

**PALM BEACH COUNTY  
AMENDMENTS TO ZONING CODE  
ORDINANCE NO. 90-11**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA; AMENDING THE CODE OF LAWS AND ORDINANCES OF PALM BEACH COUNTY, FLORIDA, APPENDIX F (ZONING CODE) AS FOLLOWS: ADDING A NEW SECTION 103 (APPLICABILITY); AMENDING SECTION 200.2 (DEFINITIONS); REPEALING AND REPLACING SECTION 300.1 (ESTABLISHMENT OF DISTRICTS); AMENDING SECTION 401.5 (MODIFICATION OF COMMISSION REQUIREMENTS, COMMISSION APPROVALS, AND APPROVED MASTER PLAN); REPEALING AND REPLACING SECTION 402.9 (MANDATORY REVIEW OF DEVELOPMENT APPROVALS); AMENDING SECTION 403 (BOARD OF ADJUSTMENT); REPEALING AND REPLACING SECTION 404 (NONCONFORMING USES, LOTS, BUILDINGS, STRUCTURES AND PREMISES); ADDING A NEW SECTION 405 (HISTORIC PLACES, BUILDINGS, AND STRUCTURES); AMENDING SECTION 500.1 (ACCESSORY USES AND BUILDING AND STRUCTURES); AMENDING SECTION 500.2 (HOME OCCUPATIONS); REPEALING AND REPLACING SECTION 500.3 (EXCAVATION); AMENDING THE PARKING STANDARDS IN SECTION 500.6. (MARINA/BOATDOCK/YACHT CLUB); AMENDING THE PARKING AND LOADING STANDARDS IN SECTION 500.9. (RECREATION FACILITIES, AMUSEMENTS AND ATTRACTIONS AND EXHIBITS, PUBLIC AND PRIVATE); AMENDING THE PARKING STANDARDS IN SECTION 500.11 (COMMERCIAL KENNEL AND STABLE); AMENDING SECTION 500.12 (DAY CARE CENTERS AND CHILD CARE FACILITIES); AMENDING THE PARKING AND LOADING STANDARDS IN SECTION 500.13 (COMMERCIAL NEW AND USED MOTORCYCLE, AUTOMOBILE, TRUCK, BOAT, MOBILE HOME, RECREATIONAL VEHICLE SALE AND RENTAL AND REPAIR FACILITIES AND LOTS); AMENDING SECTION 500.14 (SWIMMING POOLS AND CLUBS, COMMERCIAL AND PRIVATE); REPEALING SECTION 500.16.A. (TRAFFIC PERFORMANCE STANDARDS); REPEALING SECTION 500.16.B.9. (HUMIDITY, HEAT, OR GLARE); ADDING NEW SECTION 500.16.B.9. (DRAINAGE); AMENDING SECTION 500.17 (OFF-STREET PARKING); AMENDING SECTION 500.18.B.6 (REGULATIONS FOR THE PARKING, STORING, OR KEEPING OF COMMERCIAL VEHICLES, BOATS, BUSES, TRAILERS, ANND TRUCKS - DEFINITIONS); AMENDING SECTION 500.19 (OFF-STREET LOADING); AMENDING SECTION 500.20 (ACCESS TO RIGHTS-OF-WAY); AMENDING SECTION 500.21 (PLANNED UNIT DEVELOPMENT); REPEALING SECTION 500.22.F. AND ADDING A NEW SECTION 500.22.F. (MOBILE HOME RENTAL PARKS - DENSITY); AMENDING SECTION 500.22.K (MOBILE HOME RENTAL PARKS - PARKING); ADDING A NEW SECTION 500.22.O (MOBILE HOME RENTAL PARKS - EMERGENCY STRUCTURES); AMENDING THE PARKING STANDARDS IN SECTION 500.23.G. (RECREATIONAL VEHICLE PARK); AMENDING SECTION 500.24 (MOBILE HOME CONDOMINIUM PARK) BY REPEALING AND REPLACING SECTIONS 500.24.F. (DENSITY) AND 500.24.K.1. (PARKING); AND ADDING A NEW SECTION 500.24.O. (EMERGENCY STRUCTURES); AMENDING SECTION 500.28 (EXCEPTIONS TO PROPERTY DEVELOPMENT REGULATIONS); AMENDING THE PARKING STANDARDS IN SECTION 500.30.G. (TOWNHOUSE CLUSTER); ADDING SECTION 500.33.1 (MIXED RESIDENTIAL\COMMERCIAL PLANNED DEVELOPMENT); REPEALING AND REPLACING SECTION 500.35 (LANDSCAPE CODE); AMENDING SECTION 500.37 (CONGREGATE LIVING FACILITY); ADDING A NEW SECTION 500.41 (WATER AND WASTEWATER TREATMENT FACILITIES); ADDING A NEW SECTION 500.42 (ELECTRICAL POWER FACILITIES); ADDING A NEW SECTION 500.43 (EXTERIOR LIGHTING STANDARDS); ADDING A NEW SECTION 500.44 (AMATEUR AND CITIZENS BAND RADIO AND TELEVISION ANTENNA AND ANTENNA SUPPORT STRUCTURES); ADDING A NEW SECTION 500.45 (STANDS FOR THE SALE OF AGRICULTURAL PRODUCTS); ADDING A NEW SECTION 500.46 (ACCESSORY APARTMENTS FOR ELDERLY AND HANDICAPPED); ADDING A NEW SECTION 500.47 (TEMPORARY AMUSEMENTS, RIDES, CARNIVALS,CIRCUS AND REVIVALS); AMENDING ZONING**

**DISTRICTS AS FOLLOWS: ADDING A NEW SECTION 601 (AGR-AGRICULTURAL RESERVE DISTRICT); AMENDING, RETITLING AND RENUMBERING THE EXISTING SECTION 601 (AP-AGRICULTURAL PRESERVATION DISTRICT) TO SECTION 602 (AGRICULTURAL PRODUCTION DISTRICT); ADDING A NEW SECTION 603 (SA-SPECIALIZED AGRICULTURAL DISTRICT); AMENDING AND RENUMBERING SECTION 602 (AR-AGRICULTURAL RESIDENTIAL) TO SECTION 604; ADDING A NEW SECTION 605 (CRS-COUNTY RESIDENTIAL DISTRICT); ADDING A NEW SECTION 606 (RSER-RURAL SERVICE DISTRICT); AMENDING AND RENUMBERING THE EXISTING SECTION 603 (RE-RESIDENTIAL ESTATE DISTRICT) TO SECTION 607); AMENDING AND RENUMBERING THE EXISTING SECTION 604 (RT-RESIDENTIAL TRANSITIONAL DISTRICT) TO SECTION 608; AMENDING AND RENUMBERING THE EXISTING SECTION 605 (RTS-RESIDENTIAL TRANSITIONAL SUBURBAN DISTRICT) TO SECTION 609; ADDING A NEW SECTION 610 (RTU-RESIDENTIAL TRANSITIONAL URBAN DISTRICT); AMENDING AND RENUMBERING THE EXISTING SECTION 606 (RS-SINGLE FAMILY RESIDENTIAL) TO SECTION 611; AMENDING AND RENUMBERING THE EXISTING SECTION 607 (RM-MULTIPLE FAMILY RESIDENTIAL DISTRICT [MEDIUM DENSITY]) TO SECTION 612; AMENDING AND RENUMBERING THE EXISTING SECTION 608 (RH-MULTIPLE FAMILY RESIDENTIAL DISTRICT [HIGH DENSITY]) TO SECTION 613; AMENDING AND RENUMBERING THE EXISTING SECTION 609 (CN-NEIGHBORHOOD COMMERCIAL) TO SECTION 614; AMENDING AND RENUMBERING THE EXISTING SECTION 610 (CG-GENERAL COMMERCIAL DISTRICT) TO SECTION 616; AMENDING, RETITLING AND RENUMBERING THE EXISTING SECTION 611 (CS-SPECIALIZED COMMERCIAL) TO SECTION 617 (CSH-SPECIALIZED COMMERCIAL DISTRICT); AMENDING, RETITLING AND RENUMBERING THE EXISTING SECTION 612 (LCD-LIMITED COMMERCIAL DISTRICT) TO SECTION 615 (CC-COMMUNITY COMMERCIAL DISTRICT); ADDING A NEW SECTION 618 (LO-LIMITED OFFICE DISTRICT); ADDING A NEW SECTION 619 (CRE-COMMERCIAL RECREATION DISTRICT); AMENDING AND RENUMBERING THE EXISTING SECTION 613 (IL-LIGHT INDUSTRIAL DISTRICT) TO SECTION 620; AMENDING AND RENUMBERING THE EXISTING SECTION 614 (IG-GENERAL INDUSTRIAL DISTRICT) TO SECTION 621; AMENDING AND RENUMBERING THE EXISTING SECTION 615 (PIPD-PLANNED INDUSTRIAL PARK DISTRICT) TO SECTION 622; RENUMBERING SECTION 616 (PC-PRESERVATION/CONSERVATION DISTRICT) TO SECTION 623; AMENDING AND RENUMBERING THE EXISTING SECTION 617 (PO-PUBLIC OWNERSHIP DISTRICT) TO SECTION 624; AMENDING AND RENUMBERING THE EXISTING SECTION 618 (CR-CONSERVATION RESTRICTED) TO SECTION 625; ADDING NEW SECTION 626 (NE-O-NATIVE ECOSYSTEMS OVERLAY DISTRICT); ADDING NEW SECTION 627 (WCRA-O-WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY DISTRICT); ADDING NEW SECTION 628 (R&T-O-RESEARCH AND TECHNOLOGY OVERLAY DISTRICT); ADDING NEW SECTION 629 (GA-O-GLADES OVERLAY DISTRICT); ADDING NEW SECTION 630 PBIA-O-PALM BEACH INTERNATIONAL AIRPORT OVERLAY DISTRICT); PROVIDING FOR INTERPRETATION OF CAPTIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Palm Beach County, pursuant to Sec. 163.3161 et. seq., Fla. Stat., the Florida Local Government Comprehensive Planning and Land Development Regulation Act (hereinafter "the Act"), is required to prepare and adopt a Comprehensive Plan; and

WHEREAS, after adoption of the Comprehensive Plan, the Act mandates that Palm Beach County adopt land development regulations to implement the Comprehensive Plan within one (1) year of Plan submission; and

WHEREAS, on August 31, 1989, Palm Beach County adopted the Palm Beach County Comprehensive Plan pursuant to the requirements of Sec. 163.3161, et. seq., Fla. Stat; and

WHEREAS, it is the Intent of the Board of County Commissioners of Palm Beach County to implement the Palm Beach County Comprehensive Plan with these amendments to the Zoning Code;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, THAT:

PART I. AMENDMENT OF APPENDIX F (ZONING CODE) OF THE CODE OF ORDINANCES AS FOLLOWS.

103. Applicability.

A new Sec. 103 is added to address the application of these new amendments of the Zoning Code to development applications submitted and development approved prior to February 1, 1990.

The requirements of this section shall apply to all development, unless specifically addressed below.

- A. Application in process prior to February 1, 1990. An application for a special exception, special permit, district boundary change (rezoning) with a concurrent special exception, site plan review committee approval, or a building permit which is submitted to the Department prior to February 1, 1990, and if applicable, is certified by the Planning Commission Prehearing Conference prior to April 30, 1990, shall be reviewed and processed under the terms of Ordinance No. 73-2, as amended. After approval, the application shall be considered a "Previous Approval" under Sec. 103.B and C. for the purposes of modification and applicability of the general requirements of the Zoning Code.
- B. Previous approvals. Nothing herein shall require a change in plans for development shown on an approved site plan, special exception, building permit, or master plan approved prior to February 1, 1990, as long as the development approval remains valid. Uses and site design elements not specifically shown on the previously approved plan pursuant to a development order shall be subject to the requirements of this Zoning Code as amended of February 1, 1990.
- C. Modifications to previous development approvals. Modification of previous development approvals which are not permitted by Sec. 402.7(E) of the Zoning code, and which constitute a "Substantial Change in Land Use" as defined in Sec. 200.2, shall be subject to the requirements of this Zoning Code as amended on February 1, 1990. Except as provided by Sec. 500.35.E.5.(E)(a) of the Landscape Code, only the new portion of the development approval or the portion undergoing modification shall be subject to the provisions of this Zoning code.
- D. Voluntary compliance. Notwithstanding the provision in this section, a property owner may elect, through written request to the Zoning Director, to have a development application reviewed pursuant to the terms of this Zoning Code as amended on February 1, 1990.

200.2 Definitions.

Sec. 200.2, Definitions is amended as follows.

Actual Building Construction: The placing of construction materials in permanent position, fastened in a permanent manner. Where demolition or removal of any existing building has been substantially begun in preparation of rebuilding, such demolition shall be deemed to be actual building construction, provided that work shall be diligently carried on until rebuilding of the structure being demolished. In no event shall the time of construction exceed eighteen (18) months, except where allowed by the demolition order.

Antenna: The arrangement of wires or metal rods used in the sending and receiving of electromagnetic waves.

Antenna Support Structures: Any structure, mast, pole, tripod or tower utilized for the purpose of supporting an antenna or antennas to be used in the transmission or reception of electromagnetic waves.

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Antenna Height: The overall vertical length of the antenna and antenna support structures above grade, or if such system is located on a building, then the overall vertical length includes the height of the building upon which the structure is mounted. In the event a retractable or demountable-type antenna support structure is utilized, the antenna height is to be calculated as the overall vertical length of the antenna and antenna support structure when fully extended.

Arterial Street: A major street or higher classification than plan-collector streets, used primarily for traffic traveling a considerable distance within or through an area not served by an expressway that is of considerable continuity and is used primarily as a main traffic artery. An arterial may also be a limited access street.

Building: Any structure constructed or built for the support, enclosure, shelter or protection of chattels, persons animals or the like. The word "building" includes the word "structure" and shall include anything constructed which requires permanent location on the ground or is attached to anything having a permanent location on the ground and shall include, but not be limited to, such structures as homes, hotels, motels, apartments, mobile homes, stores, service stations, radio towers, billboards, cooling towers, tanks, smoke stacks, grain elevators, windmills, and silos. Such terms shall be construed as if follows by the phrase "or part thereof."

Building Official: The officer or other person charged with the administration and enforcement of the Building Code, or his duly authorized representative.

Category A Housing Type: Single family units and units of a single family character, including detached single family units; semi-detached single family units; patio homes; one (1) or two (2) unit cluster design housing units; two (2) unit townhouse clusters; and duplexes.

