pounds;~~
- 29 ~~4) height does not exceed nine feet, including any load, bed, or box; and,~~
- 30 ~~5) total vehicle length does not exceed 26 feet. [Ord. 2005-041]~~

31 ~~b.~~ **Construction Vehicles**

32 Temporary parking of construction vehicles or equipment engaged in work on private land
33 where construction is underway, for which a current and valid Building Permit has been issued
34 by the Building Director and the Building Permit is displayed on the premises. [Ord. 2007-013]

35 ~~b. c.~~ **Delivery and Service Vehicles**

36 The routine deliveries by tradesmen, or the use of trucks in making service calls. [Ord. 2007-
37 013]

38 ~~c. d.~~ **Emergency Repairs**

39 A situation where a motor vehicle becomes disabled and, as a result of such emergency, is
40 required to be parked in a residential district longer than two hours. Any prohibited motor
41 vehicle shall be removed from the residential district within 24 hours, regardless of the nature
42 of the emergency.

43

Part 4. ULDC Art. 6.D, Parking, Loading, and Circulation, Residential Parking Storage, is hereby amended as follows:

1 CHAPTER D RESIDENTIAL PARKING STORAGE

2 Section 1 Parking and Storage

3 A. ~~Applicability 4.~~ Parking of Equipment, Vehicles, ~~or Marine Vessels,~~ and Trailers in Residential
4 Districts

5 The following ~~regulations standards~~ shall apply to the parking of equipment (including construction
6 equipment), Motor Vehicles, recreational vehicles, sports vehicles, ~~or marine vessels,~~ and trailers on
7 residential parcels in any zoning district, vacant parcels in a residential district or subdivision, or
8 adjacent streets in residential districts. ~~For the purposes of this Section, legally established, non-~~
9 ~~residential uses in the AR district on lands designated Rural Residential in the Plan shall not be~~
10 ~~considered a residential district and is subject to Art. 5.B.1.A.3, Outdoor Storage and Activities, where~~
11 ~~allowed.~~ [Ord. 2007-013] [Ord. 2019-005] [Ord. 2020-001]

12 1. ~~a.~~ General Prohibition

13 a.1) On-Street

14 No person shall park, store, or keep any equipment, ~~Motor commercial V~~vehicles, recreational
15 vehicles, marine vessels, ~~trailer, or sports vehicles, or trailers, such as a dune buggy, jet skies,~~
16 ~~racing vehicle, off-road vehicle, air boat, canoe, or paddleboat,~~ on any public street, or other
17 thoroughfare or any R-O-W ~~within a residential district~~ for a period exceeding one hour in any
18 24-hour period, each such period commencing at the time of first stopping or parking. [Ord.
19 2007-013] [Ord. 2019-005] [Ord. 2019-034]

20 b.2) On-site

21 a1) It shall be unlawful for any owner of land ~~in any residential district~~ to park on, cause to be
22 parked on, or allow to be parked ~~on residentially zoned~~ land any unlicensed or
23 unregistered Motor Vehicle or equipment, ~~commercial vehicle,~~ sports vehicle,
24 recreational vehicle, marine vessel, or trailer for a period exceeding one hour in any 24-
25 hour period, each such period commencing at the time of first stopping or parking, with
26 the exception of one unregistered or unlicensed vehicle which may be kept on site
27 provided the vehicle is completely screened from view from adjacent roads and lots.
28 ~~unless in compliance with Art. 6.D.1.A.2, Unregistered or Unlicensed Vehicles.~~ [Ord.
29 2007-013] [Ord. 2019-005] [Ord. 2019-034] [Ord. 2020-001]

30 b2) Vehicles shall only be parked on an improved surface in the Urban/Suburban Tier. [Ord.
31 2019-034]

32 c.3) Vacant Lot Prohibitions.

33 Parking shall be prohibited on all vacant properties ~~in residential districts.~~ [Ord. 2007-013]

34 2. ~~Unregistered or Unlicensed Vehicles~~

35 ~~One vehicle may be kept on site provided the vehicle is completely screened from view from~~
36 ~~adjacent roads and lots.~~ [Ord. 2007-013] [Ord. 2020-001]

37 Commercial Vehicles

38 The parking of Commercial Vehicles as defined by Article 1 on residential parcels in any zoning
39 district is subject to the following:

40 a. In the absence of a Home-based Business, a maximum of one Commercial Vehicle shall be
41 parked per dwelling unit, providing all of the following conditions are met:

42 1a) vehicle is registered or licensed;

43 2b) used by a resident of the premises;

44 3e) limited to Class 1, 2, and only those vehicles in Class 3 up to a maximum of 12,500 pounds
45 gross vehicle weight rating (GVWR);

46 4d) height does not exceed nine feet, including any load, bed, or box; and,

47 5e) total vehicle length does not exceed 26 feet. [Ord. 2005-041]

1 b. When parked in conjunction with a Home-based Business, the maximum number, weight, and
2 regulations of Commercial Vehicles shall be subject to the requirements of Article 4 Home-
3 based Business, Home-based Business with Limited Landscape Service, or Home-based
4 Business Limited Contractor Storage Yard.

5 **43. Recreational Vehicles, Sports Vehicles, Marine Vessels, and Trailers Outdoor Storage**

6 A maximum of one recreational vehicle and any two or a maximum of three of the following, may
7 be parked outdoors on a residential parcel with a residential unit: sports vehicle or marine vessel
8 with accompanying trailers, and trailers may be parked outdoors in a residential district provided
9 that the vehicles are: [Ord. 2007-013] [Ord. 2019-005] [Ord. 2020-001]

- 10 a. owned and used by a resident of the premises;
11 b. not parked in a required front setback or other area between the structure and the street, or on
12 the street except for the purpose of loading or unloading during a period not to exceed two
13 hours in any 24-hour period; [Ord. 2007-013]
14 c. located in the side or rear yard and are screened from surrounding property and streets with
15 an opaque wall, fence, or hedge a minimum of six feet in height;
16 d. not used for living, sleeping, or housekeeping purposes;
17 e. operative and currently registered or licensed, as required by State or Federal law;
18 f. vehicles or marine vessels on navigable waterways are exempt; and, [Ord. 2007-013] [Ord.
19 2019-005]
20 g. one vehicle which does not meet the requirements above may be approved through the ZAR
21 process upon demonstration that ~~the :-1)~~The Property Owner, family member, or legal tenant
22 has a physical disability which requires a vehicle which cannot meet these requirements. [Ord.
23 2018-002]

24 **4.3. Recreational Vehicles, Sports Vehicles, Marine Vessels, and Trailers Indoor Storage**

25 Motor Vehicles, marine vessels, and related trailers used for non-commercial purposes, whether
26 licensed and operational or not, may be located in a fully enclosed garage or permitted roofed
27 structure. [Ord. 2007-013] [Ord. 2019-005]

Part 5. ULDC Art. 7.D.4 Landscaping, Landscape Standards, Landscape Barriers, is hereby amended as follows:

28 CHAPTER D LANDSCAPE STANDARDS

29

30 Section 4 Landscape Barriers

31 Landscape barriers consist of hedges, walls, or fences. They are utilized to provide continuous opaque
32 screening, and are required for an Incompatibility Buffer. Landscape barriers may be installed in other types
33 of landscape buffers; the requirement may be modified based on the site situations. [Ord. 2018-002]

34 A. Hedges

35 1. Height and Spacing at Installation

36 Hedge shall be planted at a minimum of 36 inches in height for a minimum mature height of six
37 feet ~~in height~~ with a maximum spacing of 24 inches on center at installation to achieve a
38 continuous screening effect. Adjustment shall be based upon the type of plants utilized, with
39 spacing not exceeding 36 inches on center. [Ord. 2005-002] [Ord. 2014-025] [Ord. 2018-002]

40 a. Single Family Residential Lot

41 Hedges may be planted and maintained along or adjacent to a residential lot line, as
42 follows: [Ord. 2005-002] [Ord. 2014-025] [Ord. 2015-006] [Ord. 2018-002]

- 43 1) Hedges shall not exceed six feet in height in AR/RSA zoning, and four feet in height in
44 all other residential zoning districts, when located within the required front setback.
45 [Ord. 2005-002] [Ord. 2014-025] [Ord. 2018-002]
46 2) Hedges shall not exceed ten eight feet in height when located on or adjacent to the
47 side, side street, or rear property lines. [Ord. 2005-002] [Ord. 2014-025] [Ord. 2018-
48 002]

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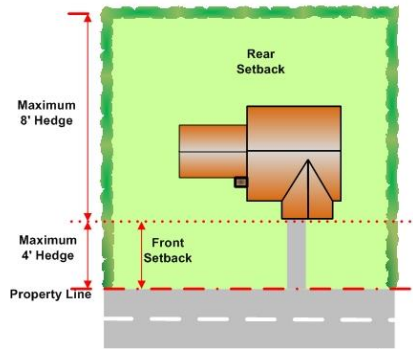
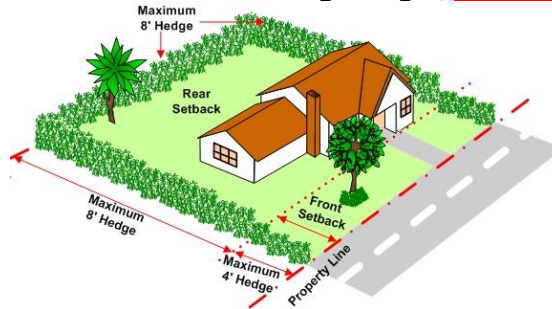
b. PDD and Non-Residential Perimeter Buffer Hedge Height

Hedges shall not exceed 12 feet in height. Height may be increased to a maximum of 20 feet for an industrial PDD for the purpose of screening outdoor industrial activities. [Ord. 2005-002] [Ord. 2014-025] [Ord. 2018-002]

2. Hedge and Berm Combination

.....

Figure 7.D.4.A – Maximum Hedge Height, except AR/RSA



[Ord. 2005-002] [Ord. 2015-006]

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9

B. Walls *[unaltered omitted for brevity]*

C. Fences

Fence material shall include, but not be limited to: wood, vinyl panel, or vinyl-coated chain link. In ~~addition, in the AR/RSA zoning district, rail and wire fencing may be used the Exurban and Rural Tiers, the Applicant may submit a product alternative to the Zoning Division for approval prior to the issuance of the Building Permit for the fence.~~ [Ord. 2018-002]

1. Chain Link Fences

Chain link fences are prohibited in Incompatibility or R-O-W Buffers unless they are vinyl coated. Vinyl-coated chain link fences are only permitted in a R-O-W or Incompatibility Buffer, and when installed behind an opaque six-foot-high hedge. [Ord. 2007-001] [Ord. 2007-013] [Ord. 2016-016] [Ord. 2018-002]

a. Exception

An electrified fence in accordance with Art. 5.B.1.A.2.e.2), Electrified Fences – Exceptions and Regulations, shall not be required to be vinyl coated. [Ord. 2013-018] [Ord. 2018-002]

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Part 6. ULDC Art 5.B.1.A Supplementary Standards, Accessory Uses and Structures, Supplementary Regulations, Accessory Uses and Structures, is hereby amended as follows:

1 CHAPTER B ACCESSORY USES AND STRUCTURES GENERAL

2

3 Section 1 Supplementary Regulations

4

5 2. Fences and Walls

6 a. Height Measurement

7 The height shall be measured adjacent to the fence or wall from the lowest grade on either
8 side of the fence or wall, unless stated otherwise below: [Ord. 2015-006] [Ord. 2016-016]

9 1) Located on Berm

10 Height shall be measured from the elevation of the berm where the fence or wall is
11 constructed, unless in conflict with standards for Grade Change below. [Ord. 2015-
12 006]

13 2) Grade Change

14 a) Residential

15 Height may be increased when the fence or wall is located on a retaining wall,
16 subject to the requirements of Art. 5.B.1.A.2.b.5), Residential District Grade
17 Changes. [Ord. 2016-016]

18 b) PDD or Non-Residential Perimeter Buffers

19 Height may be increased when the fence or wall is located on a retaining wall,
20 subject to the requirements of Art. 7.D.5, Landscape Buffers with Grade Changes.
21 [Ord. 2016-016]

22 b. Height and Related Standards

23 1) Residential Uses

24 The maximum height for a fence or wall on or adjacent to a residential lot line or in a
25 landscape buffer shall be as follows: [Ord. 2015-006] [Ord. 2019-023] [Ord. 2019-
26 034]

27 a) Within required front setback:

28 (1) four feet, or [Ord. 2005-041] [Ord. 2015-006]

29 (2) six feet for property owned by PBC for preservation or conservation purposes.
30 [Ord. 2005-041] [Ord. 2015-006]

31 (3) six feet for rail fencing in the AR/RSA zoning district.

32 b) Within required side, side street, and rear setback: six feet. [Ord. 2015-006]

33 c) Within a landscape buffer: six feet. [Ord. 2015-006]

34

35

EXHIBIT 2 ITID LETTERS



JUSTUS W. REID*
BERNARD A. LEBEDEKER
JEFFREY C. PEPIN
DAVID MUNIZ
JONAH BRAFMAN

J. MICHAEL BURMAN*
DEANT. XENICK
MEGAN M. WEGERIF
RICHARD W. SLAWSON**, **

*Board Certified, Civil Trial Law
**Of Counsel

January 16, 2024

Via Email BCC-AllCommissioners@pbccgov.org

District 1 - Commissioner Maria G. Marino - Vice Mayor
District 2 - Commissioner Gregg K. Weiss
District 3 - Commissioner Michael A. Barnett
District 4 - Commissioner Marci Woodward
District 5 - Commissioner Maria Sachs - Mayor
District 6 - Commissioner Sara Baxter
District 7 - Commissioner Mack Bernard

Re: Heavy commercial truck parking and storage on residential lots in the agricultural
- residential (AR) zoning district.

Dear Palm Beach County Board of County Commissioners,

Please be advised that the undersigned law firm represents the Indian Trail Improvement District.

It has been called to my attention that Palm Beach County is now considering a potential ordinance which would allow heavy commercial vehicles, some weighing more than 33,000 pounds, to be parked and operated in and over the roads of Indian Trail. As I understand it, the proposed ordinance could result in a change of zoning codes which would allow 2 of such vehicles per residential lot in Indian Trail. It has been requested that our firm weigh in on this issue based on all of the knowledge we have gained from the SID/Minto litigation which includes but is not limited to all of the expert opinions advanced by our experts in this matter as well as studies and investigations which were undertaken in connection with the case.

ONE CLEARLAKE CENTRE, 250 S. AUSTRALIAN AVE., #602, WEST PALM BEACH, FLORIDA 33401
PHONE: 561-659-7700 || FAX: 561.659.6377
WWW.REIDBURMANLAW.COM

At the outset I must say that passage of such an ordinance, whether it permits 2 such vehicles per residential lot and/or limits such vehicles to the 61 residential lots which I understand are currently in violation of Palm Beach County codes, would be a travesty and cause incalculable damage to Indian Trail roads. In essence, you are talking about turning Indian Trail into a parking lot for 18 wheelers. This is absolutely ridiculous.

I call your attention to a quote from a letter directed by Indian Trail dated May 16, 2023 to Verdenia C. Baker:

The District roadway system is not built for repeated, daily usage by large vehicles or vehicles hauling heavy loads which over time will result in failure of the roadway section. In addition, the turn radius on the majority of District roads are too small for use by large commercial/industrial vehicles and will create surface damage, intersection degradation, edge of road disrepair and potential roadway culvert collapse. There is also the potential for damage to swales and to other private property owners' driveway culverts as larger vehicles and trailers try to turn into adjacent properties.

The evidence produced in our case totally supports the information provided in the above quote. All of the expert testimony from our traffic engineers as well as civil engineers supports the fact that SID/Minto traffic (including trucks) would seriously overburden Indian Trail roads and cause numerous failures of said roads. The Court in it's Order granting our Motion for Partial Summary Judgment in the SID/Minto case, found this to be correct and stated as follows:

Moreover, the record evinces ITID's jurisdiction is not designed for the type of traffic Minto's community will generate. ITID is primarily a rural community, with mailboxes set feet from the roadway and equestrian signs cautioning motorists. See §334.03(14), Fla. Stat. (defining a local road as one having "relatively low average traffic volume . . . and high land access for abutting property").

It is important to note that expert evidence before the Court at that time included truck traffic but at a much lower volume than would be caused by passage of the ordinance(s) in question. This has been confirmed in recent conversations with our civil and traffic engineers.

Similarly, recent soil borings taken on the northern portion of 140th Avenue and Persimmon Avenue in ITID show that the structural under pinning of said roads, based on wear and tear, is

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now significantly under that which the roads were originally designed for and certainly not up to County or FDOT standards. It further shows that if significant vehicular and/or truck traffic were included on these roads, a significant upgrade to the road system would be required which would be very costly and most likely, could result in a total reconstruction of numerous of said roads. Recent conversations with our experts have also confirmed this.

The financial burden of this would be incalculable, running into the millions and millions of dollars.

Similar soil borings, I believe, taken in the roads in the R-3 bond area of Indian Trail resulted in the same or similar test results.

In summary, I think the key points to be made here are as follows:

1. The passage of such an ordinance would be totally incompatible with the design geometrics and vehicular loading on the District's roadway system. The system as it currently exists could not support this kind of truck traffic and said traffic would cause significant damage and failure to a number of the roads in the District;
2. The turn radius on the majority of District roads is too small for use by large commercial/industrial vehicles and will create surface damage, intersection derogation, edge of road disrepair and potential road culvert collapse;
3. The cost of upgrade and/or reconstruction of numerous roads in Indian Trail together with potential maintenance costs, would pose a severe financial burden on all of the residents on Indian Trail. Further, because of said costs, all ITID residents will bear benefit-assessed rate valuations which will be subsidizing the private business practices of a particular class of owners who have already have such vehicles at their residences. This is not fair.

Further, it should be pointed out that the fact that a number of residents already have such vehicles at their property and are in violation of County codes is not the responsibility of ITID. The County is responsible for the enforcement of its own codes and apparently has failed to do so. Additionally, I have not seen any indication in the materials that I have reviewed, that the County will subsidize the incredible cost of upgrading and/or reconstruction of ITID roads.

It should finally be pointed out that to pass such an ordinance, from a land use perspective, would constitute unlawful "spot zoning" particularly when the passage of such an ordinance would cause catastrophic financial harm to the Indian Trail Improvement District.

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ITID has authorized us, in the event such an ordinance has passed, to undertake legal action and pursue all available legal remedies against the County to attack said ordinance and mitigate the incalculable financial obligation it will cause.