Category B Housing Type: Townhouse clusters of three (3) or more units; one (1) and two (2) story garden apartments.

Category C Housing Type: Multi-family developments not otherwise included in Category B Housing Types.

Certificate of Occupancy or Certificate of Completion: See Palm Beach County Building Codes Enforcement Administrative Code. A statement signed by a duly authorized county building official setting forth that a building or structure legally complies with the Palm Beach County Building Code and that the same may be used for the purposes stated therein.

Child Care Facility: An establishment in which care, protection, and supervision is provided for six (6) or more children for a period of less than twenty four (24) hours a day on a regular basis, which supplements for the child in accordance with his individual needs, daily care, enrichment opportunities and health supervision, and where a payment, fee or grant is provided for the care of the children.

Condemnee: Either (1) the owner of a parcel of land against which an eminent domain proceeding has been initiated by a governmental authority, or (2) the owner of a parcel of land that has sold that parcel of land to a governmental authority under the threat of an eminent domain proceeding.

Condemnor: Either (1) the governmental authority instituting an eminent domain proceeding against the owner of a parcel of land, or (2) the governmental authority that has been sold a parcel of land by a property owner threatened by an eminent domain proceeding for that parcel of land.

Congregate Living Facility: shall mean a residential land use consisting of any building or buildings; section thereof, residence, private home, boarding home, home for the aged, or any other residential structure, whether or not operated for profit, which undertakes, for a period exceeding twenty-four (24) hours, housing, food service, and one (1) or more personal services for persons not related to the owner or administrator by blood or marriage. In addition, the term "congregate living facility" shall include the term "adult foster home" as defined in Florida Statutes or Florida Administrative Code; foster care facilities, rehabilitative home care developmental service housing, and adult congregate living facilities and personal

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care homes for the physically impaired, mentally retarded, developmentally disabled persons, or persons sixty (60) years of age or older. The term "congregate living facility shall not mean "nursing home", "intermediate care facility," or similar facility which provides medical care and support services to persons not capable of independent living.

**Congregate Living Facility, Type 1:** A congregate living facility, that is single-family in character and provides a residence for no more than six (6) residents in a Category A Housing Type.

**Congregate Living Facility, Type 2:** shall mean a A congregate living facility, that is single-family in character and providing provides a residence for more than six (6) but less than (15) persons in all forms of housing types, provided that placement would not result in (1) an over concentration of such housing or (2) substantially alter the nature and character of the area in which the land use is located.

**Congregate Living Facility, Type 3:** shall mean a A congregate living facility, that is multiple-family in character and provides a residence for more than fourteen (14) persons in a category B or Category C Housing Types, as defined in Zoning Code section 402.7, "Site Plan Review Committee," including townhouse of three (3) or more units, garden apartments or all multiple family housing types.

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

**County-Required Subdivision:** A subdivision into no more than two (2) resulting lots which is necessitated by conveyance(s) to the County for any of the following purposes: (1) to comply with a condition of County Zoning Approval; or (2) to fulfill the terms of a developer's agreement with the County; or (3) to comply with an order of the Court in case of eminent domain.

**Cul-de-sac:** A minor street with only one (1) outlet terminating at one (1) end with a circular turn around. A dead-end street terminated at the closed end by a circular vehicular turn-around.

**Dead-end street:** A street with only one (1) outlet.

**Disposition, Off Site:** The off-premises transportation of excavated material.

**Disposition, On Site:** The on-premise use of extractive or excavated material.

**Drive Through:** Any place of business which serves, sells or otherwise makes available its services or products to patrons situated in automobiles for their off-premise use or consumption.

**Driveway:** A strip of land, other than a street or alley, providing vehicular ingress or egress between an abutting street or alley and a structure or a vehicular use area.

**Driveway, Shared:** A driveway that serves more than one (1) dwelling unit.

**Dwelling Unit:** A house, apartment, or building used primarily for human habitation and shall include bath and culinary accommodations.

1. Single Family Dwelling: A building containing only a single dwelling unit, where only one (1) dwelling unit with accessory structures is constructed per lot.
2. Multiple Family Dwelling: A building containing two (2) or more dwelling units. See "Apartment".

3. Specialized residences (such as CLF quarters, grooms quarters, or migrant labor quarters) shall not be considered 'dwelling units' for the purpose of applying restriction on density contained in the Palm Beach Comprehensive Plan or Zoning Code.

Economic Activity Center: Planned Industrial Park Developments that are primarily designed to promote and accommodate manufacturing industries and other value-added activities, in addition to commercial and retail uses such as hotels, offices, personal services and other uses that are ancillary the primary uses.

Egress: Exit

Electrical Power Facilities: Any generation, distribution, or transmission substation or switching station.

Elderly Person: Elderly person shall have the meaning given to it in Sec. 760.22(5)(a), Fla. Stat.

Eminent Domain Proceedings: Either (1) those formal court initiated civil actions to acquire fee simple, easement, or right-of-way interest in land for transportation purposes, or (2) a voluntary conveyance of such in lieu of formal court initiated action.

Excavate or Excavation: Any act by which material is cut into, dug, quarried, uncovered, removed, displaced, relocated or otherwise deliberately disturbed, including the conditions resulting therefrom. Excavation excludes agricultural plowing and site grading and demucking in preparation of construction.

Excavation, Commercial: The mining, quarrying, developing of mines or exploration for non-metallic minerals, except fuels, or other extractive materials primarily for commercial purposes, including but not limited to treating, crushing, or processing the material or off-site disposition for fill.

Excavation, Agricultural: The process of excavating material from land in which the material is excavated by the owner, and is used by the owner on the land for agricultural purposes. Excavation necessary to support a bona fide agricultural production purpose, and shall not include plowing.

Excavation, Type I: Excavation activities necessary to construct a single family dwelling or other structure permitted by right in any Zoning District.

Excavation, Type II: Excavation activities necessary to support a bona fide site development plan.

Excavation Type III: Commercial excavation.

Expressway: An expressway shall be used only for the movement of vehicles providing for no vehicular or pedestrian access to abutting property, except at permitted, authorized and controlled points. The acquisition of right-of-way for expressways includes the acquisition of access rights thereto.

Farm Structure: Any building or structure used for agricultural purposes excluding those used for residences.

Fitness Center: An enclosed building or structure containing facilities used in conducting, including but not limited to, the following recreational activities: aerobic exercises, weight lifting, running, swimming, racquetball, handball, and squash. A fitness center may also include the following customarily accessory activities as long as they are primarily intended for the use of members of the center and not for the general public: bath house, food service, and the serving of alcoholic beverages consumed on the premises.

Floodplain: The land area adjacent to the normal limits of a watercourse or water body which is inundated during a flood event of specified magnitude or return period.

Floor Area, Gross Leasable: That portion of the total floor designed and used for tenant occupancy and exclusive use, including any basements, mezzanines or upper floors. The area shall be expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.

Floor Area, Gross: See Floor Area, Total.

Floor Area, Total Leasable: See Floor Area, Gross Leasable.

**Floor Area, Total:** The sum of the gross areas of ~~the several~~ all floors of a building or buildings, measured from the exterior faces of exterior walls or from the centerline of walls separating two (2) buildings. In particular, floor area includes: floor space in penthouses; attic space providing structural headroom of eight (8) feet or more; floor space of interior balconies or mezzanines; any other floor space used for dwelling purposes, no matter where located within a building, including accessory buildings.

Food Service: A facility where at least one (1) full meal shall be provided to each resident, every day, in a central dining area.

Footcandle: A unit of illumination that is equal to one (1) lumen distributed evenly over a one (1) square foot area.

Garden Apartment: A complex of two story apartment buildings surrounded by a lawn or landscaped areas.

**Garage, Public Parking:** A building or other structure which provides parking or storage for motor vehicles ~~but not for~~, excluding commercial or public utility vehicles or the ~~dead~~ storage of inoperative motor vehicles, and some or all of which parking spaces are nonaccessory. A public parking garage may ~~include accessory~~ provide required off-street parking space ~~limited to for such spaces which are accessory to other uses located~~ on the same lot or on a lot contiguous to the use the parking garage is intended to serve.

Glare: A discomforting condition which occurs when the brightness of a light contrasts with a low brightness background and makes it difficult for the human eye to adjust.

**Grade, Finished:**

1. For buildings adjoining one (1) street only, the elevation of the sidewalk at the center of the wall adjoining the street.
2. For buildings adjoining more than one (1) street, the average of the elevations of the sidewalk at the centers of all walls adjoining streets.
3. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.
4. For structures that are not buildings, a reference plane representing the average of finished ground level adjoining the building or structure at all exterior sides.

Grassed Parking: That portion of a development's total required off-street parking requirement that (1) has been approved by the Zoning Division for parking, (2) is used for parking no more than an average of two days or nights per week, (3) is covered by viable grass, and (4) is accessory to a principal use and located on the same or a contiguous lot.

Handicapped Person: Handicapped person shall have the meaning given to it in Sec. 400.618(3), Fla. Stat.

Handicapped Spaces: Motor Vehicle parking spaces designed, marked and reserved for exclusive use by physically disabled persons.

Incompatibility of Land Uses: The undesirable effects arising from the proximity or direct association of contradictory, incongruous, or discordant land uses or activities, including the impacts of traffic, aesthetics, noise vibration, smoke, toxic matter, radiations and other land use and environmental conditions.

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**Inundation:** The presence of water, in motion or standing or ponded water, of sufficient depth to damage property due to the mere presence of water or the deposition of silt or which may be a nuisance, hazard or health problem.

**Ingress:** Entry.

**Legal Access:** ~~A dedicated or recorded lane, place, alley, or easement, excluding utility or drainage easements, affording perpetual ingress and egress from a subject property to a public thoroughfare, and not less than twenty (20) feet in width. The principal means of access from a lot to a public street or to a private street over which a perpetual ingress and egress easement of right of way has been granted to the owners of any lot served by such street.~~

**Light Cutoff:** A luminaire with elements such as shields, reflectors or refractor panels which direct light and eliminate light spillover and glare.

**Loading Space:** ~~Accommodation~~ The off-the street area designated for loading and unloading of trucks, in a the form of which may include one (1) or more truck berths located either within a building or in an open area on the same lot.

**Local Street:** Minor street designed and maintained to provide access to abutting property. A local street is of limited continuity and not for through traffic and is the middle order street of minor streets, being of a higher classification than a residential access street.

**Lot Area. Total:** The total horizontal area included within lot lines.

**Luminaire:** A complete lighting unit, consisting of a light source and all necessary mechanical, electrical and decorative parts.

**Major Street:** A street depicted on the adopted Thoroughfare Plan; a Thoroughfare Plan Road. Major streets are further classified as Collector Street, Arterial Street, and Expressway.

**Manufactured Housing:** A closed structure, building assemble, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured with or without other specified components, as a finished building or as part of a finished building, which is used as a dwelling unit or residence. This above definition does not apply to mobile homes. Manufactured housing may also mean, at the option of the manufacturer, any dwelling unit or residence of open construction made or assembled in manufacturing facilities away from the building site for installation, or assembly and installation, on the building site.

**Marginal Access Street:** A special purpose local street which is parallel and adjacent to a plan collector street, expressway, arterial street or other limited access street and which has its principal purpose of relieving such streets from local service of abutting property by providing access to abutting property and separation from through traffic. A margin access street may also be called a "Frontage Street".

**Material, excess:** Excavated material not required for backfill or grading of the premises as determined by a bona fide site development plan.

**Material, extractive or excavated:** Earth, sand, gravel, rock, shellrock, muck, or other mineral or organic substance, other than vegetation, which naturally occurs upon a lot.

**Minor Street:** Any street not classified as a major street, and includes streets providing traffic circulation within the development.

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Mining operation: The process of excavated material removal that creates a body of water greater than one (1) acre in size, of greater than six feet (6') in depth from ordinary high water, and which will remain open for longer than one hundred and eighty (180) days.

**Mobile Home:** As used herein, "mobile home" shall mean:

1. **Residential:** A ~~manufactured~~ detached, transportable single family dwelling unit, manufactured upon a chassis or undercarriage as an integral part thereof, without independent motive power, designed for long term occupancy as a complete dwelling unit and containing all conveniences and facilities, with plumbing and electrical connections provided for attachment to approved utility systems.
2. **Construction Sales or Office Trailer:** A ~~manufactured~~ detached transportable unit with wheels, arriving at a site where it is to be occupied as a complete unit for use as an office, storage or sales facility. Removal of the wheel or undercarriage shall not alter the mobile status of such a unit for the purpose of this definition.

**Mobile Home Subdivision:** A Subdivision of land or the sale of lots intended for the placement of mobile homes and which meets the requirements of this Code and the Palm Beach County Subdivision and Platting Regulations No. 73-4, as amended (Ord. 76-4) Code.

Non-Plan Collector Street: The highest classification of a minor street, designed to carry traffic from local streets and residential access streets to major streets.

Nonconforming lot: A single lot, tract or parcel of land of record or ~~the subject of an agreement for deed or other instruments of conveyance property executed prior to the effective date of this Code, or which was conforming at the time of its creation, shown on either a recorded or unrecorded map, plat, drawing or survey under the ownership of a single person, firm, partnership, association, corporation, joint venture, estate, trust, joint tenancy, tenancy by the entireties or other combination of persons acting as a unit, where such map, plat, drawing or survey was in existence at the time of the adoption of this ordinance, even though such lot which fails to meet the requirements for area, width or depth under the existing Zoning Code, but provided that minimum yard dimensions and setbacks of the lot shall conform to the property regulations for nonconforming lots as hereinafter set forth.~~

Nonconforming structure: A structure that was lawfully established before this Zoning Code was adopted or amended, that does not conform to the property development regulations of area, height, lot coverage, yard setbacks, lot location, parking, or other dimensional requirements for the Zoning District in which it is located.

Nonconforming use: A use that was lawfully established before this Zoning Code was adopted or amended which does not conform to the use regulations of the Zoning District in which it is located. A land use existing at the time of the passage of this Ordinance, or amendment thereto, which does not conform to the programs, requirements and regulations of the district in which it is located.

Nonconformities: Uses of land, structures, lots and landscaping that were lawfully established before this Zoning Code was adopted or amended, that are not in conformity with the terms and requirements of this Zoning Code.

Off-Street Loading Space: The stall and berth along with the apron or maneuvering area incidental thereto.