Very truly yours,

/s/ J. Michael Burman

J. Michael Burman, Esq.

JMB/amn

CC (via email):

Burgess Hanson - bhanson@indiantrail.com

Verdenia C. Baker, Palm Beach County Attorney

VBaker@pbcgov.org

Whitney Carroll, Esq., AICP, Executive Director

Palm Beach County Planning Zoning & Bldg

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ITID Board of Supervisors:

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May 16, 2023

Ms. Verdenia C. Baker, County Administrator
Palm Beach County
301 North Olive Avenue
West Palm Beach, Florida 33401

Board of Supervisors

Michael Johnson,
President

Betty Argue,
Vice President

Elizabeth Accomando,
Treasurer

Patricia Farrell,
Secretary

Keith Jordano,
Assistant Secretary

District Staff

Burgess Hanson,
Executive Director

Mary Viator,
District Attorney

Jay Foy,
District Engineer

Re: Heavy Commercial Truck Parking and Storage on Residential Lots in the
Agricultural-Residential (AR) Zoning District

Dear Ms. Baker:

At its Regular Meeting on April 19, 2023, the Board of Supervisors of Indian Trail Improvement District (the "Board") unanimously expressed its support for the Palm Beach County Commission's directive to Staff to develop standards for the appropriate location and placement of Heavy Commercial Vehicles (Classes 7 and 8) in the Agricultural-Residential (AR) Zoning District. The Board is concerned with preserving the unique rural, agricultural and equestrian lifestyle of the more than 40,000 current and future residents of the Loxahatchee and Acreage Communities. Preserving this increasingly endangered lifestyle is reflected in the stated purpose of the AR Zone:

"The [purpose of the] AR district **is to protect and enhance the rural lifestyle and quality of life of residents** in areas designated rural residential, to protect watersheds and water supplies, wilderness and scenic areas, conservation and wildlife areas, and **to permit a variety of uses that require non-urban locations but do not operate to the detriment of adjoining lands devoted to rural and residential purposes.**

(PBC ULDC, Art 3, Ch. C, Sec. C. 1)

As the ULDC states, the AR Zone is primarily a residential zoning district that happens to allow certain other compatible non-residential uses which are not a "detriment of adjoining lands devoted to rural or residual purposes." "Adjoining lands" should mean the homeowners next door who have to look at and live with the impacts of a towering motor vehicle parked or stored on their neighbor's property line.

The AR Zone should not be treated as a convenient, free-for-all location for any problematic land use the County encounters. Heavy commercial vehicles – some

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weighing more than 33,000 pounds -- are by definition and function not compatible with AR Zone land uses.

The problem of incompatibility is increased in our unique community. While it may be zoned AR for historic reasons, the majority of our residential lots are 1.25 acres. This is less than one-half (1/2) the minimum size currently required (2.5-5.0 acres) by the ULDC for new development in the AR Zone. In our neighborhoods, even one such massive truck will be easily observed by adjacent residential homeowners and cannot be effectively screened from view without great expense. A large vehicle that may be compatible on a 2.5 or 5.0-acre lot is not compatible on a "non-conforming" lot less than 1.25-acres in size. Allowing huge commercial or quasi-industrial vehicles to park on 1.25-acre lots scattered throughout a unique residential community like ours is effectively a form of impermissible Spot Zoning.

Furthermore, the Board and District staff have previously communicated on numerous occasions the incompatibility of such vehicles with the design geometrics and vehicular loading on the District's roadway system. The maintenance burden and financial inequity will have negative consequences for District landowners. In essence, because of increased maintenance costs, our benefit-assessed rate valuations will be subsidizing the private business practices of a particular class of property owners. This is neither the intent nor the plan of our taxation policies as set out by the State of Florida for Chapter 298 Special Improvement Districts.

The District roadway system is not built for repeated, daily usage by large vehicles or vehicles hauling heavy loads which over time will result in failure of the roadway section. In addition, the turn radius on the majority of District roads are too small for use by large commercial/industrial vehicles and will create surface damage, intersection degradation, edge of road disrepair and potential roadway culvert collapse. There is also the potential for damage to swales and to other private property owners' driveway culverts as larger vehicles and trailers try to turn into adjacent properties.

The County should also be mindful of the drainage design of the District. Residential properties, roads and properties were engineered to allow and encourage the storage and/or conveyance of stormwater during major rainfall

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events. Large commercial/industrial vehicles will require the landowner to add more fill to their property as well as an impervious surface that diminishes stormwater storage. Such vehicles will also require the installation of longer driveway culverts -- which lessen the stormwater storage capacity and conveyance in the District's swale system which is instrumental and imperative during heavy rainfalls. The result can be further damage to roads and private property.

Not every lot zoned AR in the Unincorporated Area can or should be treated the same. Allowance should be made for the diversity of the communities in this land use planning category. Clearly, allowing immense, industrial-intensity vehicles on a 1.25-acre lot in the middle of a thriving residential community like the Acreage should be unthinkable. The standards may reasonably be different in another community elsewhere in the vast AR Zone where lot sizes and development patterns may satisfy the intent of the Comprehensive Plan.

The Board of Supervisors recognizes the County Commission and Staff face difficulty in addressing complaints from the owners of such vehicles who, through no fault of their own, were allowed to keep unpermitted vehicles on scattered lots throughout the Acreage over the years.

In the Board's opinion the only reasonable solution is to locate heavy vehicle storage areas along the perimeter of neighborhoods zoned AR with required primary access on a County or State Road with adequate security.

The Board urges you to follow the stated goals, objectives and policies of the County Comprehensive Plan and ULDC by placing protection of the rural and residential lifestyle of the AR Zone as your highest priority.

On behalf of the Board of Supervisors, thank you for your attention to this matter.

Michael T. Johnson
President

CC.: Palm Beach County Board of Commissioners and Staff

Indian Trail Improvement District
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Hon. Gregg Weiss, Mayor
Hon. Maria Sachs, Vice Mayor
Hon. Maria Marino
Hon. Michael Barnett
Hon. Marci Woodward
Hon. Sara Baxter
Hon. Mack Bernard
Verdenia Baker, County Administrator
Patrick Rutter, Assistant County Administrator

Indian Trail Board of Supervisors
Hon. Betty Argue
Hon. Elizabeth Accomando
Hon. Patricia Farrell
Hon. Keith Jordano

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EXHIBIT 3 ALA LETTER



7040-25 Seminole Pratt Whitney Road, Box #60
Loxahatchee, FL 33470
P: (305) 975-4392
www.acreagelandowners.com
Established 1992

January 16, 2024

Dear Commissioners,

The Acreage Landowners Association received the latest proposed changes on 01/10/2024 for the upcoming BCC meeting planned for 01/25/2024. We would like to go over a few items of concern for the Staff and County Commissioners to review.

- Per the staff report for the 01/25/24 meeting, the Acreage Neighborhood Plan (ANP) is proposed to be amended. This is news to us. If this proposal were to pass, it is without the full participation of the Acreage Landowners Association and therefore without our support. It is our understanding from the 2019 workshop with Bryan Davies on the Acreage Neighborhood Plan, that there are procedures for amending and updating the neighborhood plans which include the ALA hosting community meetings on the specific proposed changes with the residents. This has not happened. Since we have just been provided with these proposed changes, we have not been able to adequately inform the community, to discuss the impacts nor to obtain feedback from a diverse representation of our community, as it concerns each and every landowner in the Acreage.

While the ANP has not been amended in a long time, each time it has been reviewed since 2016, it has been determined that there are no substantive updates needed. We believe this was also communicated to the County in 2019.

The one meeting the ALA held in December, 2023 to obtain feedback and concerns from residents regarding the proposed changes presented by County Staff at the November 29th meeting was attended and monopolized by the group pushing this proposal. There were several residents who attended that were opposed. There were also several who attended who were misinformed social media posts pushing a narrative that code is harassing residents and the right to be able to park their RV's, work trailers, equestrian trailers, livestock trailers and even their personal trucks that are greater than an F250 was at risk of no longer being allowed. It has been impossible with the holidays to schedule additional meetings.

We have also been told by residents that they are concerned for their own safety and do not wish to speak out publicly in person or even in writing, for fear of retaliation by our County Commissioner or targeting by the very vocal group in favor of the trucker proposal, this includes the Commissioner's various rallies masquerading as a public meeting. Residents have reported bullying and intimidation tactics being used by truckers residing in our community.

- The Acreage Neighborhood Plan (ANP) was set in place to protect the rural residential, agricultural and equestrian properties we enjoy. Commercial properties are supposed to be limited to properties that are 10 acres+ located on County roads. Industrial is not permitted anywhere within the Acreage Neighborhood Plan.
- We believe every landowner should be notified of these proposed changes through an official County letter. We understand that the County is only required to run a legal ad in the local newspaper, while any landowner seeking changes, is required to not only post signs on their property but mail to all residents within 1000 ft. A change of this magnitude, we feel the County should have mailed each and every landowner affected by the proposal. The County also should have placed signs throughout the community. The newspaper has been the last choice for news for the last 5 years, at least and the majority read by digital news where they do not see the legal ads unless they specifically seek it out.
- The ALA agrees with the proposed fence height changes to be raised to 6 feet in the front and 10 in the rear. The current code for an ag/residential community of 4 feet won't even keep a large dog contained, let alone horses or livestock that can leap higher than 4 feet.
- We support the 2 commercial vehicle limit UNDER 16,000 GVW, as this will protect employees who have company vehicles as well as the many small business owners in our community such as: a pool service company, lawn maintenance, air conditioning company, mobile repair, etc. We believe this proposed change is consistent with the State Statute regarding home based businesses without impacting the residential character, lifestyle, and property values in our community provided that County has rules as to where these commercial vehicles may be parked on the property.
- It is our opinion that current zoning laws regarding commercial industrial vehicles over 16,000 GVW and contractor storage yards, being permitted ONLY in commercial industrial zoning districts, is appropriate. This is the standard, as confirmed by research of other Counties and municipalities.
- Do these weight classifications apply to the personal recreation vehicles?
- Are the proposed two commercial vehicles under 16,000 GVW and the two commercial over 16,000 GVW an either or option or is it combined?
- Will someone who has 2 commercial vehicles over 16,000 GVW be also permitted to have 5 more vehicles?
- Recreational vehicles which include RV's, travel trailers, Mud Buggies, ATV's, SXS, and boats etc. should not be lumped into the same category as commercial and industrial vehicles. These are personal recreational vehicles.
- We request the County create stricter rules and enforcement for the illegal parking of commercial industrial vehicles within residential areas, on easements or rights of ways for roadways, swales and canals. This creates safety hazards and nuisances including overnight parking while leaving vehicles running and sleeping in them. This should not be permitted in residential areas. We have seen parking of these vehicles on canal banks, equestrian trails, sidewalks, and on roadways.
- As per F.S. 320.01(25), "Commercial motor vehicle" means any vehicle which is not owned or operated by a governmental entity, which uses special fuel or motor fuel on the public highways, and which has a gross vehicle weight of 26,001 pounds or more, or has three or more axles regardless of weight, or is used in combination when the weight of such combination exceeds 26,001 pounds gross vehicle weight." This should be considered as to when a vehicle crosses the line for being permitted on residential properties on local roads.

- We object to any amendment that would amend the ANP to allow commercial land use on properties less than 10 acres, that do not meet the current requirement of being on a county arterial or collector roadway. We also object to industrial land use in our residential area or any amendments that would possibly construe that as acceptable.
- As communicated by ITID staff, the local ITID roads are not built to sustain heavy traffic generated by commercial properties, outside developments and certainly not the allowing heavy industrial vehicles on residential properties. We are concerned about the deteriorating impact on our local roadways from heavy industrial vehicles being permitted.
- The fiscal impact of maintaining or improving our local roadways, to accommodate heavy industrial vehicles on every single residential road in our community, through ITID assessments as well as through County taxes for the County maintained roadways will force many residents out of our community.
- The increase in heavy industrial vehicles including semi-tractor-trailers on all the area County roads, which are already overburdened and under improved to accommodate the existing traffic in the area creates a huge safety concern for all vehicular travelling on these congested roads. Has the County completed any traffic studies as it relates to this proposal?
- The sounds and noxious smells that come from heavy industrial vehicles running on properties at all hours of the day and night affects the quality of our rural lifestyle.
- The safety of our residents and children walking, bike riding, running, riding their horses throughout our agricultural residential community is at risk allowing heavy commercial industrial vehicles on our local roads and especially being allowed to have on every single property.
- Contractor storage yards and heavy industrial vehicles on every property will negatively affect property values.
- Making a wholesale land use and zoning change into commercial industrial for every single property in our community masquerading as a "parking code" and "home-based business code" should not be acceptable.
- We are concerned about the environmental impact and quality of water with our residential wells from allowing contractor storage yards and heavy industrial parking.
- We are concerned our community will become a dumping ground for the County, and even surrounding Counties, by permitting contractor storage yards and heavy industrial vehicles to be parked in our residential area only. If the County Commission thinks this is such a great idea, why is it being limited to only the Acreage Neighborhood Planning area?
- We believe there are two viable solutions for the County.
 1. Study the need for industrial parks in the County to accommodate contractor storage yards and heavy industrial vehicles such as semi-tractor-trailers.

As was noted in the Northlake Corridor study when industrial land was removed from Northlake Blvd. west of the Beeline, if needed in the future, the County should look to the North County Airport location as a more appropriate location. We further suggest that the Beeline may be a more appropriate location. If the County didn't think that it was needed or appropriate on Northlake Blvd., how can we now say it is appropriate in an agricultural residential community?

2. The County should create Truck parking areas in appropriate locations along Major thoroughfare roads such as Southern Blvd. and Beeline not in residential areas.

- We believe the County should enforce the existing code however, we do object to the code not taking into consideration that our community is an agricultural residential and equestrian designated community. It should not be required in an agricultural residential zoning district to have a property appraiser designation of "bona fide ag" to receive the protections under the Right to Farm Act. The vast majority of landowners in our community use their properties to sustain their own families and not for "making a profit" or having a tax exemption over the agricultural use of their property. We also assert that the agricultural vehicles such as horse and livestock trailers and trucks used to haul these trailers, should be exempted in the agricultural residential zoning districts from these weight classifications.
- We believe the proposed changes are contrary to the Florida Statutes and certainly the intent of a home-based business, as it relates to allowing commercial industrial vehicles over 16,000 GVW and contractor storage yards in a residential community.

We believe the 45,000 residents in our community deserve better. The proposed changes will affect every single landowner in the community and not just a small percentage asking for a change.

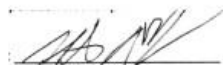
The Acreage Landowners Association would like to request the following things, if the Board of County Commissioners is inclined to move forward with adoption of the proposed changes, we respectfully request the BCC postpone the decision and do the following:

1. conduct a traffic study on the proposal of allowing the commercial vehicles, contractors storage yards and heavy industrial on every single property in the Acreage. This study should look at the impact on ITID local roads as well as the County roads. Once completed, the study should be provided to the BCC, ALA, and ITID for review, discussions and comments provided to the County.
 2. Subsequently, the County should send a letter to every single landowner in our community to
 - a. advise of the proposed changes to the ULDC;
 - b. advise of a meeting to be hosted by County staff at least two weeks later after notification, to discuss the proposed changes and traffic study;
 - c. post signage throughout the community regarding the proposed zoning changes as landowners are required to do;
 - d. advise of the amendments to the ANP and provide the Acreage Landowners Owners website and/or email for contact information in the letter;
- (b) The Acreage Landowners Association should have the opportunity to host public meetings (at least a month after the final proposed changes and traffic study have been provided by the County), to consult with the community on the proposed changes to the ULDC as well as the ANP.

There are still many more questions regarding the proposed changes and we would like to have the opportunity to discuss this before any votes are placed by the BCC.

We thank you for your time and consideration. If you have any questions, please do not hesitate to contact me.

Regards,



Bob Morgan, President
Acreage Landowners Association
305-975-4392

EXHIBIT 4

PBCE LANDOWNERS ASSOCIATION LETTER



January 22, 2024

Board of County Commissioners
Palm Beach County, Florida
301 North Olive Ave.
West Palm Beach, FL 33401

RE: Proposed changes to ULDC regarding trucks

Honorable Commissioners:

On behalf of the board of directors of the Palm Beach Country Estates Landowners Association, Inc. we are writing today to voice our strongest possible opposition to the proposed revision to the ULDC allowing semi tractor trailers. Although the proposed language does not specifically affect the area known as Palm Beach Country Estates regarding allowing semi-tractor parking on individual lots, the zoning districts are the same (i.e. AR Agricultural Residential). There is a real and genuine concern that this sets a precedence for AR zoning districts in the future. Today, after more than 50 years of development, Palm Beach Country Estates and large portions of the Acreage more functionally resemble RT or RE zoning.

Regardless of enforcement or lack of enforcement over the years, semi-tractors and trailers have never been allowed in the AR zoning district. There is absolutely no need to start now. From information provided in the back-up information summary, it appears that the changes are being considered to accommodate less than 60 individual property owners (out of over 15,000) in the area known as the Acreage that refuse to comply with existing regulations. It is one thing to attempt to correct the under-enforcement of historical code restrictions versus deliberately inviting and promoting continued future misuse of the property. The sense is that the vast majority of landowners have not voiced their opinions on the matter. You have only heard from the extremely tiny group of disgruntled truck owners and operators who are vocal and organized. If you allow semi tractor trucks and trailers and you will hear from those who you have not heard from yet. The silent majority.

In polling the property owners in Palm Beach Country Estates, the reaction is disbelief, shock, dismay, and astonishment that the board of county commissioners would even consider allowing semi-tractors in any residential zoning district.

The Acreage, Palm Beach Country Estates and the Jupiter Farms area were all developed and sold as residential properties for single-family homes. While the AR district allows some very limited and minor agricultural uses, it is a gigantic unwarranted leap to allow large scale commercial trucks with the premise that this is some sort of small, family, home-based business. That is simply ridiculous. To attempt to camouflage the use of these trucks as some form of agricultural use is disingenuous.



PO Box 30638, Palm Beach Gardens, FL 33420
Website: www.pbce.org Email: pbcegroup@gmail.com

Please simply drive next to a Wal-Mart or Amazon semi-tractor rig the next time you are on the highway. There is no way possible to picture that size truck coming home on a typical 20 foot to 24 foot width roadway and turning into a residential neighborhood lot. It is unimaginable. In fact, it is not possible without considerable maneuvering.

To give an example and provide some frame of reference, there is a round-a-bout entrance to Palm Beach Country Estates (PBCE) at the intersection of Donald Ross Road and 69th Drive North. The radius of the turn into PBCE is 70 feet. Occasionally a large moving van (semi-tractor truck) or a large semi-tractor truck/trailer enters the neighborhood for a construction site delivery. A typical semi-tractor truck cannot make the turn from Donald Ross Rd onto 69th Drive North without running over the curb on the corner in the dedicated turn lane. The radius for a turn from one street to another within PBCE is 40 feet. This is approximately the same for the Acreage. The turn cannot be made without overrunning the roadway or migrating into the oncoming lane. It would be a simple demonstration for any of the acre lot communities to prove the point.

The adoption of this proposed change is potentially dangerous and disastrous for the county, for law abiding lot owners and for the special taxing districts that are charged with the responsibility to maintain the roadways. These special districts are funded by assessments collected from all landowners. Thousands of landowners should not be paying for the unnecessary misuse of the roadways by a tiny fraction of the community. The changes are unwarranted and a very significant over-reach and over-reaction to (what should be) an almost insignificant issue. Even though this issue has been a focus of code enforcement for some time, a potential compromise should only be to simply allow some additional time (possibly as long 2 years) to allow only the very few (less than 20 according to staff reporting) current code violators to come into compliance by removing all semi-trucks/trailers.