Official Map: ~~The map established and adopted by the governing body under the thoroughfare plan ordinance showing the streets and parks laid out or additions thereto resulting from the acceptance of deeded lands and from the abandonment of plats or the approval of subdivision plats by the governing body and the subsequent filing of such plats. See Thoroughfare Plan.~~

Package Treatment Facility: A small, prefabricated wastewater treatment facility intended to accommodate the wastewater treatment needs of a development which lies beyond the service area of regional wastewater treatment facilities.

Parking Lot: An open off-street, private or public area constructed at grade which is used for the temporary parking of automobiles, motorcycles and trucks. Parking lots include access aisles, ramps and maneuvering areas. A parking lot which provides required off-street parking spaces shall be located on the same lot as or on a lot contiguous to the use the parking lot is intended to serve.

Parking Lot, shared or common: A parking lot or area that serves more than one (1) use or residential dwelling.

Parking, Off-Street: The minimum number of parking spaces per land use as required by this section.

Parking Space: A surfaced or grassed area, enclosed or unenclosed, sufficient in size and approved to store one (1) automobile ~~motor vehicle, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.~~

Parking Stall: parking space.

Parking Structure, Underground: A parking structure ~~lying~~ constructed entirely underground, providing vehicle parking.

Person: An individual, corporation, governmental agency, business trust, estate, partnership, association, two (2) or more persons having a joint or common interest, or any other entity.

Personal services: Includes such uses as beauty parlors, shops or salons, barber shops, massage, reducing or slenderizing studios; steam or turkish baths; shoe repair shops; or any similar use not primarily involving the sale of any retail product.

Plan Collector Street: A major street which carries traffic from minor streets to arterial streets, and is the lower order street in the hierarchy of major streets.

Planned Office-Business Park (POBP): A land area under unified control designed and planned to be developed in a single operation or by a series of prescheduled development phases according to an officially approved site development plan to accommodate more than one (1) commercial use of a specialized nature allowed in the CSH-Specialized Commercial District, and the LO-Limited Office District.

Pleistocene Sand Ridge: The area of discontinuous elevated sand deposits roughly following the coastline at varying distances from the ocean and the inland waterway.

Private Street: Any street which; (1) existed prior to or on February 5, 1973 and has not been dedicated for public use and not accepted for ownership or maintenance by the Board of County Commissioners; or (2) is dedicated to a property owner's association pursuant to recorded restrictions and covenants or a plat recorded in the Public Records pursuant to the Palm Beach County Subdivision Code; or (3) was dedicated for public use and existed prior to or on February 5, 1973 and has not been accepted for maintenance by the County.

Public Street: A street dedicated to the public and accepted for ownership and maintenance by the Board.

Queueing Area: A one-way aisle that provides a waiting area for a specified number of cars.

Reclamation: Increasing land use capability to be made suitable for development, by changing the land's character or environment through drainage, fill or revegetation.

Residential Access Street: The lowest order of minor street which is intended to carry the least amount of traffic at the lowest speed within a subdivision, particularly within subdivisions containing clustered lots (as defined in the Subdivision Code).

Restaurant, take out: A restaurant that predominantly serves food for consumption offsite.

Shared Parking: The use of the same off-street parking spaces for two (2) or more distinguishable uses where peak parking demand of the different uses occurs at different times of the day, or where various uses are visited without moving the automobile, and where the provision of parking spaces is a net decrease from the combined total of each user's individual off-street parking requirements if provided separately.

Site development plan, bona fide: Either (1) a valid site or master plan; (2) a valid subdivision master plan; or (3) an approved plat.

Special Permit: A permit issued by the Zoning Director which authorizes a use allowed in Zoning districts only after receipt of a special permit and compliance with special requirements.

Spillover Light: Light that is distributed into areas where the illumination is not needed or wanted.

Stall and berth: The space within which vehicles are placed during actual loading or unloading operations.

~~Street:~~ A strip of land owned privately or publicly, which affords the principal means of access to abutting property. The word "street" includes road, thoroughfare, parkway, avenue, boulevard, expressway, land throughway, place, square or however otherwise designated within the above mentioned right of way. A strip of land which is designated for vehicular traffic, whether it is publicly or privately dedicated, and whether it is designated as a street, highway, thoroughfare, parkway, throughway, road, boulevard, land, place or however designated. Streets are also classified according to the function they perform; SEE ALSO:

Arterial Street  
Cul-de-sac Street  
Dead-end Street  
Expressway  
Limited Access Street  
Local Street  
Major Street  
Marginal Access Street  
Minor Street  
Non-Plan Collector Street  
Private Street  
Public Street  
Residential Access Street

~~Street, collector:~~ A street which carries traffic from local streets to arterial streets and includes the principal entrance streets of a subdivision and for the purposes of this ordinance shall be considered a street of higher classification than a local street.

~~Street, expressway:~~ An expressway shall be used only for the movement of vehicles providing for no vehicular or pedestrian access to abutting property, except at permitted, authorized and controlled points. The acquisition of right-of-way for expressways includes the acquisition of access rights thereto.

~~Street, local (minor):~~ A street designed and maintained primarily to provide access to abutting property. A local street is of limited continuity and not for through traffic.

~~Street major (arterial): A street of a higher classification than a local street, used primarily for traffic traveling a considerable distance, is of considerable continuity, and is used primarily as a main traffic artery. Major streets are those shown on the official map as existing and future corridors.~~

~~Street, marginal access: A street which is parallel and adjacent to an expressway, arterial street or in the immediate vicinity of such streets and which has its principal purpose of relieving such street from local service of abutting property by providing protection from conflicts with through traffic. A marginal access street may also be called a frontage street.~~

~~Street, minor arterial: A street of a higher classification than a local street and is used for continuous travel; primarily as a main traffic artery, but is more intermittent than a major arterial and carries more traffic for greater distances than a collector street. A minor arterial serves to carry traffic from collector streets to expressways and major arterials.~~

~~Street, private: Any street existing prior to or at the time of adoption of this ordinance which has not been dedicated for public use and not accepted for ownership or maintenance by the board of county commissioners. After adoption of this ordinance, private streets shall be limited to property under single ownership or a property owners' association.~~

~~Street, public: Any street designed to serve more than one (1) property owner which is dedicated to the public use and accepted for ownership and maintenance by the board of county commissioners; include any street right of way dedicated to the public prior to or at the time of adoption of this ordinance. Streets controlled by a property owners' association may be retained as private streets by said association as long as association accepts the obligation for complete control and maintenance. A street designed to serve more than one (1) property owners' association must be public.~~

Subdivision: The division of a lot, whether improved or unimproved, whether previously platted or not, into two (2) or more contiguous lots for the purpose, whether immediate or future, of transfer of ownership; excluding, however, County-related subdivisions, as defined herein. The term shall also apply to any resubdivision of any previously platted lot. When appropriate to the text, the term refers to the process of subdividing or to the land proposed to be or which has been subdivided.

Subdivision Code: The Subdivision and Required Improvements Regulations of Palm Beach County, Florida, Ordinance No. 73-4, as amended from time to time by the Board of County Commissioners of Palm Beach, County, Florida. Also referred to as "Subdivision Regulation".

Substantial Change in Land Use: Either (1) a change in land use or site design that increases the intensity of land use, (2) a change in land use or site design that creates or increases incompatibility of adjacent land uses, or (3) an increase in the total floor area of multiple family dwellings or non residential buildings which results in increased traffic.

Thoroughfare plan: The "Thoroughfare Right of Way Protection Map" as adopted as part of the Comprehensive Plan. The master plan of present and future streets adopted by the Palm Beach County Board of Commissioners under the "thoroughfare plan ordinance." See "official map."

Utility Pod: An area located within the boundaries of a Planned Unit Development which has been designated on an approved master land use plan as the site of public and/or private utility facilities which serve the uses within the Planned Unit Development.

Vehicle: Any self-propelled conveyance designed and used for the purpose of transporting or moving persons, animals, freight, merchandise, or any substance and shall include passenger cars, trucks, buses, motorcycles, and scooters. An automobile, motorcycle recreational vehicle, truck, trailer, semi-trailer, truck tractor and semi-trailer combination, or any other vehicle operated on the roads of the County, used to transport persons or property and propelled by power other than muscular power, not including traction engines, road rollers, such vehicles as run only upon a track, or bicycles or mopeds as defined by State law.

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Vehicular Use Area: Either an area (1) designed for off-street public parking, or (2) used for motor vehicle circulation, ingress or egress, or queuing, or (3) used for display of motor vehicles for sale. Designated parking areas on public or private streets shall not be considered vehicular use areas.

Vehicular Use Area, Specialized: An area designed for storage of vehicles in operative condition, or for warehousing, transportation or trucking operations, and which is not open to the general public.

Wastewater Treatment Facility: A structure in which wastewater and its resulting products are prepared or treated for disposal. The meaning of the term shall include large regional lift stations, treatment plants and above ground package treatment facilities, but shall not include septic tanks.

Water Treatment Facility: A structure in which harmful substances are removed from water to make it safe and palatable for human consumption. The meaning of the term shall be deemed to include large regional lift stations plants, as well as smaller package treatment facilities.

West County Agricultural Area: That area bounded by Lake Okeechobee, the Palm Beach County-Hendry County Line, and the South Florida Management District levees L-4, L-5, L-6, L-7, and L-8.

**300. Establishment, designation, and application of districts**

The existing Sec. 300.1, is repealed in its entirety, and is replaced by the following Sec. 300.1 which identifies the new Zoning Districts created, and the existing Zoning Districts revised, in order to implement the Palm Beach County Comprehensive Plan.

**300.1 Establishment of districts. In order to classify, regulate and restrict the use of land, water, buildings and structures, to regulate and restrict the height and bulk of buildings, to regulate the intensity of land use, and to promote orderly urban growth, the unincorporated area of Palm Beach County is divided into twenty nine (29) Zoning Districts as follows:**

- 601 AGR-Agricultural Reserve District
- 602 AP-Agricultural Production District
- 603 SA-Special Agricultural District
- 604 AR-Agricultural Residential District
- 605 CRS-Country Residential District
- 606 RSER-Rural Services District
- 607 RE-Residential Estate District
- 608 RT-Residential Transitional District
- 609 RTS-Residential Transitional Suburban District
- 610 RTU-Residential Transitional Urban District
- 611 RS-Single Family Residential District
- 612 RM-Multiple Family Residential District (Medium Density)
- 613 RH-Multiple Family Residential District (High Density)
- 614 CN-Neighborhood Commercial District
- 615 CC-Community Commercial District
- 616 Cg General Commercial District
- 617 CSH-Specialized Commercial District
- 618 LO-Limited Office District
- 619 CRE-Commercial Recreation District
- 620 IL-Light Industrial District
- 621 IG-General Industrial District
- 622 PIPD-Planned Industrial Park District/Economic Activity Center
- 623 PC-Preservation/Conservation District
- ~~623 624 PO-Public Ownership District~~
- 624 625 CR-Conservation Restricted Use District
- ~~625 626 NE-O-Native Ecosystems Overlay District~~

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626 627 WCRA-Q-Westgate/Belvedere Homes Community Redevelopment Study Area  
Overlay District  
627 628 R&T-O-Research and Technology Overlay District  
628 629 GA-O-Glades Area Overlay District  
629 630 PBIA-O-Palm Beach International Airport Approach Path Conversion Area  
Overlay District

**401.5 Modification of Commissioner requirements, Commission approvals and approved Master Plans.**

**Sec. 401.5 is amended to add a subsection C, as follows.**

**C. For any application requesting a modification of Commission requirements for an approved development, only that portion affected by the requested modification shall be reviewed for application of any additional requirements.**

**402.9 Mandatory review of development approvals**

**The existing section 402.9 (Mandatory review of development approvals) is repealed in its entirety and shall be replaced with a new 402.9 (Mandatory review of development approvals) as follows:**

**A. Purpose and intent.** It is the Intent of the Board of County Commissioners to provide for the public health, safety and welfare by establishing procedures for mandatory review of development approvals. Chapter 163, Part II, Florida Statutes, entitled "Local Government Comprehensive Planning and Land Development Regulation Act" provides that all development regulations shall be consistent with the adopted Comprehensive Plan. Chapter 163 further provides that public facilities and services shall be available concurrent with the impacts of development. Pursuant to Chapter 163, the 1989 Palm Beach County Comprehensive Plan requires that all applications for development orders or permits must demonstrate that the necessary public facilities and services are available. To ensure the equitable distribution of facilities and services to proposed developments, it is necessary that developments which have reserved capacity proceed in the proscribed time.

Systematic monitoring and subsequent review of approved zoning actions will help implement the goals within the Comprehensive Plan by:

- 1. Preserving the availability of public facilities and services for proposed development by removing capacity reserved for inactive development.**
- 2. Minimizing the creation of an artificially inflated inventory of residential, commercial, and industrial development.**
- 3. Enhancing the value and use of land in unincorporated Palm Beach County by identifying and providing a system to eliminate obsolete approvals which distort the official land use inventory.**
- 4. Encouraging compliance with improved performance and site design standards by providing a system whereby approved, but unbuilt, developments are subject to periodic review.**

At the same time, the Board of County Commissioners recognizes that development is a complicated process. Despite bona fide efforts on the part of developers to proceed according to plans, unforeseen factors may interfere with the schedule of development. Administrative reviews must be flexible enough to accommodate unforeseen circumstances. The review procedure created in this section establishes a flexible system for administrative review and monitoring of the progress of development.

**B. Duty to commence development in the proscribed time.**

1. Unless otherwise provided in this section, all development shall commence within twenty-four (24) months from the date of the resolution approving the zoning and/or special exception. Commencement of development shall consist of:
  - a. Receipt of a building permit and first inspection approval, or
  - b. The initiation of site improvements such that the actions/activities would likely be considered to vest the development approval pursuant to the Florida statutory and case law.
2. Commencement of development shall not include:
  - a. The dividing of land into parcels:
  - b. Demolition of a structure.
  - c. Deposit of refuse, solid or liquid waste, or fill on the parcel unless the development Order is exclusively and specifically for such;
  - d. Clearing of land.
3. An approved development which does not commence within its allotted time, including any administrative extension which may be granted, shall be subject to review by the Board of County Commissioners and the following possible actions:
  - a. Rezoning
  - b. Revocation of the special exception. In the event the special exception is revoked, the zoning which was approved concurrently with the special exception may be subject to rezoning at the same time.
  - c. Continued Suspension of Development Rights. The Board shall continue to suspend the development of the property until the property owner provides evidence that the property complies with the Adequate Public Facilities Ordinance or has received a Concurrency Exemption Determination. If public facilities and services are not available to serve the development pursuant to the requirements of the Adequate Public Facilities Ordinance and the development has not received a Concurrency Exemption Determination, the Board shall prohibit development until the necessary facilities and services are available. The development approval will be subject to the requirements of Sec. 402.9D and E after the property owner provides the Executive Director of the Planning, Zoning and Building Department, or designee, with documentation that the development has received a Certificate of Concurrency Reservation or a Concurrency Exemption Determination. If the Board of County Commissioners then grants a time extension, the time extension shall not exceed twelve (12) months. The term of the time extension shall begin either 1.) two (2) years from the date of the resolution approving the rezoning or special exception or upon the expiration of an extension of time, whichever is applicable, or 2.) if the Certificate of Concurrency Reservation or Concurrency Exemption Determination is approved more than twelve (12) months from the date of the last Board of County Commission Review, the extension shall begin on the date the Certificate of Concurrency Reservation or Concurrency Exemption Determination was approved. Delays attributable to government action, including the review of an application for concurrency exemption, shall stay the time pursuant to the terms of this section.
  - d. Addition or modification of conditions. If the property complies with the Adequate Public Facilities Ordinance but requires additional or modified conditions, the Board may continue to suspend the development of the property until the petitioner files a new petition and the petition is approved. If a new petition is filed, the Board may require the development to conform with current codes and regulations.