The PBCE landowners appreciate and support the operation of homeowner owned, home-based businesses on the residential lots. A cornerstone of the ability to operate a home-based business is that it conforms to the residential character of the neighborhood. No argument can be legitimately made that the parking of a semi-tractor next to a house anywhere in the AR zoning district is in conformity of the residential character of the neighborhood. It would look more like a truck stop. For perspective, one full-size semi tractor trailer would park in approximately the same space as eight (8) cars parked side-by-side and end-to-end as close as possible to each other.

In summary, please specifically reject the proposed change to allow semi-trailer trucks anywhere in the AR zoning district and direct the staff to make only the minor clean up changes to truck size categories and definitions for home-based business and the increase in the fencing and hedge restrictions.

Respectfully,

Palm Beach Country Estates Landowners Association

EXHIBIT 5

SIRWCD LETTER



January 23, 2024

Mayor Maria Sachs
Board of County Commissioners
Palm Beach County
301 North Olive Avenue
West Palm Beach, FL 33401

Re: Proposed ULDC Changes to Allow Heavy Commercial Vehicles in the AR Zoning District

Dear Mayor Sachs:

I write on behalf of the South Indian River Water Control District (the "District"), to express our concerns regarding the proposed amendments to the County's Unified Land Development Code ("Code"). Specifically, those changes that would allow for the location of commercial vehicles in excess of 16,000 pounds within portions of the Agricultural Residential zoning district and Rural Service Area ("AR/RSA").

The District is aware that the Code changes as currently conceived only allow vehicles in excess of 16,000 pounds within the "Acreage Neighborhood Plan." However, we do not believe that this distinction will withstand a legal challenge. The vast majority of our District is zoned AR/RSA. The scale, configuration, and design of our community is similar to those areas found in the Acreage Neighborhood Plan. Should the County adopt the proposed zoning changes, we have no doubt that a push for similar rights will be sought within our boundary, and such a demand may be difficult for you to deny.

Echoing the concerns raised by those in the Acreage Neighborhood Plan, our RESIDENTIAL communities are not designed, built, or configured to handle large-scale commercial truck traffic. The vast majority of our roads are unimproved, with relatively narrow cross sections and intersections, lined with open drainage swales. Our driveways rely on culverts that are neither wide enough, nor rigid enough, to handle large commercial vehicles. Already, frequent parking along our swales by oversized commercial vehicles generates maintenance problems for the District.

Damage to the District's rights-of-way by large commercial vehicles will be a burden to the District's residents at large, creating an unequal and unfair cost burden. This is in addition to the degradation of the quality of life that would result from this Code change which effectively converts County residential neighborhoods into industrial lands. To create these universally negative impacts for the benefit of a few is unreasonable.

We realize that the Code changes were prompted by several property owners who have long enjoyed the benefit of parking their large-scale vehicles on their residential property. While these actions have been illegal from a code standpoint, they were nevertheless allowed to continue without objection for many years. Nevertheless, this illegal activity does not form a justification to allow the continuation and even

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expansion of the activity. The zoning code has long recognized that the location of these vehicles within a residential neighborhood is inappropriate.

In conclusion, we ask that the County reject any proposed Code amendment that would allow commercial vehicles in excess of 16,000 pounds within the AR/RSA zoning district.

Sincerely,



Michael Howard, President
South Indian River Water Control District

Cc: Verdenia Baker
South Indian River Water Control District Board of Supervisors
Michael Dillon, Manger

A Florida Special District
15600 Jupiter Farms Road • Jupiter, Florida 33478-9399 • (561) 747-0550 • Fax (561) 747-9182
www.sirwcd.org • sirwcd@sirwcd.org

4891-4375-4907, v. 1

EXHIBIT 6
ULDC VEHICLE REVISION HISTORY

2003-62 - Original 2003 ULDC
Article 1 Definition, Article 6 Parking, Article 4 Home Occupation

C. Definitions

1. Terms

In addition to the definitions set forth under Art. 18, Definitions, the following definitions shall apply to this Article:

Unified Land Development Code

Article 6 – Parking

11 of 39

Boat Trailer – any non-powered car coupled to, and drawn by, a motorcar in front of it for the carrying of boats.

Commercial Vehicle - a vehicle principally used in commerce or trade or any vehicle that is not a recreational vehicle that exceeds the following limits: rated capacity of one ton; gross weight of 10,000 pounds, including load; height exceeds nine feet, including any load, bed or box; and total vehicle length of 26 feet. Such vehicles shall include tow trucks, transport vehicles construction vehicles, semi-trucks and step-vans.

Grass Parking - off-street turf parking spaces on an improved subbase.

Article 6

2) Minimum Space Width

The minimum parking space width shall be nine feet.

19. Parking of Vehicles and Boats in Residential Districts

The following standards shall apply to the parking of vehicles, recreational vehicles, boats and trailers in residential districts. For the purposes of this Article, the AR district in lands designated Rural Residential in the Plan shall not be considered a residential district.

a. General Prohibition

1) On-Street

No person shall park, store, or keep a commercial vehicle, recreational vehicle, sports vehicle such as dune buggy, jet skis, racing vehicle, off-road vehicle, air boat, canoe or paddleboat, boat or trailer, on any public street, or other thoroughfare or any R-O-W within any a residential district for a period exceeding two hours in any 24 hour period, each such period commencing at the time of first stopping or parking.

2) Off-Street

It shall be unlawful for any owner of land in any residential district to park on, cause to be parked on, or allow to be parked on residentially zoned land any unlicensed or unregistered vehicle, or a commercial vehicle, sports vehicle, recreational vehicle, boat or trailer for a period exceeding two hours in any 24 hour period, each such period commencing at the time of first stopping or parking, except that one vehicle

Unified Land Development Code

Article 6 – Parking

32 of 39

which is unregistered or unlicensed may be kept on site provided the vehicle is completely screened from view from adjacent roads and lots.

b. Exemptions

1) Commercial Vehicle

One commercial vehicle of not over one ton rated capacity may be parked per dwelling unit, providing all of the following conditions are met: vehicle is registered or licensed; used by a resident of the premises; gross weight does not exceed 10,000 pounds, including any load; height does not exceed nine feet, including any load, bed, or box; and total vehicle length does not exceed 26 feet.

2) Construction Vehicles

The general prohibitions above shall not apply to the temporary parking of vehicles on private land in residential districts where construction is underway, for which a current and valid building permit has been issued by the Building Director and the building permit is displayed on the premises.

3) Delivery and Service Vehicles

The two hour parking restriction set out above in Art. 6.A.1.D.19.a, General Prohibition, shall not apply to routine deliveries by tradesmen, or the use of trucks in making service calls, provided that time in excess of two hours is due to business deliveries or servicing.

4) Emergency Repairs

The general prohibitions above shall not apply to a situation where a motor vehicle becomes disabled and, as a result of such emergency, is required to be parked in a residential district longer than two hours. Any prohibited motor vehicle shall be removed from the residential district within 24 hours, regardless of the nature of the emergency.

5) Outdoor Storage

One RV, plus sports vehicles or boat with accompanying trailers, may be parked outdoors on a residential in a residential district provided that the vehicles are:

- a) owned and used by a resident of the premises;
- b) not parked in a required front setback or other area between the structure and the street except for the purpose of loading or unloading during a period not to exceed two hours in any 24 hour period;
- c) located in the side or rear yard and are screened from surrounding property and streets with an opaque wall, fence or hedge a minimum of six feet in height;
- d) not used for living, sleeping or housekeeping purposes;
- e) operative and currently registered or licensed, as required by state or federal law;
- f) vehicles on navigable waterways are exempt; and
- g) one vehicle which does not meet the requirements above may be approved by Special Permit upon demonstration that:

- (1) The property owner, family member or legal tenant has a physical disability which requires a vehicle which cannot meet these requirements.

CHAPTER B LOADING STANDARDS

Article 4

limited to an accessory use.

70. Home Occupation

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

a. Incidental Nature

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

b. Location

With the exception of outdoor instructional services, a home occupation shall be conducted within the principal dwelling or off-site, and shall not be conducted within any accessory building or structure or within any open porch or carport that is attached to and part of the principal structure. Instructional services, which by their nature must be conducted outside of the principal structure, such as swimming lessons, shall be located in a rear or side yard.

c. No Change to Character of Dwelling

The residential character of the dwelling in terms of exterior appearance and interior space shall not be altered or changed to accommodate a home occupation.

d. Employees

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

e. Occupational License

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

- f. **Advertising**
No external evidence or sign shall advertise, display, or otherwise indicate the presence of the home occupation, nor shall the street address of the home occupation be advertised through signs, billboards, television, radio, or newspapers. Advertising on vehicles shall be limited to the minimum necessary to meet requirements mandated by F.S. Chapter 489 or Chapter 67-1876 of the PBC Contractor's Certification Division Manual.
- g. **On-Premise Sales**
A home occupation shall not involve the sale of any stock, trade, supplies, products, or services on the premises, except for instructional services.
- h. **Instructional Services**
Instructional services shall meet the following additional regulations:
 - 1) **Home Instruction, Inside**
Teaching which takes place inside the dwelling unit of the instructor. Typical instruction includes music lessons and academic tutoring.
 - 2) **Home Instruction, Outside**
Teaching which takes place outside the dwelling unit, on the property of the instructor. This type of instruction is limited to subject matter which necessitates outside instruction. Typical instruction includes tennis, swimming lessons, dog training and equestrian lessons.
 - 3) **Hours of Operation**
Instruction shall occur only between the hours of 9:00 a.m. and 8:00 p.m. daily.
 - 4) **Insurance**
Proof of liability insurance in the amount of at least \$300,000 covering the instructional service shall be submitted prior to the issuance of a Special Permit.
 - 5) **Number of Students**
A maximum of three students at a time shall be permitted to receive instruction during a lesson.
 - 6) **Parking**
No more than two vehicles associated with the lessons shall be permitted to be parked at the instructor's home at any time.
 - 7) **Resident**
The instruction must be conducted by a resident of the dwelling where lessons are provided. Only one instructor shall be permitted to provide instruction. The occupational license shall be issued to the instructor.
- i. **Outside Storage**
No equipment or materials used in the home occupation shall be stored or displayed outside of the dwelling, including driveways.
- j. **Nuisances**
No home occupation shall involve the use of any mechanical, electrical or other equipment, materials or items which produce noise, electrical or magnetic interference, vibration, heat, glare, smoke, dust, odor or other nuisance outside the residential building. There shall be no storage of

hazardous or noxious materials on the site of the home occupation. There shall be no noise of an objectionable nature from the home occupation audible at adjoining property lines.

- k. **Violations or Hazard**
If any of the above requirements are violated, or if the use, or any part thereof, is determined by the Zoning Director to create a health or safety hazard, then the occupational license may be revoked.
- l. **Vehicles**
One business related vehicle per dwelling unit not over one ton rated capacity may be parked at the home, provided the vehicle is registered to a resident of the dwelling, commercial vehicles are prohibited.

71. Hospital or Medical Center

A facility licensed by the State of Florida which maintains and operates organized facilities for medical

Ord. 2005-041 - Changes to Art. 6 – [June 15, 2005: Item 25](#)

Reason for amendment: Request by Code Enforcement staff to clarify enforcement of commercial vehicle parking limitations. Tied to gross vehicle weight rating (GVWR) of vehicle, which is obtainable through manufacturers websites and State of Florida vehicle registrations. GVWR includes both the weight of the vehicle, and all loads, including passengers and fuel. Does not include a vehicles towing capacity.

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32 **Part 4. ULDC, Art. 6.A.1.D.19.b.1), Commercial Vehicles (page 33 of 39), is hereby amended as**
33 **follows:**

34
35 **CHAPTER A PARKING**

36 **Section 1 General**

37 **D. Off-Street Parking**

38 **19. Parking of Vehicles and Boats in Residential Districts**

39 **b. Exemptions**

40 **1) Commercial Vehicle**

41 One commercial vehicle of not over one ton rated capacity may be parked per
42 dwelling unit, providing all of the following conditions are met: vehicle is registered or
43 licensed; used by a resident of the premises; gross vehicle weight rating (gvwr) does
44 not exceed 12,500 ~~10,000~~ pounds, ~~including any load~~; height does not exceed nine
45 feet, including any load, bed, or box; and total vehicle length does not exceed 26
46 feet.

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48
49 **Part 5. ULDC, Art. 6.B.1.E.1. Width (page 37 of 39). Is hereby amended as follows:**

Ord. 2007-013 - Changes to Art. 6 – June 20, 2007: Item 28

Reason for amendment: [Code Enforcement] 1) To make changes to previous exemptions for the AR/RSA district to include on street parking limitations and add minor off street limitations to limit parking in front and side street setback areas or other places to prevent potential visual conflicts; 2) to add references to equipment and vessels to make limitations more clear; 3) Clarify that parking is prohibited on vacant parcels; and, 4) To clarify that limitations are for residential uses in residential districts. [Code Enforcement/Zoning] 1) Clarification on limitations of number different types of parking permitted on site – to provide an improved pick and choose menu for persons who may own multiple boats, but no RV's, etc.

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50 **Part 2. ULDC, Art. 6.A.1.D.19, Parking of Vehicles, Boats and Trailers in Residential Districts,**
51 **(page 26 of 35), is hereby amended as follows:**

52

53 **CHAPTER A PARKING**

54

Section 1 General

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D. Off-Street Parking

56

19. Parking of Equipment, Vehicles, and Boats or Vessels and Trailers in Residential Districts

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The following standards shall apply to the parking of equipment, (including construction equipment), vehicles, recreational vehicles, sports vehicles, boats or vessels and trailers on residential parcels or adjacent streets in residential districts. For the purposes of this Section, the AR district in lands designated Rural Residential in the Plan shall not be considered a residential district.

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a. General Prohibition

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1) On-Street

Notes:

Underlined language indicates proposed new language.

Language ~~crossed-out~~ indicates language proposed to be deleted.

.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT F
ARTICLE 6 – PARKING
SUMMARY OF AMENDMENTS
(Updated 07/02/07)

- 1 No person shall park, store, or keep equipment, a commercial vehicle, recreational
2 vehicle, boat, vessel, trailer, sports vehicle such as dune buggy, jet skis, racing
3 vehicle, off-road vehicle, air boat, canoe or paddleboat, ~~boat or trailer~~, on any public
4 street, or other thoroughfare or any R-O-W within a residential district for a period
5 exceeding one ~~two~~ hours in any 24 hour period, each such period commencing at the
6 time of first stopping or parking.
- 7 **2) Off-Street**
- 8 It shall be unlawful for any owner of land in any residential district to park on, cause
9 to be parked on, or allow to be parked on residentially zoned land any unlicensed or
10 unregistered vehicle, or equipment a commercial vehicle, sports vehicle, recreational
11 vehicle, boat vessel or trailer for a period exceeding one two hours in any 24 hour
12 period, each such period commencing at the time of first stopping or parking, ~~except~~
13 ~~that one vehicle which is unregistered or unlicensed may be kept on site provided the~~
14 ~~vehicle is completely screened from view from adjacent roads and lots.~~
- 15 **3) Vacant Lot Prohibitions**
- 16 Parking shall be prohibited on all vacant properties in residential districts.
- 17 **b. Exemptions**
- 18 The following exemptions shall apply to parcels in residential districts, unless the parcel is
19 vacant.
- 20 **1) Commercial Vehicle**
- 21 One commercial vehicle of not over one ton rated capacity may be parked per
22 dwelling unit, providing all of the following conditions are met: vehicle is registered or
23 licensed; used by a resident of the premises; gross vehicle weight rating (gvwr) does
24 not exceed 12,500 pounds; height does not exceed nine feet, including any load,
25 bed, or box; and total vehicle length does not exceed 26 feet. **[Ord. 2005-041]**
- 26 **2) Construction Vehicles**
- 27 The general prohibitions above shall not apply to the temporary parking of
28 construction vehicles or equipment engaged in work on private land in residential
29 districts where construction is underway, for which a current and valid building permit
30 has been issued by the Building Director and the building permit is displayed on the
31 premises.
- 32 **3) Delivery and Service Vehicles**
- 33 The general prohibitions above ~~two-hour parking restriction set out above in Article~~
34 ~~6-A.1.D.19.a. General Prohibition,~~ shall not apply to routine deliveries by tradesmen,
35 or the use of trucks in making service calls, provided that time in excess of one two
36 hours is due to business deliveries or servicing.
- 37 **4) Emergency Repairs**
- 38 The general prohibitions above shall not apply to a situation where a motor vehicle
39 becomes disabled and, as a result of such emergency, is required to be parked in a
40 residential district longer than two hours. Any prohibited motor vehicle shall be
41 removed from the residential district within 24 hours, regardless of the nature of the
42 emergency.
- 43 **5) Outdoor Storage**

Ord. 2008-003 - Changes to Definition – [November 29, 2007: Item 22](#)

Reason for Amendment: [Code Enforcement] 1) Inadvertently omitted text needed to be consistent with language in Art. 6.A.1.D.19.b.1) that changed the maximum gross vehicle weight restriction for commercial vehicles in residential districts from 10,000 to 12,500 lbs, as amended by Ord. 2005-041; and, 2) Various glitches and inadvertently omitted text for sign definitions.

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Part 1. ULDC Art. 1.1.2, Definitions (Pages 40, of 104), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

....

C. Terms defined herein or referenced Article shall have the following meanings:

....

46. **Commercial Vehicle** - a vehicle principally used in commerce or trade or any vehicle that is not a recreational vehicle that exceeds the following limits: rated capacity of one ton; gross vehicle weight rating (GVWR) does not exceed 12,500 ~~of 10,000~~ pounds, including load; height exceeds nine feet, including any load, bed or box; and total vehicle length of 26 feet. Such vehicles shall include tow trucks, transport vehicles, construction vehicles, semi-trucks and step-vans.

....

2008-037 - Changes to Art. 6 – [June 30, 2008: Item 21](#)

Reason for amendment: [Zoning] Amend to clarify the parking requirements by excluding the car wash tunnel from calculation.

Reason for amendment: Amend to establish limitations for parking of vehicles on residential lots.

EXHIBIT F

**ARTICLE 6 – PARKING
SUMMARY OF AMENDMENTS
(Updated 05/28/08)**

1 **Part 1. ULDC Table 6.A.1.B-1, Minimum Off-Street Parking and Loading Requirements (page 5**
2 **of 37), is hereby amended as follows:**
3

Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements – Cont'd

Use Type: Commercial	Parking ¹	Loading ²
....		
Car wash Automatic self service	1 space per 200 sq. ft. of <u>office, retail, or indoor seating area</u>	N/A
....		
[Ord. 2005-002]		
Loading Key:		
Standard "A" - One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.		
Standard "B" - One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.		
Standard "C" - One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.		
Standard "D" - One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" - One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		

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6 **Part 2. ULDC, Art. 6.A.1.D, Off Street Parking (page 29 of 37), is hereby amended as follows:**
7

8 **CHAPTER A PARKING**

9 **Section 1 General**

10 **D. Off-Street Parking**

11 **20. Parking Limitations for Residential Lots**

12 The provisions of this section shall apply retroactively. The following standards shall apply to
13 the parking of vehicles on residential parcels. For the purposes of this section, the term
14 vehicle shall include: cars, commercial vehicles, ~~recreational vehicles,~~ sports utility vehicles
15 and trucks. In addition, for the purposes of this section, the AR district shall be considered a
16 residential district.