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e. Amendment of Existing Resolutions. If the property complies with the Adequate Public Facilities Ordinance, the Board may amend the existing development approval by adding or modifying conditions, including the requirement to conform with current codes and regulations at the hearing held pursuant to this section.

f. Postponement. The Board may postpone the hearing or its final decision for up to one hundred twenty (120) days or twelve (12) months if requested by the property owner. The postponement shall commence two (2) years from the date of the resolution or upon the expiration of the last time extension, whichever is applicable. The suspension of development rights shall continue during and such postponement period.

4. Any development order for rezoning to the PO-Public Ownership District which does not have an approved Special Exception is exempt from this section.

C. Administrative extension of time certain requirement.

1. Prior to the expiration of the initial twenty-four (24) month period, the owner of record or his/her agent may file an application with the Executive Director of the Planning, Zoning and Building Department, or a designee, for an administrative extension of time. The application shall include information relating to the development's ability to comply with the Adequate Public Facilities Ordinance and documentation of efforts to commence development. The application shall be submitted with an application fee and shall be made upon such forms and in such a manner as prescribed by the Planning, Zoning and Building Department.

2. After an application for an administrative extension of time has been filed, the Executive Director, or a designee, shall grant one extension for twelve (12) months, provided that: (a) the development complies with the requirements of the Adequate Public Facilities Ordinance or has received a Concurrency Exemption Determination and (b) there are documented efforts to commence development or there are circumstances beyond the control and cause of the property owner which have prevented the commencement of development. The time extension shall run from the date on which the initial approval expires. The combined time period during which development may proceed, according to the terms of its original approval without review by the Board of County Commissioners, shall not exceed thirty-six (36) months from the date of the resolution of the Board of County Commissioners approving the development.

3. The owner of record shall be notified in writing of the approval or denial of the request for an administrative extension. A letter of approval shall also include the new time period during which development shall commence. Notice shall consist of a letter sent by registered or certified mail, return receipt requested, to the last known address of the owner of record as it appears in the final records of the Palm Beach County Property Appraiser's Office. A copy of the letter shall be filed in the official records of the development which are maintained by the Department. If development has not commenced at the end of the time extension, the approval will be subject to review under subsections D. and E., below.

4. An appeal of a denial of an administrative time extension may be made to the Board of County Commissioners sitting as the Zoning Authority. An appeal shall be made upon forms prescribed by the Department within thirty (30) days of mailing the notice that the request for an administrative extension has been denied. The appeal shall be set on the Zoning Authority agenda within sixty (60) days of receipt by the Department. The Board of County Commissioners shall either affirm the decision of the Department or grant an extension of time. An extension of time may be granted only upon a finding by the Board of County Commissioners:

a. that the development complies with concurrency or has an exemption from concurrency, and

b. there have been documented efforts to commence development, or circumstances beyond the control and cause of the property owner have prevented commencement of development.

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The term of the time extension shall not exceed one (1) year and shall commence upon the expiration of the previous date to commence development. Following expiration of a Board approved time extension, Subsections D. and E., below shall apply.

D. Procedures upon failure to commence development pursuant to Sections B and C herein.

1. Staff shall set a status report relating to the development approval on the agenda of the Board of County Commissioners, sitting as the Zoning Authority. In the event that development has not commenced as required hereunder and any of the following occurs:
  - a. a property owner fails to apply for an administrative time extension;
  - b. an administrative time extension is denied or has expired;
  - c. a time extension granted by the Board of County Commissioners has expired.
2. The status report shall contain a description of the development approval, a summary of the background and current status of the development, concurrency information provided by the property owner, and a recommendation to the Board of County Commissioners. Staff shall make a recommendation for one of the actions identified in Subsection B.3., above.
3. Prior to consideration of the matter by the Board of County Commissioners, notice to the owner of record and advertisement of the proceeding shall occur in the following manner:
  - a. Mail Notice. The owner of record shall be notified in writing of the Executive Director's status report and recommendation to the Board of County Commissioners. Notice shall consist of a letter sent at least fourteen (14) calendar days prior to the hearing by certified mail, return receipt requested, to the last known address of the owner of record as it appears in the official records of the Palm Beach County Property Appraiser's Office. Proof of the receipt shall be presented at the hearing. In the event the property owner fails to sign the receipt or the letter is returned, unopened, newspaper publication, as provided in subparagraph b) below, shall be deemed sufficient notice. Notice shall include:
    - (1) A statement that the time period has expired and that the development approval is subject to review;
    - (2) The Executive Director's recommendation to the Board of County Commissioners;
    - (3) A statement that review may result in one of the actions identified in Subsection B.3., above.
    - (4) Notice of the date, time, and place of the hearing before the Board of County Commissioners, during which the report and recommendation of the Executive Director will be heard;
    - (5) A statement of the owner's right to appear and to present relevant information to rebut or to supplement the report of the Executive Director; and
    - (6) Such other information as may be necessary and appropriate to accomplish the goals of this section.

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- b. Newspaper Publication. In addition to the notice mailed to the owner of record, notice of the time, place and purpose of the hearing shall be published in a newspaper of general circulation in the area, with the first such publication at least fifteen (15) days prior to the date of the hearing and the second such publication at least five (5) days prior to the hearing. Proof of the required publication shall be presented at the hearing.

**E. Decision by the Board of County Commissioners.**

1. The Board of County Commissioners shall consider the factors enumerated in subsection D.2 above.
2. After deliberation, the Board of County Commissioners shall either:
  - a. Direct staff to initiate a petition to rezone.
  - b. Direct staff to initiate a petition to revoke the special exception and to rezone, if appropriate.
  - c. Continue to suspend development rights until the property complies with the Adequate Public Facilities Ordinance and/or until the property owner files a new petition and the petition is approved by the Board of County Commissioners.
  - d. Add or modify conditions, including the requirement to conform with current codes and regulations, if applicable.
  - e. Grant a time extension for a period not to exceed twelve (12) months, during which time the property owner shall commence development. The term of the time extension shall begin either two years from the date of the resolution approving the rezoning or special exception, or upon the expiration of an extension of time, whichever is applicable.
3. No extension shall be granted unless the property complies with the Adequate Public Facilities Ordinance or has received a Concurrency Exemption Determination.
4. The decision of the Board of County Commissioners shall be rendered within one hundred twenty (120) days of receipt of the report of the Executive Director, provided that the applicant has not requested a postponement of the matter.

**F. Expiration of Time Extensions Granted by the Board of County Commissioners. In the event that the property owner has not commenced development as the expiration of a time extension approved by the Board of County Commissioners pursuant to subsection E.2.e.) above, the development approval shall be subject to the provisions of Subsections D. and E., above.**

**G. Procedures for Suspension of Development Permits Upon Failure to Commence Development or Expiration of Time Extensions**

1. Upon expiration of any time period established by Section 402.9, no new development permits affecting the property shall be issued by Palm Beach County until a final determination is made by the Board of County Commissioners pursuant to sections D. and E. above.
2. If the Board of County Commissioners directs staff to initiate a petition to rezone the property or revoke the special exception, or permits the property owner to file a rezoning, special exception, or modification petition, no new developments permits shall be issued for the property until completion of the process. If the Board of County Commissioners finds

that the property owner has commenced development or grants a time extension, or fails to act on staff recommendation within the prescribed time period, the issuance of new development permits shall immediately resume.

3. Upon the expiration of any time period and upon reasonable cause to believe that development has not commenced, a document shall be filed with the Clerk of the Circuit Court to be placed with the records governing title to the affected property. The document shall give record notice that:

- a. Development has not proceeded in a prescribed time;
- b. A review of the project will be conducted pursuant to the terms of this section;
- c. Until the review is completed, no new development permits shall be issued by Palm Beach County.
- d. Such other information as may be reasonable and necessary to afford adequate record notice of the effect of this section on the rights of property owners.

4. Upon a determination that the property may proceed to develop, a second document shall be filed with the Clerk of the Circuit Court to be placed with the records governing title to the property indicating:

- a. that all rights to develop have been restored;
- b. such other information as may be reasonable and necessary to afford adequate record notice of the effect of this section on the rights of property owners.

403. The board of adjustment

Sec 403 is amended to expand the powers of the Board of Adjustment to review variances to the Subdivision Code

403.1 The board of adjustment-Variance requests and appeals

C. Conflict of interest

9. To refrain from participation in any zoning or subdivision matter in which said member shall have a personal investment which will create a substantial conflict between the private interest and the public interest.

403.3 Variances

A. To authorize upon appeal such variance from the terms of this zoning code or other land development codes as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of ~~the Code~~ these codes will result in unnecessary and undue hardship. In order to authorize any variance in the terms ~~of the Code~~ these codes the board of adjustment must and shall find:

3. That granting the variance requested will not confer ~~on~~ upon the applicant any special privilege that is denied by the ~~zoning code~~ codes to other lands, buildings, or structures in the same zoning district.

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- 4. That literal interpretation of the provisions of the ~~Code~~ codes would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Zoning Code and would work unnecessary and undue hardship on the applicant.
- 6. That the grant of the variance will be in harmony with the general intent and purpose of the ~~Code~~ codes.
- B. In granting any variance the board of adjustment may prescribe appropriate conditions and safeguards in conformity with the ~~zoning~~ codes. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the ~~Code~~ codes. The board of adjustment may also prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both.
- D. A variance granted under the provisions of ~~the Code~~ these codes shall automatically lapse if ~~building~~ construction, in accordance with the plans for which such variance was granted, has not been initiated within one (1) year from the date for which such variance by the board, or if judicial proceedings to review the board's decision shall be instituted, from the date of entry of the final order in such proceedings, including all appeals.

**403.4. Appeal from decision of administrative official.**

- A. An appeal taken from the requirement, decision or determination made by the director or any administrative official charged with the enforcement of any zoning resolution or regulation adopted pursuant to the Zoning Code shall be filed with the board of adjustment. The appeal shall specify the grounds thereof and shall be filed within such time and in such form as may be prescribed by the board by general rule.

**403.5. Board of adjustment application.**

- A. All requests for appeals of administrative decisions and variances from the Zoning Code shall be made by filing an application therefor with the director on application forms prescribed by the department and in conformance with the provisions contained in section 401.7. All requests for variances from the Subdivision Code shall be made by filing an application therefor with the County Engineer in conformance with the provisions of the Subdivision Code.

**403.6. Notice and hearing prerequisite to action.**

- A.
  - 4. A courtesy notice containing substantially the same information set forth in the published notice aforesaid may be mailed by the director or the County Engineer to the property owners of record, their tenants or their agents, within a radius of three hundred (300) hundred feet of the property described; provided, however, that failure to mail or receive such courtesy notice shall not affect any action or proceedings taken hereunder.

**403.7. Withdrawal or denial.**

- C. An application may be withdrawn without prejudice by the applicant as a matter of right; provided, the request for withdrawal is in writing and executed in a manner and on a form prescribed by the department or County Engineer and filed with the department or County Engineer within the two-week period subsequent to the deadline for filing an application; otherwise all such requests for withdrawal shall be with prejudice. No application may be withdrawn after final action has been taken. When an application is withdrawn without prejudice, the time limitations for re-application provided herein shall not apply.

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**403.8. Meetings and procedures.**

- D. No action shall be taken on any application unless a quorum of ~~three (3)~~ four (4) members is present, and only upon a majority vote of all members present and voting. No member shall be permitted to abstain from voting unless he has a conflict of interest as defined herein or in accordance with Chapter 112, Florida Statutes.
- E. Minutes will be kept of all public meetings and proceedings and shall include and state the vote of each member of each question, and the motion shall state the reason upon which it is made; such reason or reasons being based upon the prescribed guides and standards of good zoning, ~~and~~ planning or engineering principals. If a member is absent or abstains from voting, the minutes shall so indicate.

**404. Nonconformities**

The existing Sec. 404. is repealed in its entirety and replace with the following Secs. 404.1 - 404.7.

**404.1** Purpose and intent. Within the provision established by the Zoning Code, there exist uses of land, structures and lots that were lawfully established before this Zoning Code was adopted or amended, that now do not conform to the terms and requirements of this Zoning Code. The purpose and intent of this section is to regulate and limit the continued existence of those uses, structures and lots that do not conform to the provisions of this Zoning Code or any amendments thereto.

It is the intent of this section to permit these nonconformities to continue, but not to allow nonconformities to be enlarged or expanded, except under the limited circumstances established in this section. The provisions of this section are designed to curtail substantial investment in nonconformities to preserve the integrity of this Zoning Code and the Palm Beach County Comprehensive Plan.