17 **a. Parking for ~~Ten~~ Seven Vehicles**

18 A maximum of ~~ten~~ seven vehicles may be parked outdoors on a lot supporting a single-
19 family residential use.

20 **2021. CRALLS Reductions**

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23 **Part 4. ULDC, Art. 6.B.1, Loading [Related to Screening] (page 30 of 37), is hereby amended as**
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2019-005 - Changes to Art. 6 – November 26, 2018: Item 11

Reason for amendments: [Zoning]
1. To delete the standard that limits the number of parked vehicles on residential parcels. Determined by Code Enforcement Director, Zoning Director, and County Attorney that the limitation is no longer needed, no code enforcement issues to warrant limitation.
2. To eliminate the reduction related to CRALLS to as the State law limits traffic concurrency regulations to Proportionate Share payments. As a result, parking reduction is no longer a viable CRALLS strategy.

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Part 6. ULDC Art. 6.A.1.D, Parking (page 32-33 of 40 of Supplement 24), is hereby amended as follows:

....

19. Parking of Equipment, Vehicles, ~~Boats~~ or Marine Vessels and Trailers in Residential Districts

The following standards shall apply to the parking of equipment, (including construction equipment), vehicles, recreational vehicles, sports vehicles, ~~boats~~ or marine vessels and trailers on residential parcels or adjacent streets in residential districts. For the purposes of this Section, legally established, nonresidential uses in the AR district in lands designated Rural Residential in the Plan shall not be considered a residential district. **[Ord. 2007-013]**

a. General Prohibition

1) On-Street

No person shall park, store, or keep equipment a commercial vehicle, recreational vehicle, ~~boat, marine~~ vessel, trailer, sports vehicle such as dune buggy, jet skis, racing vehicle, off-road vehicle, air boat, canoe or paddleboat, on any public street, or other thoroughfare or any R-O-W within a residential district for a period exceeding one hour in any 24 hour period, each such period commencing at the time of first stopping or parking. **[Ord. 2007-013]**

2) Off-Street

It shall be unlawful for any owner of land in any residential district to park on, cause to be parked on, or allow to be parked on residentially zoned land any unlicensed or unregistered vehicle, or equipment commercial vehicle, sports vehicle, recreational vehicle, ~~boat marine~~ vessel or trailer for a period exceeding one hour in any 24 hour period, each such period commencing at the time of first stopping or parking. **[Ord. 2007-013]**

3) Vacant Lot Prohibitions

Parking shall be prohibited on all vacant properties in residential districts. **[Ord. 2007-013]**

b. Exemptions

The following exemptions shall apply to parcels in residential districts, unless the parcel is vacant. **[Ord. 2007-013]**

1) Commercial Vehicle

One commercial vehicle of not over one ton rated capacity may be parked per dwelling unit, providing all of the following conditions are met: vehicle is registered or licensed; used by a resident of the premises; gross vehicle weight rating (gvwr) does not exceed 12,500 pounds; height does not exceed nine feet, including any load, bed, or box; and total vehicle length does not exceed 26 feet. **[Ord. 2005-041]**

2) Construction Vehicles

The general prohibitions above shall not apply to the temporary parking of construction vehicles or equipment engaged in work on private land in residential districts where construction is underway, for which a current and valid building permit has been issued by the Building Director and the building permit is displayed on the premises. **[Ord. 2007-013]**

Notes:
Underlined indicates **new** text.
~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.
Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.
.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT J

ARTICLE 3 – PLANNED DEVELOPMENT DISTRICTS (PDDS) ARTICLE 6 – PARKING

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- 3) Delivery and Service Vehicles**
The general prohibitions above shall not apply to routine deliveries by tradesmen, or the use of trucks in making service calls, provided that time in excess of one hour is due to business deliveries or servicing. [Ord. 2007-013]
- 4) Emergency Repairs**
The general prohibitions above shall not apply to a situation where a motor vehicle becomes disabled and, as a result of such emergency, is required to be parked in a residential district longer than two hours. Any prohibited motor vehicle shall be removed from the residential district within 24 hours, regardless of the nature of the emergency.
- 5) Outdoor Storage**
A maximum of one recreational vehicle and any two of the following, or a maximum of three of any of the following, may be parked outdoors on a residential parcel with a residential unit:
sports vehicle, ~~boat~~ or marine vessel with accompanying trailers, and trailers may be parked outdoors in a residential district provided that the vehicles are: [Ord. 2007-013]
- a) owned and used by a resident of the premises;
 - b) not parked in a required front setback or other area between the structure and the street, or on street except for the purpose of loading or unloading during a period not to exceed two hours in any 24 hour period; [Ord. 2007-013]
 - c) located in the side or rear yard and are screened from surrounding property and streets with an opaque wall, fence or hedge a minimum of six feet in height;
 - d) not used for living, sleeping or housekeeping purposes; and
 - e) operative and currently registered or licensed, as required by state or federal law.
 - f) vehicles, ~~boats~~ or marine vessels on navigable waterways are exempt; and [Ord. 2007-013]
 - g) one vehicle which does not meet the requirements above may be approved through ZAR process upon demonstration that: [Ord. 2018-002]
 - (1) The property owner, family member or legal tenant has a physical disability which requires a vehicle which cannot meet these requirements.
- 6) Indoor Storage**
Vehicles, ~~boats~~, marine vessels and related trailers used for non-commercial purposes, whether licensed and operational or not, located in a fully enclosed garage or permitted roofed structure. [Ord. 2007-013]
- 7) Unregistered or Unlicensed Vehicles**
In addition to the indoor storage exception above, one vehicle which is unregistered or unlicensed may be kept on site provided the vehicle is completely screened from view from adjacent roads and lots. [Ord. 2007-013]
- ~~**20. Parking Limitations for Residential Lots**
The provisions of this section shall apply retroactively. The following standards shall apply to the parking of vehicles on residential parcels. For the purposes of this section, the term vehicle shall include cars, commercial vehicles, sports utility vehicles and trucks. In addition, for the purposes of this section, the AR district shall be considered a residential district. [Ord. 2008-037]~~
- ~~**a. Parking for Seven Vehicles**
A maximum of seven vehicles may be parked outdoors on a lot supporting a single-family residential use. [Ord. 2008-037]~~
- ~~**21. CRALLS Reductions**
A ten percent reduction in the minimum number of required parking spaces may be approved by the DRO if required to comply with Art. 12.P.4.D, Strategy 4 Parking Management. The reduction may only be implemented if the mitigation strategy is approved by the County Engineer. [Ord. 2006-036]~~
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2018-018 - Art. 4 Creation of Limited Home Contractor Storage Yard – [June 25, 2018: Item 6](#)

5 acre minimum doesn't apply to lots under 5 acres

Reason for amendments: [Zoning]
1. The current procedure for a Home Occupation through a Business Tax Receipt application does not require Zoning approval.. This amendment clarifies limited that Contractor Storage Yard requested as Home Occupation in the AR/RSA is subject to a DRO approval when the applicant wants to utilize exceptions that allow additional vehicles, employees and outdoor storage beyond the regular requirements for Home Occupation, which provides an opportunity for staff to review to ensure the Code requirements for this use are met.

Reason for amendments: [Zoning]
1. Create cross reference to review additional standard and approval process applicable to Home Occupation issued for limited Landscape Service and limited Contractor Storage Yard.

Reason for amendments: [Zoning]
1. Delete Special Permit applicable to limited Contractor Storage Yard as Home Occupation. The Special Permit is being changed to DRO approval as noted in Part 2 above.

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22 Part 2. ULDC Art. 4.B.5.C.1, Contractor Storage Yard (page 85-86 of 204), is hereby amended as
23 follows:

24 CHAPTER B USE CLASSIFICATION

25 Section 5 Industrial Uses

26 C. Definitions and Supplementary Use Standards for Specific Uses

27 1. Contractor Storage Yard

28 a. Definition

29 The storage of construction material, mechanical equipment used in construction activity,
30 or commercial vehicles used by building trades and services, other than construction sites.

31 b. Overlay - WCRAO

32 1) Approval Process

33 The use shall be limited to the UG and UI Sub-areas of the WCRAO subject to Class
34 A Conditional Use approval.

35 2) Accessory Office

36 The use shall include a structure required to comply with the provisions of Table
37 3.B.14.F – WCRAO Sub-area PDRs.

38 3) Nonconformities

39 Uses approved prior to March 2, 2017 shall be considered legal conforming uses.

40 c. Home Occupation – ~~AR/RSA~~

41 A limited Contractor Storage Yard ~~use~~, may be allowed as a Home Occupation *subject to*
42 *a DRO approval through the ZAR Process, when located in the Agriculture Residential*
43 *(AR) Zoning District within the Rural Service Area (RSA) on lots a minimum of five acres*
44 *in size*, subject to the requirements of Art. 4.B.1.E.10, Home Occupation, ~~and the~~
45 ~~following:~~ [Ord. 2018-002] [Partially relocate to Art. 4.B.5.C.1.c.1, Exception – AR/RSA
46 /Zoning District, below]

47 1) ~~Exception – AR/RSA Zoning District~~

48 A limited Contractor Storage Yard on a lot five acres or more, may be allowed as
49 follows: [Partially relocate from Art. 4.B.5.C.1.c, Home Occupation, above]

50 a) Subject to a DRO approval through the ZAR Process prior to issuance of a
51 Business Tax Receipt. [Partially relocate from Art. 4.B.5.C.1.c, Home
52 Occupation, above]

53 b) A maximum of three persons living outside of the home may be employed under
54 the DRO approval. [Partially relocated from Art. 4.B.5.C.1.c.1.c, Additional
55 Employees, below]

56 4) ~~General~~

57 a) ~~Buffers~~

58 ~~The use shall be exempt from incompatibility buffer requirements.~~ [Relocate
59 below under Art. 4.B.5.C.1.c.2), below]

60 bc) Hours of Operation

Notes:

Underlined indicates **new** text.