**404.2** Nonconforming uses. Nonconforming uses of land may continue in accordance with the provisions of this subsection

- A. Normal maintenance or repair. Normal maintenance or repair of structures where nonconforming uses are located may be performed in any period of twelve (12) consecutive months, as well as repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding twenty percent (20%) of the current assessed value of the structure.
- B. Enlargement or expansion. A nonconforming use shall not be enlarged or expanded in area occupied, except a nonconforming use may be enlarged in any area of a structure that is manifestly designed and approved for such use, prior to the date the use became a nonconformity.
- C. Relocation. A structure housing a nonconforming use shall not be moved in whole, or in part, to another location on or off the parcel of land on which it is located, unless the relocation of the nonconforming use decreases the nonconformity.
- D. Change in use. A nonconforming use shall not be changed to any other use, unless any new or additional use conforms to the provisions of this Zoning Code for the Zoning District in which the use is located.
- E. Discontinuance or abandonment. If a nonconforming use is discontinued or abandoned for a period of more than six (6) consecutive months or for eighteen (18) months during any three (3) consecutive years, then such use may not be re-established or resumed, and any subsequent use shall conform to the provisions specified by this Zoning Code. When

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~~government action can be documented as the reason for discontinuance or abandonment, the time of delay by government shall not be calculated for the purpose of this subsection.~~

**404.3 Nonconforming structures.** ~~A nonconforming structure devoted to a use permitted in the Zoning District in which it is located, may be continued in accordance with the provisions in this subsection.~~

- A. Normal maintenance.** ~~Normal maintenance or repair to permit continuation of a nonconforming structure may be performed in any period of twelve (12) consecutive months, as well as repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding twenty percent (20%) of the current assessed value of the structure.~~
- B. Enlargement or expansion.** ~~A nonconforming structure may be enlarged or expanded if the enlargement or expansion meets the requirements of this Zoning Code (except the dimensional lot area requirements of the Zoning District in which it is located), as long as the enlargement or expansion does not change or increase the nonconformity, or add structures or uses prohibited in the Zoning District.~~
- C. Relocation.** ~~A nonconforming structure shall not be moved, in whole or in part, to another location on or off the parcel of land on which it is located, unless it conforms to the standards and requirements of the Zoning District in which it is located.~~
- D. Damage and restoration of nonconforming structure.**
1. ~~A nonconforming structure that is reconstructed, rebuilt, destroyed or rebuilt by any means to an extent of more than thirty percent (30%) of its value at the time of reconstruction, or destruction, shall not be reconstructed except in conformity with the provisions of this Zoning Code. This subsection shall apply to the cumulative changes in value as a nonconforming structure is redeveloped and improved over the previous seven (7) years.~~
  2. ~~The value of the nonconforming structure shall be determined by taking one hundred twenty-five percent (125%) of the most recent assessed value of the nonconforming structure, as determined by reference to the records of the Palm Beach County Property Appraiser.~~
  3. ~~In determining whether the value of the improvement exceeds thirty percent (30%) of the property's value, the "aggregate cost approach" as outlined in the most current building valuation data published by the Southern Building Code Congress International in the periodical "Southern Building" or other comparable guidelines adopted in law or accepted in practice by the Building Division, shall be used as the sole basis for calculation.~~
  4. ~~Should a nonconforming structure be reconstructed, destroyed and rebuilt by any means to an extent less than thirty percent (30%) but more than twenty percent (20%) of its assessed value, it may be restored only upon application to the Board of Adjustment as a variance request pursuant to the terms in Sec. 401.7.~~
  5. ~~To establish its jurisdiction over the variance request, the Board of Adjustment shall determine whether the valuation falls within the parameters established in this subsection. If it does, the Board of Adjustment shall determine whether the nonconforming can function adequately without meeting the Zoning Code requirements that render it a nonconforming structure.~~
  6. ~~In making its determination, the Board of Adjustment shall be guided by the following criteria:~~
    - a. ~~The degree of the nonconforming structure;~~

- b. If the nonconformity will continue, whether the relationships among the various design elements of the lot, parcel or structure (such as parking, landscaping, vehicular circulation, or access points) are adequate to meet minimum health and safety standards.
- c. Whether continuation of the nonconforming structure will create or contribute to a health and safety hazard in or adjacent to the nonconforming structure; and
- d. Whether the nonconforming structure can be reduced in intensity or redesigned to mitigate the effects of the nonconformity.

**E. Unsafe structure.** Any portion of a nonconforming structure which becomes physically unsafe or unlawful due to lack of repairs and maintenance, and which is declared unsafe or unlawful by a duly authorized County official, but which an owner wishes to restore, repair, or rebuild, shall be restored, repaired, or rebuilt in conformity with the provisions of this Zoning Code.

**404.4 Nonconforming lots.** There are two types of nonconforming lots: (1) those legally created prior to the adoption of the Palm Beach County Subdivision Code (February 5, 1973); and (2) those legally created after the adoption of the Palm Beach County Zoning Code (February 2, 1973) which became nonconforming due to amendments to this Code or due to subsequent Comprehensive Plan provisions.

**A. Residential Development.** A single family dwelling and customary accessory uses may be developed on a single lot, tract or parcel of land, if:

- 1. Development permissible prior to creation of nonconformity. Development of a single family dwelling and customary accessory uses were permissible under this Zoning Code at the time the single lot, tract or parcel of land was created.
- 2. Record of creation. The single lot, tract or parcel of land was created by at least one of the following methods; provided, however, that any lot, tract or parcel found to have been created in violation of the County's Subdivision Code may not be developed until the County Engineer determines that sufficient required improvements exist or will be installed in order to comply with the Subdivision code. Lots created by conveyance without reference to a plat of record or recorded Affidavit of Exemption after February 5, 1973 shall be reviewed by the County Engineer for compliance with the Subdivision Code. Applicants must show that the single lot, tract, or parcel of land was:
  - a. Or record or was the subject of an agreement for deed or other recorded instrument of conveyance prior to February 2, 1973; or
  - b. Shown on a recorded map, plat, drawing or survey prior to February 2, 1973; or
  - c. Shown as a lot, parcel or tract within an antiquated subdivision as determined by the Comprehensive Plan; or
  - d. Shown on a plat or Affidavit of Exemption recorded after February 5, 1973, in accordance with the Subdivision Code; and
  - e. Not subject to the lot recombination requirements of the Subdivision Code or the Comprehensive Plan.

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**3.** Property development regulations. The proposed use is permitted and the single lot, tract or parcel of land meets the minimum property development regulations that are generally applicable in the Zoning District in which it is located, except for the minimum lot area and dimensions, minimum yard setback requirements, maximum lot coverage and maximum total floor area. If the single lot, tract or parcel of land does not meet the setback and lot coverage regulations of the underlying Zoning District, it shall conform to the following minimum yard setback, and maximum lot coverage requirements:

**a.** Minimum Yard Setback Requirements

<u>Front</u>	<u>30% of depth.</u>
<u>Side (corner)</u>	<u>20% of width.</u>
<u>Side (interior)</u>	<u>15% of width.</u>
<u>Rear</u>	<u>20% of depth.</u>

For lots one and one-quarter acres, or smaller, a twenty five foot (25') setback may be substituted for any of the percentage setbacks.

**b.** Maximum Lot Coverage: 40% of total lot area.

**B.** Non-residential development. All non-residential development and customary accessory uses may be developed on a single lot, tract or parcel of land if:

**1.** Development permissible prior to creation of nonconformity. Development of the non-residential development and customary accessory uses were permissible under this Zoning Code at the time the single lot, tract or parcel of land was created.

**2.** Record of creation. The single lot, tract or parcel of land was created at least one of the following methods: provided, however, that any lot, tract or parcel found to have been created in violation of the County's Subdivision Code may not be developed until the County Engineer determines that sufficient required improvements exist or will be installed in order to comply with the Subdivision Code. Lots created by conveyance without reference to a plat of record or recorded Affidavit or Exemption after February 5, 1973 shall be reviewed by the County Engineer for compliance with the Subdivision Code. Applicants must show that the single lot, tract, or parcel of land was:

**a.** Or record or was the subject of an agreement for deed or other recorded instrument of conveyance prior to February 2, 1973; or

**b.** Shown on a recorded map, plat, drawing or survey prior to February 2, 1973; or

**c.** Shown as a lot, parcel or tract within an antiquated subdivision as determined by the Comprehensive Plan; or

**d.** Shown on a plat or Affidavit of Exemption recorded after February 5, 1973, in accordance with the Subdivision Code; and

**e.** Not subject to the lot recombination requirements of the Subdivision Code or the Comprehensive Plan.

**3.** Property development regulations. The proposed use is permitted, and the single lot, tract or parcel of land meets the minimum property development regulations that are generally applicable in the Zoning District in which it is located or obtains a variance pursuant to the requirements of Sec. 401.7.

C. Rezoning Lots of Record. When rezoning a portion of a single lot of record, that portion proposed for rezoning shall be subject to the density or intensity requirements of the Palm Beach County Comprehensive Plan.

**404.5 Nonconformities created by eminent domain proceedings**

A. Authority to gain certificate of conformity. A structure, lot, tract, or parcel of land that is rendered or will be rendered nonconforming because of eminent domain proceedings initiated by a governmental authority, or by the sale of a parcel of land under the threat of eminent domain proceedings shall be considered conforming under the terms of this Zoning Code through the receipt of a Certificate of Conformity, pursuant to the terms of this subsection. A certificate of Conformity may authorize the relocation of existing conforming or nonconforming structures with modifications to property development regulations.

B. Applicability. Either the Condemnor or Condemnee may submit an Application requesting a Certificate of Conformity, pursuant to the terms of this subsection.

C. Procedure.

1. Application. A Condemnor or Condemnee may submit an application requesting a Certificate of Conformity to the Zoning Director either before or after the first negotiation/appraisal of the Condemnor or the Order of Taking in the eminent domain proceeding, or after the sale of a parcel of land under the threat of an eminent domain proceeding. The application shall include the following:

- a. A legal description of the property subject to the eminent domain proceeding, or sold under the threat of an eminent domain proceeding;
- b. The name and address of the owner of the property;
- c. The name and address of the Condemnor, and the name and address of the Condemnor's representative;
- d. If relevant, proof of the actual or impending eminent domain proceeding by a Notification of Condemnation, Demand Letter, or Resolution or Ordinance of the Condemnor;
- e. A certified survey of the property, no greater than one (1) year old, subject to the eminent domain proceeding or sold under the threat of an eminent domain proceeding that demonstrates the extent to the condemnor's acquisition, and all principal and accessory structures on the property;
- f. A site plan of the property subject to the eminent domain proceeding or sold under the threat of an eminent domain proceeding at a scale of not less than 1" = 30', showing: (1) the location of all structures and improvements on the property; and (2) the extent of the condemnor's acquisition;
- g. An explanation of why the Certificate of Conformity should be granted;
- h. Proof that notification of the application has been provided to the other party (Condemnor or condemnee, whichever is relevant);
- i. The application fee, as established by resolution of the Board of County Commissioners; and

L. Any other application needs that the Zoning Director deems necessary to evaluate the application.

2. Determination of completeness, review and decision. After receipt of an application requesting a Certificate of Conformity, the Zoning Director shall determine whether it is complete within (10) working days. If it is determined the application is not complete, notice shall be served on the applicant specifying the deficiencies. The Zoning Director shall take no further action on the application unless the deficiencies are remedied. Within twenty (20) working days after the application is determined to be complete, the Zoning Director shall review and grant, grant with conditions, or deny the application, pursuant to the standards established in Sec. 404.5.D.

D. Standards. An application requesting a Certificate of Conformity shall be granted if the following standards are met.

1. Minimization of business and severance damage. If the condemnation action has not been decided by a court of law, the amount of severance and business damages resulting from the eminent domain proceedings are substantial, and the loss of business damages would be minimized by the issuance of a Certificate of Conformity;

2. Site plan that minimizes nonconformities while ensuring land use compatibility. A site plan can be designed for the property which is consistent with the use requirements of the Zoning Code, minimizes to the greatest degree practicable any nonconformities of parking, loading, landscaping, lot size, and yard requirements.

3. Function adequately. The structure or lot can function adequately for its designated land use pursuant to the site plan proposed in Sec. 404.5.D.2.

E. Effect of land divided by zoning district boundary. A parcel of land subject to the terms of Sec. 404.5 that is divided by Zoning District boundaries shall be subject to the terms of Sec. 300.4 as if the parcel of land was not condemned or sold under the threat of condemnation, through issuance of a Certificate of Compliance.

F. Appeal to board of adjustment. Within thirty (30) days after approving, approving with conditions, or denying an application requesting a Certificate of Conformity, the applicant may appeal the decision of the Zoning Director to the Board of Adjustment. The Board of Adjustment finds that the decisions is not supported by competent substantial evidence and fails to meet the standards of Sec. 404.5.D.

404.6 Variance. Any owner of land subject to the terms of Sec. 404 may apply to the Board of Adjustment for a variance, except a use variance, pursuant to Sec. 401.7.

404.7 Densities not in conformance with the comprehensive plan. Development existing on February 1, 1990, whose densities are not in conformance with the Comprehensive Plan shall not be expanded or modified unless the expansion or modification decreases the density nonconformance and complies with all other relevant portions of the Zoning Code and Palm Beach County Comprehensive Plan. Nothing herein shall be construed to allow any development inconsistent with the Palm Beach County Comprehensive Plan.

405. Historic places, buildings and structures.

This section is added and shall be reserved for the regulation of historic places, buildings, and structures which shall be established following completion of the Historic Site Survey, Historic Resources Map, and establishment of a local historic review authority.

All historic properties in Palm Beach County, including but not limited to any prehistoric district, site, object, or other real or personal property of historic, architectural, or archaeological value are subject to the "Florida Resources Act," Fla. Stat., Chapter 627. Tombs, monuments and burial sites are protected under Florida Statutes, Chapter 872.

500.1 Accessory uses and buildings and structures.

Sec. 500.1 B.2, is amended as follows.

**B. Development regulations.**

2. **Height.** No Accessory use, building or structure shall exceed the height permitted in the Zoning District in which the principal use is located, except as provided by this Zoning Code.

500.2 Home occupations.

Sec. 500.2.C.5, is amended as follows.

**C. Rules and regulations for home occupations.**

5. No external evidence or sign that the dwelling is being used for home occupation. ~~other than one (1) unanimated, nonilluminated flat or window sign having a total area of not more than one hundred forty four (144) square inches shall be allowed.~~

500.3 Evacuation

The existing Sec 500.3, is repealed in its entirety and replaced with the following Sec 500.3, Excavation.

**A. Purpose and intent.** It is the purpose and intent of this section to:

1. Discourage site development and land excavation that is destructive to natural resources. Discourage certain site development and land excavation practices which, individually or in cumulative effect, are demonstrably destructive to Palm Beach County's natural resources.
2. Ensure mining and excavation does not adversely impact environment. Ensure that mining and excavation activities do not adversely impact the environment or the health of the citizens of Palm Beach County.
3. Deter immediate and long-term environmental impacts. Deter the negative immediate and long-term environmental and economic impacts of poor land development practices.
4. Encourage environmentally sound land development practices. Encourage the use of economically feasible, and environmentally sound land development practices.
5. Preserve land values. Preserve land values by ensuring that non-commercial land excavation results in changes that meet minimum Zoning Code requirements.
6. Reclamation. Encourage the reuse of excavation sites by promoting economical, effective and timely site reclamation.
7. Beneficial use of excavation properties. Ensure future beneficial use of excavated properties and surrounding properties.
8. Disposal of excess excavation material. Recognize that excess excavation material may be disposed of off-site provided that the excavation site is subject to a bona fide site development plan.

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Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

9. Reasonable and enforceable regulations. Provide clear, reasonable and enforceable laws for the regulation of excavation and related activities.

10. Promote health, safety and welfare. Promote and protect the health, safety and welfare of the residents of and visitors to unincorporated Palm Beach County.

B. Applicability. Any excavation activities within unincorporated Palm Beach County shall comply with the regulations established in this section, the Palm Beach County Mining Ordinance, and other State and local requirements, as applicable. This ordinance may be known as the "Palm Beach County Excavation Ordinance."

C. Exemptions. The following excavation activities shall be exempt from the terms of this section.

1. Swimming pools.
2. Maintenance dredging or reconstruction of existing canals, canal laterals, channels, and intake and discharge structures.
3. Small lily ponds, goldfish ponds, reflecting pools, and other small ornamental water features with a maximum depth of six (6'), so long as these amenities are lined with impervious material.
4. Burial plots in approved cemeteries.
5. Excavation by Palm Beach County or Florida Department of Transportation in the ultimate right-of-way of a road when that road is under construction.
6. Type I and Type II excavation in the West County Agricultural Area.
7. Excavation for installation of utilities, including septic tanks.

D. Excavation prohibited. The following types of excavation activities shall be prohibited:

1. Excavation of any archaeological grid site until preservation status is determined.
2. Type III Excavation in areas identified as:
  - a. Environmentally sensitive land, as designated by the Department of Environmental Resources Management.
  - b. The Pleistocene Sand Ridge.
  - c. Areas prohibited by the Palm Beach County Mining Ordinance.

E. Regulation of excavation activities. Before any excavation is permitted, it shall be approved pursuant to the procedures and standards of this subsection. There are four (4) types of excavation activities regulated: Agricultural excavation activities; Type I excavation activities; Type II excavation activities; and Type III excavation activities.

1. Agricultural excavation. Agricultural excavation is excavation undertaken to support bona fide agricultural production operations, including but not limited to the creation of canal laterals and roads, but excluding plowing for agricultural production purposes. It shall be permitted as a right in Zoning Districts which permit agricultural production activities, provided the excavation is the minimum necessary to support the agricultural production operation, and the excavation activities comply with the procedures and standards of this subsection.

a. Procedure. ~~Prior to initiation of agricultural excavation activities, the Site Plan Review Committee shall review the proposed activities to assure compliance with the standards in section 500.3.E.1.b, below using the following procedure.~~

(1) Application. ~~Any person requesting approval of Agricultural excavation shall submit a Site Plan Review Committee form to the Zoning Division. The application requirements may be waived except for the following:~~

(a) ~~Receipt or waiver of a haul permit if more than two hundred and fifty (250) cubic yards of excavation material is proposed to be moved along a state or county road per year. This shall not include any truck crossing a State or County road to access another parcel directly across the road.~~

(b) ~~A site plan showing all proposed excavation, including boundaries and acreages;~~

(c) ~~A listing of the nature of the excavation operation, including the amount of materials expected to be excavated; and~~

(d) ~~A fee, as adopted by the established fee schedule.~~

(2) Determination of completeness, review and decision. ~~After receipt of an application requesting a review for Agricultural excavation, the Zoning Director shall determine if it is complete within ten (10) working days. If it is determined the application is not complete, notice shall be served on the applicant specifying the deficiencies. After the application has been determined complete, it shall be reviewed by the Site Plan Review Committee and approved, to assure compliance with the standards established in Sec. 500.3.E.1.b.~~

b. Standards for agricultural excavation. ~~All Agricultural Excavation shall conform to the following standards.~~

(1) Haul Permit. ~~Receipt or waiver of a Haul Permit, pursuant to Sec. 500.3.F, if more than two hundred and fifty (250) cubic yards of excavation is to be removed per year from the site and transported along a state or county road.~~

(2) Emissions of fugitive particulate matter. ~~Agricultural excavation shall be operated so as to prevent the emission of dust or other solid matter into the air or adjacent properties, pursuant to Sec. 500.16.(h).4 and Rule 17-2.610(3), Florida Administrative Code (F.A.C.).~~

(3) Reclamation. ~~All agricultural excavation shall be reclaimed consistent with the following requirements:~~

(a) ~~All water bodies created must meet the lake slope and depth standards set forth in the Palm Beach County Mining Ordinance.~~

(b) ~~The reclamation shall be conducted in such a manner as to prevent the occurrence of objectionable odor.~~

c. Annual review. ~~After the initial review and approval of Agricultural Excavation, the property owner shall annually submit to the Zoning Director, a monitoring report in the form~~

requested, demonstrating that the Agricultural Excavation is being performed consistent with the standards contained herein.

**2.** Type I excavation. Type I excavation is excavation necessary to construct a single family dwelling or other structure permitted by right in any Zoning District on a lot greater than one (1) acre for which a bona fide site development plan is not required. Type I excavation shall be considered accessory to such construction and shall not include site demucking or grading in preparation of the construction.

**a.** Procedure. Prior to initiation of Type I excavation activities, approval to excavate shall be received concurrent with the receipt of a building permit from the Building Official, pursuant to the procedural and substantive standards of this subsection.

**(1)** Application. Any person requesting approval for Type I excavation shall submit the following, in addition to that required in the building permit application:

**(a)** An estimate of the amount of material, in cubic yards of material that is proposed to be removed from the site per year;

**(b)** A general site plan showing the standards of Sec. 3.E.2.b.(2) and (4) have been met, and

**(c)** An approved vegetation removal permit.

**(2)** Determination of completeness, review and decision. After receipt of the application requesting an excavation permit for Type I excavation, the Building Official shall determine if it is complete within twenty (20) working days. If it is determined the application is not complete, shall be served on the applicant specifying the deficiencies. After the application has been determined complete, it shall be reviewed by the Building Official and approved, or denied based on the standards established in Sec. 500.3.E.2.b.(1)-(6).

**(3)** Review of reclamation prior to issuance of Certificate of Occupancy or Certificate of Completion. For all Type I excavation activities that create a water body, the property owner shall submit to the Department a Certificate of Compliance from a registered professional surveyor, engineer, or landscape architect, stating that the standards of Sec. 500.3.E.b.(7), has been met. This certificate shall be submitted prior to issuance of a Certificate of Occupancy and may be included in the Certification of Paving and Drainage Standards governed by Sec. 2005.8 of the Palm Beach County Subdivision Code. For single family lots where no water body is created, the building permit site plan shall serve as the reclamation plan.

**b.** Standards for Type I excavation. All Type I excavation shall conform to the following standards.

**(1)** Off-site removal.

**a.** Prior to hauling any material off-site, the County Engineer shall be notified of the amount of cubic yards to be removed from the site. If more than thirty-two (32) cubic yards of excess material is removed from the site in any year, the County Engineer shall issue or waive the Haul Permit pursuant to Section 500.3.F, below.

**b.** All trucks hauling any material off-site shall be covered to prevent debris and fill from falling on the road.

(2) Surface area of excavation. The maximum surface area of all excavation on the premises shall be less than twenty percent (20%) of the total lot area. Construction associated with septic tank installation, and demucking and grading activities shall not be considered in the calculation.

(3) Building permit. The excavation is approved in conjunction and concurrent with a building permit for the site.

(4) Setback. No excavation shall be conducted within fifteen feet (15') of an adjacent property line, nor within one hundred feet (100') of any potable water well, pursuant to Palm Beach County Environmental Control Rule 1.

(5) Hours of operation. Excavation activity shall only occur between the hours of 7:00 A.M. and 7:00 P.M.

(6) Emissions of fugitive particulate matter. Type I excavation shall be operated so as to prevent the emission of dust or other solid matter into the air or on adjacent properties pursuant to Section 500.16.(b).4 and Rule 17-2.61D(3), F.A.C.

(7) Reclamation. All Type I excavation shall be reclaimed consistent with the following requirements:

(a) All water bodies created by Type I excavation activities shall maintain a minimum depth of three feet (3') below water table at all times, or shall be backfilled to original elevation with the exception of submerged lands shall be no steeper than four to one (4:1) to a depth of six feet (6').

(b) Where feasible, existing topsoil shall be stored and redistributed on-site to provide adequate growing conditions for the revegetation of plant species. Where such storage is not feasible, the excavated area shall be restored with soil of an equal or better quality than that of the excavated topsoil, and be redistributed to provide adequate growing conditions.

(c) The reclamation shall be conducted in such a manner as to prevent the occurrence of water which creates objectionable odor; and

(d) All rehabilitated and/or disturbed areas shall be reestablished with appropriate tree and ground cover vegetation growth, as required by Sec. 500.35, the Landscape Code.

3. Type II excavation. Type II excavation is excavation necessary to implement a bona fide site development plan. Type II excavation shall be considered accessory to an activity for which a bona fide site development plan has been approved. At a minimum, ninety percent (90%) of the material to be excavated is to be used on-site. If less than ninety percent (90%) of the material to be excavated is to be used on-site, special additional requirements listed in Sec. 500.3.E.b.3a(2)(a) or (b), as applicable below, must be met.

a. Procedure. At the time of review of the proposed development order, the proposed Type II excavation activity shall be reviewed to ensure that the proposed Type II excavation complies with the standards of this subsection. This section shall apply to excavation conducted after the effective date of this section on the site of an approved project which has an approved master plan but not an approved site plan. In this instance the requirements of Sec. 500.3.E.3.a(1) and the standards of Sec. 500.E.3.a(2) and 500.3.E.b shall apply and be reviewed by the Site Plan Committee.

(1) Application. Any person proposing to initiate Type II excavation activities as part of the development of a site development plan, shall include the following as part of their application for development approval.

- (a) A detailed site plan showing all proposed excavation, including boundaries and acreages and depths;
- (b) A listing of the nature of the excavation operation, including materials expected to be excavated;
- (c) A vegetation removal permit; and
- (d) Calculations for the entire project detailing the amount of material to be excavated, the amount of excavated material to be used on-site, and the percentage of excavated material to be disposed of off-site.

(2) Determination of completeness, review and decision. The application shall be reviewed as part of the application for development order. The type II excavation component of the site development plan application shall be approved, approved with conditions, or denied based on the standards established in Sec. 500.3.E.3.b, and the following:

- (a) If less than 90% of the excavated material is proposed to be used on-site, the applicant may opt to demonstrate that due to certain unusual site conditions, more than 10% of the excavated material must be removed to develop the approved site plan. If staff agrees that such abnormal conditions exist, the application may be approved pursuant to Section 500.3.E.3. Such unusual conditions may, for example, be the existence of an abnormal amount of silt, rock, muck, or excess fill resulting from required drainage improvements.
- (b) If less than 90% of the excavated material is proposed to be used on-site and no unusual conditions exist justifying removal of more than 10% of the excavated material from the site, the applicant must obtain special exception approval of the excavation activity pursuant to the standards of Section 402.2 (Special Exceptions) and 500.3.E.4, prior to approval of the development plan required by Zoning Code section 402.7.

b. Standards for Type II excavation. All Type excavation shall conform to the following standards.

- (1) Valid site development plan. Type II excavation shall be approved at the same time as the development order for the valid site development plan. The bona fide site development plan must receive final approval prior to commencement of excavation activity.
- (2) Minimum necessary. All excavation activities shall be the minimum necessary to achieve an accurate depiction of the bona fide site development plan.
- (3) Off site removal.

(a) All trucks hauling any materials off-site shall be covered to prevent debris and/or fill from spilling on the road.

(b) Prior to hauling any material off-site, the County Engineer shall be notified of the amount of cubic yards to be removed from the site. If more than sixty-four (64) cubic yards of excess material are to be removed from the site in any year, the County Engineer shall issue or waive the Haul Permit pursuant to section 500.3.F.

(3) Setback. No excavation shall be conducted within fifteen feet (15') of an adjacent property line.

(4) Hours of operation. Excavation activity shall only occur Monday through Saturday between the hours of 7:00 A.M. and 7:00 P.M.

(5) Emissions of fugitive particulate matter. Type II excavation shall be operated so as to prevent the emission of dust or other solid matter into the air or adjacent properties pursuant to Sec. 500.16.(b).4 and Rule 17-2.610(3), F.A.C.

(6) Reclamation. The final bona fide site development plan shall serve as the reclamation plan, shall be approved prior to commencement of any work, and shall comply with the following requirements:

(a) All water bodies created shall meet the lake slope, depth and vegetation standards set forth in the Palm Beach County Mining Ordinance; or in any standard permit issued pursuant to that ordinance.

(b) The reclamation shall be conducted in such a manner as to prevent the occurrence of water which creates objectionable odor; and

(c) Where feasible, existing topsoil shall be stored and redistributed on-site to provide adequate growing conditions for the revegetation of plant species. Where such storage is not feasible, the area shall be restored with soil of an equal or better quality than that of the excavated topsoil and be redistributed to provide adequate growing conditions.

4. Type III excavation. Type III excavation is considered commercial excavation, and is only permitted after approval as a special exception, pursuant to Sec. 401.2 (Special Exception) and this subsection, and receipt of a valid Mining Permit from the Department of Environmental Resources Management.

a. Procedure. All Type III excavation activities shall be approved as a Special Exception pursuant to the standards of Sec. 401.2 (Special Exception), and this section. These standards shall prevail over less restrictive standards applicable to such operations imposed by the Zoning Code or other laws. Any person requesting approval for Type III excavation shall submit an excavation application for the entire parcel to the Palm Beach County Zoning Division. The application shall include the following.