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The loading or unloading, or movement of any stored vehicles, equipment, or other similar activities, or additional employees shall be prohibited between the hours of 8:00 p.m. and 6:00 a.m.

- ~~c) Additional Employees~~
- ~~d) A maximum of three persons living outside of the home may be employed under the Home Occupation, provided parking spaces for every employee vehicles shall not be added to the site parked on unimproved surfaces nor in the front or side yard unless within the business owner's driveway or enclosed storage area. [Partially relocated to Art. 4.B.5.C.1.c.1, Exception]~~

- ~~de) Outdoor Storage~~
 - ~~1) Where additional vehicles, Semi-truck, trailer or equipment are allowed below, the use may be exempt from the outside storage limitations of Art. 4.B.1.E.10, provided that outside storage areas of equipment shall be screened from view from any R-O-W or parcel of land with a Residential FLU designation or use, through use of opaque fences, walls or existing or newly planted native vegetation, prior to issuance of the Business Tax Receipt;~~
 - ~~(2) No additional vegetation shall be required where equipment is screened from view behind permitted opaque fences or other structures;~~
 - ~~(3) Outdoor storage shall be prohibited within the front yard, and shall be setback a minimum of 15 feet, or 25 feet for vehicles or equipment greater than eight feet in height, from any abutting parcel with a residential FLU or use; and,~~
 - ~~(4) Additional A maximum of three vehicles or equipment shall only be permitted, unless the acreage requirements is met.~~
 - ~~(5) All vehicle parking or storage areas shall utilize where parked or stored on improved surfaces such as asphalt, pavement or shell rock.~~

~~eh) Ownership~~
Any additional permitted vehicles or equipment shall be owned or leased by the Home Occupation license holder, except for semi-trucks operated by the license holder, that are stored not more than two days per week at the home.

- ~~2) Trucks and Equipment~~
The following additional vehicles or equipment owned by the business owner, may be permitted allowed for each additional 10 acres, and in accordance with the outdoor storage provisions above:
 - ~~(1) One Semi truck with or without trailer; or, b) One dump truck; and,~~
 - ~~(2) One trailer and,~~
 - ~~(3) One item of heavy equipment, such as a bobcat or loader, but excluding large equipment such as cranes.~~

~~3) Additional Vehicles or Equipment~~
One additional vehicle, trailer or piece of equipment permitted under Trucks and Equipment above may be allowed for each additional 10 acres. [Partially relocated above]

~~2) Home Occupation having Contractor Storage Yard shall be exempt from the incompatibility buffer requirements. [Relocated from Art. 4.B.5.C.1.c.1)a), Buffers, above]~~

....

Part 3. ULDC Art. 4.B.1.E.10, Home Occupation (page 23 of 204), is hereby amended as follows:

CHAPTER B USE CLASSIFICATION

Section 1 Residential Uses

E. Accessory Residential Use Standards

10. Home Occupation

- a. Definition
A business, profession, occupation, trade, artisan, or handcraft conducted in a dwelling unit for commercial gain by a resident of the unit. A Home Occupation shall not include those businesses that are open to the public including those required by State of Florida agencies.
- b. Incidental Nature
Shall be clearly incidental and subordinate to the residential use of the dwelling property.
- c. Location

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- With the exception of outdoor instructional services, a Home Occupation shall be conducted within the principal dwelling or off-site, and shall not be conducted within any accessory building or structure or within any open porch or carport that is attached to and part of the principal structure. Instructional services, which by their nature must be conducted outside of the principal structure, such as swimming lessons, shall be located in a rear or side yard.
- d. No Change to Character of Dwelling**
The residential character of the dwelling in terms of exterior appearance and interior space shall not be altered or changed to accommodate a home occupation.
 - e. Employees**
Shall be conducted by members of the immediate family residing in the dwelling unit only. A maximum of one person who is not a member of the immediate family may assist in the operation of the home occupations at the residence.
 - f. Advertising**
No external evidence or sign shall advertise, display, or otherwise indicate the presence of the home occupation, nor shall the street address of the home occupation be advertised through signs, billboards, television, radio, or newspapers. Advertising on vehicles shall be limited to the minimum necessary to meet requirements mandated by F.S. Chapter 489 or Chapter 67-1876 of the PBC Contractor's Certification Division Manual.
 - g. Cottage Foods**
No food preparation shall be allowed, except as allowed in accordance with F.S. Section 500.80 cottage food operations, as amended.
 - h. On-Premise Sale of Goods and Services**
A Home Occupation shall not involve the sale of any stock, trade, supplies, products, or services on the premises, except for instructional services or incidental retail sales where the Home Occupation is a mail order or internet business.
 - i. Instructional Services**
Instructional services shall meet the following additional regulations:
 - 1) Home Instruction, Inside**
Teaching which takes place inside the dwelling unit of the instructor. Typical instruction includes music lessons and academic tutoring.
 - 2) Home Instruction, Outside**
Teaching which takes place outside the dwelling unit, on the property of the instructor. This type of instruction is limited to subject matter which necessitates outside instruction. Typical instruction includes tennis, swimming lessons, dog training and equestrian lessons.
 - 3) Hours of Operation**
Instruction shall occur only between the hours of 9:00 a.m. and 8:00 p.m. daily.
 - 4) Number of Students**
A maximum of three students at a time may be allowed to receive instruction during a lesson.
 - 5) Parking**
No more than two vehicles associated with the lessons may be allowed to be parked at the instructor's home at any time.
 - 6) Resident**
The instruction must be conducted by a resident of the dwelling where lessons are provided. Only one instructor may be allowed to provide instruction.
 - j. Home Occupation in the AR/RSA**
Additional standards and approval process apply to Home Occupation with limited Landscape Service or limited Contractor Storage Yard pursuant to Art. 4, Use Regulations.
 - k. Outside Storage**
No equipment or materials used in the home occupation shall be stored or displayed outside of the dwelling, including driveways.
 - kl. Nuisances**
No Home Occupation shall involve the use of any mechanical, electrical or other equipment, materials or items which produce noise, electrical or magnetic interference, vibration, heat, glare, smoke, dust, odor or other nuisance outside the residential building. There shall be no storage of hazardous or noxious materials on the site of the home occupation. There shall be no noise of an objectionable nature from the Home Occupation audible at adjoining property lines.
 - lm. Violations or Hazard**

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If any of the above requirements are violated, or if the use, or any part thereof, is determined by the Zoning Director to create a health or safety hazard, then the business tax receipt may be revoked.

m. Vehicles

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

Part 4. ULDC Table 2.C.3 – DRO Administrative Processes (page 43 of 105), is hereby amended as follows:

Table 2.C.3 - DRO - Administrative Processes

Requests	Processes	
	Full DRO	ZAR
Administrative Approval		
Special Permit pursuant to Art. 4.B.5.C.1.c. Home Occupation in AR/RSA related to limited Contractor Storage Yard and Art. 8.H.2. Billboards		(6)
Notes		
8. Shall be processed as a Special Permit.		
[Ord. 2018-002]		

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State Definitions

The 2023 Florida Statutes (including Special Session C)

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(1) **“Motor vehicle”** means:

(a) An automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, motorized scooters, micromobility devices, personal delivery devices and mobile carriers as defined in s. 316.003, special mobile equipment as defined in s. 316.003, vehicles that run only upon a track, bicycles, electric bicycles, swamp buggies, or mopeds.

(b) A recreational vehicle-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Recreational vehicle-type units, when traveling on the public roadways of this state, must comply with the length and width provisions of s. 316.515, as that section may hereafter be amended. As defined below, the basic entities are:

1. The “travel trailer,” which is a vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use. It has a body width of no more than 8 1/2 feet and an overall body length of no more than 40 feet when factory-equipped for the road.

2. The “camping trailer,” which is a vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

3. The “truck camper,” which is a truck equipped with a portable unit designed to be loaded onto, or affixed to, the bed or chassis of the truck and constructed to provide temporary living quarters for recreational, camping, or travel use.

4. The “motor home,” which is a vehicular unit which does not exceed the length, height, and width limitations provided in s. 316.515, is a self-propelled motor vehicle, and is primarily designed to provide temporary living quarters for recreational, camping, or travel use.

5. The “private motor coach,” which is a vehicular unit which does not exceed the length, width, and height limitations provided in s. 316.515(9), is built on a self-propelled bus type chassis having no fewer than three load-bearing axles, and is primarily designed to provide temporary living quarters for recreational, camping, or travel use.

6. The “van conversion,” which is a vehicular unit which does not exceed the length and width limitations provided in s. 316.515, is built on a self-propelled motor vehicle chassis, and is designed for recreation, camping, and travel use.

7. The “park trailer,” which is a transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from the exterior surface of the exterior stud walls at the level of maximum dimensions, not including any bay window, does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to United States Department of Housing and Urban Development Standards. The length of a park trailer means the distance from the exterior of the front of the body (nearest to the drawbar and coupling mechanism) to the exterior of the rear of the body (at the opposite end of the body), including any protrusions.

8. The “fifth-wheel trailer,” which is a vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require a special highway movement permit, of gross trailer area not to exceed 400 square feet in the setup mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle’s rear axle.

...

(4) “**Trailer**” means any vehicle without motive power designed to be coupled to or drawn by a motor vehicle and constructed so that no part of its weight or that of its load rests upon the towing vehicle.

(5) “**Semitrailer**” means any vehicle without motive power designed to be coupled to or drawn by a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.

....

(11) “**Truck tractor**” means a motor vehicle which has four or more wheels and is designed and equipped with a fifth wheel for the primary purpose of drawing a semitrailer that is attached or coupled thereto by means of such fifth wheel and which has no provision for carrying loads independently.

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