(1) All application contents required by a special exception application;

- (2) A precise site plan showing all proposed excavation including boundaries, depths and acreages;
  - (3) A listing of the nature of the operation including expected amount and type of materials to be excavated.
  - (4) A site plan showing fencing and buffering, including a detailed landscaping plan;
  - (5) An erosion and fugitive particulate control plan. Erosion control strategies may include quick-growing plants, mulching, stabilizing, or other techniques;
  - (6) The reclamation plan submitted to and approved by the Department of Environmental Resources Management, except when Type III excavation is conducted prior to development of an approved planned development, then the bona fide site plan shall serve as the reclamation plan; and
- (7) A Notice of Intent To Issue a Mining Permit from the Department of Environmental Resources Management.
- b. Determination of completeness, review and decision. After receipt of an application requesting a Type III excavation permit, the Zoning Director shall determine whether it is complete within ten (10) working days. If it is determined the application is not complete, notice shall be served on the applicant specifying the deficiencies. No excavation application shall be certified for the Planning Commission Prehearing Conference unless the application has been determined sufficient. After the application has been certified, it shall be reviewed consistent with the conditions and provisions of Chapter 1, Section 102, Chapter IV, Sections 400, 400.1, 401, and the sec. 500.3.F.4.b. standards, and be approved, approved with conditions, or denied.
- c. Standards for Type III excavation.
- (1) Haul permit. Receipt of a haul permit for the proposed Type III excavation activity, pursuant to section 500.3.F. and G. below.
  - (2) Perimeter buffer and separation from incompatible land uses.
    - (a) Type III excavation activities shall be separated and buffered from incompatible uses as provided by Table 500.3-1, below. Separations shall be measured from the nearest adjacent property line inward to the top slope line of the nearest excavation activity. The Zoning Division may recommend to the Board of County Commissioners that the required separation distance be altered based on the compatibility of the use with the adjacent area, and the remoteness or proximity and number of adjacent incompatible uses.

**TABLE 500.3-1**  
**Minimum Required Separation and Buffer**

<u>Land Used for</u>	<u>Required Buffer</u>		
	<u>Minimum Separation</u>	<u>Minimum Height</u>	<u>Minimum Width</u>
<u>Residential</u>	<u>1/8 mile</u>	<u>12 feet</u>	<u>25 feet</u>
<u>Residential</u>	<u>1/4 mile</u>	<u>8 feet</u>	<u>20 feet</u>
<u>Residential</u>	<u>1/2 mile</u>	<u>6 feet</u>	<u>15 feet</u>
<u>Residential</u>	<u>1/8 mile</u>	<u>6 feet</u>	<u>15 feet</u>
<u>Light Manufacturing</u>	<u>1/8 mile</u>	<u>6 feet</u>	<u>15 feet</u>

- (b) The buffer shall consist of a planted earthen berm or a solid landscape barrier, or combination of berm and landscaping, of the height and width described in Table 500.301 above. The buffer shall be planted and maintained in accordance with Sec. 500.35.G.3.b or Sec. 500.35.G.d (Perimeter Landscape Strip Separating Incompatible Types of Development or Districts, Property Development Regulations for Alternative Landscape Strip No.4 or Alternative Use of Native Vegetation).
- (3) Setbacks. No buildings or structures accessory to Type III excavation activities shall be located closer than one hundred feet (100') from any property line, canal or easement. Where deemed necessary, the Zoning Director shall increase the width of the setback area to a greater dimension if it is necessary to adequately buffer conflicting land uses. Setbacks shall be measured from the nearest adjoining property line inward. Except for the planted buffer area and an approved access area, existing vegetation within the setbacks shall not be disturbed or removed.
- (4) Emissions of fugitive particulate matter. While Type III excavation is in progress, effective steps shall be employed to control emission of fugitive particulates from all excavated land. Emission of fugitive particulates shall be controlled as provided in Rule 17-2.160, F.A.C. (Unconfined Emissions of Particulate Matter). No land development or other permit shall be issued until the particulate control plan is approved by the Department of Engineering and Public Works and by the Palm Beach County Health Unit.
- (5) Objectionable odors.
- (a) All excavation shall be refilled after construction of foundations, in a manner which will prevent the occurrence of water which creates objectionable odor or other hazard.
- (b) Areas where the potential for the generation and release of objectionable odor exists shall comply with the State Air Pollution Regulation, Rule 17-2.620(2), F.A.C.
- (6) Incompatibility of land uses. All Type III excavations shall be reviewed to assure that the proposed excavation is compatible with the surrounding land uses. The Department shall not recommend that an application be approved by the Board of county Commissioners where staff finds that the approval would create an incompatibility of land uses. the "incompatibility of land uses" refers to issues arising from the proximity or direct association of contradictory, incongruous, or discordant land uses or activities, including the impacts of noise, vibration, smoke, odors, toxic matter, radiation, and similar environmental conditions.

Underlined language (e.g., the) indicates proposed new language.  
Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

(7) Conditions of notice of intent to issue mining permit. The conditions associated with the Notice of Intent to Issue Mining Permit promulgated by the Department of Environmental Resources Management shall be included in the staff report to the Board. The conditions associated with the Department of Environmental Resources Management Mining Permit shall not be made part of the resolution adopting zoning conditions of approval.

(8) Reclamation. A Reclamation plan is approved by the Department of Environmental Resource Management, pursuant to the Palm Beach County Mining Ordinance.

F. Haul permit requirements.

1. Procedure.

a. General. Prior to hauling any material from a site, the Palm Beach County Engineering Department shall be notified. Unless the hauling is exempt under the provisions of section 500.3, a haul permit shall be obtained from the Palm Beach County Engineering Department or the permit requirement shall be waived by the Engineering Department.

b. Contents of application. A haul permit application shall include the following:

(1) The name and address of the applicant and owners of the property.

(2) The legal description of the property.

(3) A map showing the proposed origins and destinations of all trucks to be used in transporting material off site; and

(4) A list of the type of trucks to be used, including weight, maximum payload, and length.

c. Determination of completeness, review and decision. After receipt of the application, the County Engineer or designee (hereinafter engineer) shall receive and review the proposed haul permit application to determine if the application is complete. If it is determined that the application is not complete, the engineer shall notify the applicant of the deficiencies in writing. The engineer shall take no further action on the application until all deficiencies have been corrected. Once the engineer determines the proposed application is complete, the engineer shall approve the application or reject the application in writing within fifteen (15) working days. If no response is received in fifteen (15) days, the application shall be deemed to be approved. The applicant and owner of the property subject to the application is bound to the terms agreed upon in the approval.

2. Standards for review.

a. Structural strength of haul roads. Proposed haul roads shall have adequate structural strength and associated turn lanes. Direct access to a major collector or a major arterial roadway shall be required unless the applicant has no alternative to access the property subject to the excavation activity. Construction of turn lanes and improvements to the roadways used for the travel to withstand the weight of excavated material may be required.

b. Guarantee. The applicant shall provide a refundable guarantee of sufficient funds to cover the cost of repair of roadway damage or removal of spilled material caused by the transportation of excavated material.

c. Haul route. The proposed route and hours of travel shall be approved based on the size and nature of the excavation operation and the type and performance of the trucks involved.

3. Waiver of haul permit. Following receipt of the haul permit application, the County Engineer shall waive the financial guarantee and construction requirements of Sec. 500.3.F.2 for any Agricultural Excavation in the Agricultural Production Land Use Designation. The County Engineer shall waive the haul permit for Agricultural Excavation in other land use designations, Type 1 and 2 if it is determined that a) the structural strength of haul roads to be used are adequate; b) special circumstances are present which render the haul permit unnecessary, or c) the roads carry abnormally high concentrations of non-mining hauling vehicles.

G. General requirements for all hauling of materials off-site.

Whenever any material is hauled off-site, whether such hauling is exempt from the requirements of obtaining a haul permit, has obtained a haul permit, or has obtained a waiver of haul permit, all trucks hauling such material shall be covered to prevent debris and fill from spilling on the road.

500.6 Marina/boatdock/yacht club.

The parking standards in Sec. 500.6.e are amended as follows.

e. Additional special regulations.

1. Parking. For each two boats accommodable at the facility, there shall be provided one (1) space. ~~In addition for such accessory facilities as yacht clubs and the like, five (5) spaces per one thousand (1000) square feet of total floor area shall be provided. Motels shall provide parking pursuant to the Off-Street parking and Loading Regulations of this Code (See sections 500.17 and 500.19). Boatels shall provide one and one-half (1 1/2) spaces per dwelling unit if operated as a condominium.~~

Boatyard: One (1) space for each wet slip, plus one (1) space for each three (3) dry storage compartments shall be provided, plus one (1) space for the shift of greatest employment.

Marina: One and one-half (1/2) space for each wet slip plus one (1) space for each three (3) dry storage compartments shall be provided. If a boat launching ramp or service is provided, ten percent (10%) of all parking spaces must be large enough to accommodate motor vehicles with boat trailers.

Yacht Club: In addition to the requirements based on number of marina slips, parking for restaurant, lounge or other area of public assembly use shall be calculated separately.

5. Setbacks for storage of boats and other marina related activities. Dry storage of boats and other marina related activities may be placed against the water's edge.

500.9 Recreation facilities, amusements and attractions and exhibits, public and private.

The parking and loading standards in Sec. 500.9.K. are amended as follows.

- K. **Parking and loading.** All uses authorized herein shall be subject to the procedural requirements of the Off-Street Parking and Loading Regulations of ~~this~~ the Zoning Code (See Sec. 500.17 and 500.19) ~~and can be grassed, stabilized or hard surfaced.~~
1. **Athletic fields.** One (1) space for every four (4) bleacher seats or thirty spaces per athletic field whichever is greater.
  2. **Camps.** One (1) space per campsite or one (1) space per camp counselor and employee.
  3. **Motorcycle and moto cross track.** Twenty (20) spaces per acre of property.
  4. **Outdoor attraction and recreation area.** ~~For each square foot of total gross floor area there shall be provided three (3) square feet of parking spaces area plus five (5) Ten~~ Ten spaces for each acre of outdoor attraction area, except for pool areas, gold courses and tennis courts, which shall be calculated as follows: one (1) space per fifty (50) square feet of pool area; four (4) per hole of golf course; and one (1) for each tennis or racquetball court.
  5. **Privately operated recreation areas or structures for public and private use.** For each one thousand (1000) square feet ~~feet~~ of total gross floor area there shall be provided ~~three (3) square feet of~~ four (4) parking spaces ~~area~~ plus five (5) spaces for each acre of outdoor attraction area.
  6. **Recreational facility or racetracks** (horse, dog, auto). One (1) parking space for each four (4) seats.

500.11 Commercial kennel and stables.

- I. **Parking.** Parking shall be based on the amount of total floor area contained within the facility excluding animal runs, ~~and enclosures.~~ ~~For each square foot of total floor area three (3) square feet of parking shall be required.~~ One (1) parking space for every three hundred (300) square feet of gross floor area, plus one (1) space for each three (3) animal holding compartments shall be provided.

500.112 Day care centers and child care facilities.

Section 500.12 is amended as follows.

In addition to the requirements of Sec. 401.2A. and B., the following requirements and regulations shall be met:

- A. **Minimum required lot area.** The minimum lot area shall be no less than six thousand (6,000) square feet.
- B. **Minimum floor area.**
1. **Child day care centers and child care facilities.** There shall exist a minimum usable floor area, exclusive of any space devoted to the kitchen, office, storage and toilet facilities, of not less than fifteen hundred (1,500) square feet for a capacity of forty (40) children or less. Facilities with capacities exceeding forty (40) children shall provided thirty-five (35) square feet of additional floor area per child.

2. **Adult day care centers.** There shall exist a minimum usable floor area, exclusive of any space devoted to the kitchen, office, storage, and toilet facilities, of not less than fifteen hundred (1,500) square feet for a capacity of twenty (20) patrons or less. Facilities with capacities exceeding twenty (20) patrons, shall provide seventy five (75) square feet of additional floor area per patron.
- C. **Property development regulations.** The building height, setbacks, parking, and total floor area shall be governed by the applicable Zoning District.
- D. **Outdoor activity area.**
1. **Child day care centers and child care facilities.** There shall be provided a minimum of fifteen hundred (1,500) square feet of outdoor activity area or ~~one hundred (100) seventy-five (75)~~ square feet of outdoor activity area per child (licensed capacity), whichever produces the larger area. ~~The outdoor activity area must provide a shaded area.~~ The child care facilities board may approve a reduction in the size of this area where the operator utilizes split shifts for its use. However, the outdoor activity area may not be reduced to less than would be required to accommodate one-third of the approved capacity of the center. Where a facility is limited solely to the care of infants ~~two~~ (2) years of age and younger), the outdoor activity area provided shall be a minimum of forty-five (45) square feet per child. The child care facilities board may approve a reduction in the size of this area where the operator utilizes split shifts for its use. However, the outdoor activity area may not be reduced to less than would be required to accommodate one-half of the approved capacity of the center.
  2. **Adult centers.** There shall be provided a minimum of fifteen hundred (1,500) square feet of outdoor activity area or one hundred (100) square feet of outdoor activity area per patron, whichever produces the larger area.
  3. **All day care centers and child care facilities.** Said activity area shall be provided on the same lot as the principal use and shall not be located in the required front yard nor adjacent to any outdoor storage area of this use or any existing adjacent use.
- E. **Fencing and screening.** A six-foot high fence or wall shall surround the outdoor activity area. Where the provisions of this subsection conflict with the height limitations of Section: 500.15 of the Zoning Code, the provisions of this subsection shall apply.
- F. **Access and child pick-up area.** (See Sec.s 500.17 and 500.19) (Ord. No. 81-2, §3, 2-24-81).
- G. **Facilities in IL and IG district.** ~~Child day care centers and child care facilities in the IL-Light Industrial and IG-General Industrial Zoning Districts shall be designed principally to serve employees on the same site or a contiguous site.~~
- H. **Conversion option.** ~~A special exception for a child day care center existing on February 1, 1990, may be converted to a special exception for a child care facility provided that the petition is considered by the Planning Commission and is approved by the Board of County Commissioners, pursuant to Sec. 402.4 (Planning and Zoning Procedure). Petitions for conversions shall be deemed complete upon the submission of an application, a statement addressing the compatibility of a twenty-four (24) hour operation with surrounding land uses, and analysis by the Public Health Unit regarding water and sewage facilities and a revised traffic impact analysis based upon a twenty four (24) hour operation. Every petition for~~

conversion to a child care facility shall be subject to the same submittal fee as an application for modification of Board of County Commissioner requirements.

**500.13 Commercial new and used motorcycle, automobile, truck, boat, mobile home, recreation vehicle sale and rental and repair facilities and lots.**

The parking and loading standards in Sec. 500.13.A. are amended as follows.

A. Parking. Unless otherwise provided for in this section, all vehicular use areas and specialized vehicular use areas parking areas for display, sale, rent, or storage purposes shall comply with the requirements set forth in Sec. 500.17 and 500.19. In addition, none of the above may be parked for any purpose in the area located between the base building line and the pavement edge of the public street.

1. Motor vehicle display, sales, rental and storage. Motor vehicle dealerships may store vehicles outdoors on an improved parking surface without reference to parking stalls, backup distances, parking stall striping or wheel stops. For outdoor motor vehicle sales and display parking, signs and stall striping are not required, but in all other respects, outdoor sales and display parking shall conform to the provisions of Sec. 500.17 (Parking). Motor vehicles on display shall not be elevated. Parking for vehicle storage, sales or display may not be counted toward meeting the number of required off-street parking spaces to be provided for customers and employees.

In addition, no motor vehicles may be parked for any purpose in the area located between the base building line and the paved edge of the public street.

2. Customer and employee parking. Customer and employee parking shall be shown on a site plan and provided as follows: One (1) space for each five hundred (500) square feet of enclosed gross floor area, plus one (1) space per each four thousand five hundred (4,500) square feet of outdoor sales display and rental area, plus one (1) space per service bay, plus one (1) space per employee of the shift of largest employment. Customer parking shall be marked with an above grade sign and shall be physically separated from the motor vehicle sales, storage and display space. Customer parking shall be designated on the site plan. All vehicular use areas shall conform to the requirements of Sec. 500.35 (Landscape Code).

**500.14 Swimming pools and clubs, commercial and private.**

F. Fencing, and screening and access. Every swimming pool shall be enclosed by a natural barrier, retaining wall, fence or other structure in accordance with Palm Beach County Swimming Pool and Spa Code, as amended, constructed or installed so as to obstruct access thereto by persons other than the owners or occupants of the premises on which such swimming pool is located. Such obstructions around a principal use shall not be less than eight (8) feet in height from finished grade and around an accessory use not less than five (5) feet in height except single family dwelling accessory swimming pools which require a four foot high barrier, wall or fence.

G. Access. The primary access to a principal use shall be from the interior of a building or structure serving as a club house or shower facility. Exterior access to the principal use shall be the same as for an accessory use:

Exterior access to an accessory use must be through a self closing and self latching gate with latches placed at least four (4) feet above the underlying ground and operable from the interior of the swimming pool area only. All gates opening through such enclosure shall be kept securely closed and latched at all times.

H. ~~Drainage. If a patio is provided adjacent to or surrounding the swimming pool, it shall be designed so as to be self draining away from the pool.~~

GI. Lighting. Artificial lighting used to illuminate the premises shall be directed away from adjacent properties and streets, shining only on the subject site.

HJ. Performance Standards. The operation of these facilities shall conform to all rules and regulations of all governmental agencies having appropriate jurisdiction and to the performance standards of this Code.

500.15 Fences, walls, and utility poles.

A. ~~Building p~~Permit required. Fences and walls enclosing any permitted use, except primary agricultural uses, shall comply with the ~~building permit~~ procedures of the Palm Beach Building Code Codes Enforcement Administrative Code, as amended.

500.16 Performance standards

Sec. 500.16.A. (Traffic performance standards) is repealed in its entirety. Sec. 500.16.B.2.h.6. is amended to permit noise at industrial sites during the hours of 7:30 a.m. and 11:00 p.m., as follows. A new Sec. 500.16.B.2.h.7 is added to permit higher noise levels in the R&T-O District. Sec 500.16.B.9. (Humidity, heat or glare) is repealed in its entirety, and replaced with the following new Sec. 500.16.B.9.

B. Miscellaneous standards.

2. Noise.

h. Exemptions. The provisions of this subsection shall not apply ~~at any time to:~~

6) Noise emitted between the hours of 7:30 a.m. and 11:00 p.m. from a source located within the IG District as defined in the Palm Beach County Zoning Code.

7) Noise emitted from a source located within the Research & Technology Overlay (R&T-O) District.

9. Drainage. For all development in all Zoning Districts, drainage shall be designed and constructed in compliance with the stormwater management regulations of the Subdivision and Required Improvement Regulations of the County.

500.17 Off-Street Parking Regulations.

Sec. 500.17 is amended as follows.

A. Scope, Purpose and Intent. It is the Intent of this section to provide for the health, safety, welfare and convenience of the public by requiring each development to provide minimum lands to accommodate the parking, loading, queuing and on site circulation of motor vehicles. by requiring this to be provided; paring, loading and circulation problems created by motor vehicles will be minimized and not forced out upon the streets. All other County regulations in conflict with the minimum requirements of this section are hereby superseded to the extent that the most stringent shall apply. All uses permitted or allowed as special exceptions pursuant to this code shall be subject to the following minimum requirements and regulations.

**B. General.**

1. Minimum standards. A minimum amount of area for off-street parking, loading, and queuing shall be provided, and continuously maintained upon all developed lands in unincorporated Palm Beach County as provided in this section.
2. Access standards. Access to vehicular use areas shall conform to the standards established in this section.
3. Construction and design standards. Each vehicular use area shall be constructed and maintained according to the standards established in this section.
4. Parking design and relation to other uses. The design of vehicular use areas shall provide for logical, impediment of free vehicular circulation and shall conform to this section.

**C. Off-Street parking.**

1. General. The off-street parking standards of this section shall apply to all lands that are developed, or on which existing development is substantially modified to the extent of requiring approval from the Zoning Division. All off-street parking areas established by this section shall be continuously maintained according to the standards of this section.
2. Parking is an accessory use.
  - a. Except as provided in Sec. 500.17.C.12. (Commercial Lots), off-street parking shall be considered accessory to a principal land use.
  - b. Except as provided in Sec. 500.17.C.8.a. (Shared Parking) and Sec. 500.17.C.8.d. (Valet Parking), all accessory off-street parking shall be provided upon the same lot as the principal land use.
3. Use of off-street parking. Off-street parking spaces shall be provided for the use of residents, customers, patrons and employees. Required parking spaces shall not be used for: (a) outdoor storage of goods and materials; (b) sale, repair, or servicing of vehicles, other than on an emergency basis; or (c) sale or display of goods or services. Required off-street parking spaces shall be free from encroachment of all structures. The location of required off-street parking shall not interfere with normal traffic flow, queuing and back-up space. Required parking stalls and aisles shall not be used to park commercial vehicles conducting any business in the parking lot. A portion of the required parking stalls may be used on a temporary basis pursuant to a special permit issued by the Zoning Division for the outdoor sales of goods, fairs, and other temporary events.
4. Parking in driveways in residential zoning districts. B-DRIVEWAYS. Driveways shall ~~may be considered as constituting~~ counted to satisfy minimum off-street parking standards spaces for single family and two family duplex ~~for dwelling units provided;~~ (a) ~~the~~ dwelling unit does not share the driveway with adjacent dwelling units; and (b) ~~in residential districts provided that sufficient space is~~ spaces are available on ~~such the~~ driveway to meet the requirements of this subsection. to satisfy the residential parking space dimensional requirements of Sec. 500.17.C.9.c.1.
5. Calculating minimum number of required off-street parking spaces.
  - a. Multiple land uses. Except as provided in Sec. 500.17.C.8.a (Shared Parking), when more than one (1) land use occupies the same structure or lot, the total

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number of required parking spaces shall be the sum of the required off-street parking spaces for each land use as if provided separately.

- b. Fractional requirements. When the calculation of the number of required off-street parking spaces results in a fractional number, a fraction of one half (0.50) space or greater shall require one (1) full additional space.
  - c. Calculations based on number of employees or occupants. When the calculation of parking spaces is based in whole or in part upon the number of employees or persons occupying or residing on a premises, the calculation of the minimum number of spaces shall be based upon the maximum number of employees or persons on duty or legally residing on the premises at any one (1) time.
  - d. Calculations based on number of seats. When the calculation of parking spaces is based in whole or in part upon the number of seats, each twenty two inches (22") of lineal length on a bench, pew, or similar seating facility shall be considered to be one (1) seat.
  - e. Calculations based on gross lot area. When the calculation of parking spaces is based upon gross lot area, the amount of lot area dedicated to off-street parking shall not be included in the calculation.
  - f. Uncertainty or Indefiniteness about a land use. If the standard for the number of parking spaces for a particular land use is not included in this section, the standards for the most nearly comparable land use shall be applied by the Zoning Director. In making this determination, the Zoning Director may consult the Engineering Department, and shall consider such factors as evidence of actual parking demand for similar land uses and such other reliable traffic engineering and planning information which may be available.
  - g. Additions to existing development. Off-street parking facilities shall be provided for any new building constructed and for any new use established. Off-street parking facilities shall be provided for any addition or enlargement of an existing building or use, or any change of occupancy or manner of operation that would result in additional parking spaces being required in excess of the number of existing parking spaces. The additional parking shall be required only for such addition, enlargement, or change, and not for the entire building or use.
  - h. Inadequate information at the time of request for zoning action. The determination of the actual number of required off-street parking spaces may be delayed until the submission of certified building plans in the following instances: (1) where the formula for determining the minimum number of parking spaces is comprised of two (2) or more different rates, and there is uncertainty about how some or all floor or lot area shall be used; or (2) when it is unknown which portions of a structure are to be deleted from gross floor area to calculate gross leasable floor area. If the added calculation of off-street parking spaces is delayed, an estimate of the number of required off-street parking spaces shall be accepted based on a preliminary plan using the applicable formula until the submission of certified building plans. Acceptance of preliminary plans shall not be considered to vest the number of off-street parking spaces or a site design.
6. Retention of off-street parking spaces. Required off-street parking space shall not be reduced in size, eliminated, or made unusable in any manner, except as provided in Sec. 500.17.6.b (Motorcycle Parking), 500.17.C.8.a. (Shared Parking), and 500.17.C.8.c. (Grassed Parking), and Sec. 403.1 (The Board of Adjustment - Variance Requests and Appeals).

- a. Restriction to require off-street parking by fee. Except as provided in Sec. 500.17.c.8.a. (Shared Parking), Sec. 500.17.C.8.d. (Valet Parking) and Sec. 500.17.C.12. (Public, Private or Commercial Lots), access to the minimum number of public parking spaces required by this section shall not be restricted by fees or other forms of compensation. Access to parking spaces provided in excess of the minimum standards of this section may be controlled by means of fees.
- b. Motorcycle parking. For any non-residential land use providing fifty (50) or more spaces, a maximum of three (3) required off-street parking spaces may be reduced in size and redesigned to accommodate parking of motorcycles. When provided, motorcycle parking shall be prominently identified by an above-grade sign.

Sec. 500.17.k., Off-street parking regulations, is repealed in its entirety, and replaced by new Sec. 500.17.C.7.

7. Minimum number of required off-street parking spaces by land use. Unless otherwise provided in this section, the minimum number of required off-street parking spaces for each land use is identified below in Schedule 500.17-1. A portion of the minimum number of required handicapped spaces required in Sec. 500.17.C.8.b.

**SCHEDULE 500.17-1: MINIMUM NUMBER OF OFF-STREET PARKING SPACES**

**RESIDENTIAL USES**

<u>Use Classification</u>	<u>Minimum Off-Street Parking Requirements</u>	<u>Off-Street Loading Requirements</u>
<u>Category A Housing Type</u> <sup>①</sup>	<u>2 spaces per dwelling unit</u>	<u>N/A</u>
<u>Category B and C Housing Types</u> <sup>②</sup>	<u>Efficiency-1.25 spaces per dwelling unit;</u> <u>One and Two Bedrooms-1.75 spaces per dwelling unit;</u> <u>More than Two Bedrooms-2.0 spaces per dwelling unit</u>	<u>N/A</u> <u>N/A</u> <u>N/A</u>
<u>Guest Parking for all Dwelling Units with common parking lots</u>	<u>.25 space per dwelling unit</u>	
<u>Congregate Living Facilities</u>	<u>See Sec. 500.37.D.</u>	<u>N/A</u>
<u>Mobile Home Condominium Park</u>	<u>See Sec. 500.24(K)(5)(h)</u>	<u>N/A</u>
<u>Mobile Home Rental Parks</u>	<u>See Sec. 500.22(K)(3)(h)</u>	<u>N/A</u>
<u>Planned Unit Development</u>	<u>See Sec. 500.21(K)(5)(h)</u>	<u>N/A</u>
<u>Recreational Vehicle Park</u>	<u>See Sec. 500.23.G.3.h.</u>	<u>N/A</u>
<u>Townhouse Cluster</u>	<u>See Sec. 500.30(G)(2)</u>	<u>N/A</u>

<sup>①</sup> Space within a carport or garage may be counted. For housing types without shared driveways, no building permit may be issued to convert a carport or garage to living area without provision for two adequate parking spaces in the driveway or a common parking lot. Space within a carport or garage may be counted. Space to park all vehicles must be provided on the lot. Except as provided in Sec. 500.19, all required parking shall be paved.

<sup>②</sup> Guest parking spaces may be grouped, provided that the spaces are located within three hundred (300) feet of the dwellings that they are intended to serve. Grouped guest parking may be grassed, as provided in Sec. 500.17.D-3 500.17.C.8.(c) 1-3, except that no permit is required. Each space shall be provided with wheelstops, except for grassed guest parking, which is designed as parallel parking. All guest parking shall be prominently identified with an above grade sign or marking on the wheelstop.

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August 31, 1989

ORDINANCE NO.

90 - 11

ADOPTED

**COMMERCIAL**

<u>Use Classification</u>	<u>Minimum Off-Street Parking Requirements</u>	<u>Off-Street Loading Requirements</u>
<u>Accessory Use</u>	<u>Computed as though they did not exist separately</u>	<u>N/A</u>
<u>Appliances</u>		
<u>Retail/Wholesale</u>	<u>5 spaces per 1,000 square feet GFA</u>	<u>B<sup>③</sup></u>
<u>Auction (enclosed)</u>	<u>5 spaces per 1,000 square feet GFA</u>	<u>C</u>
<u>Auction (open and vehicular)</u>	<u>4 spaces per 1,000 square feet GFA</u>	<u>N/A</u>
<u>Automotive Paint and Body</u>	<u>4 spaces per 1,000 square feet GFA<sup>④</sup></u>	<u>N/A</u>
<u>Automotive Service Station With or Without Major Repairs</u>	<u>4 spaces per 1,000 square feet GFA plus 2 spaces per repair bay<sup>⑤</sup></u>	<u>N/A</u>
<u>Bakeries</u>		
<u>Commercial Preparation</u>	<u>1 space per employee (maximum shift) plus 1 space per 10,000 GFA</u>	<u>C<sup>⑥</sup></u>
<u>Bakeries, Retail limited preparation</u>	<u>5 spaces per 1,000 square feet GFA</u>	<u>N/A</u>
<u>Bowling Alley</u>	<u>2 spaces per bowling lane plus 1 space per 250 square feet of other recreational area; such as billiard room</u>	<u>C</u>
<u>Building Supplies</u>	<u>5 spaces per 1,000 square feet GFA</u>	<u>B</u>
<u>Business Offices/Studios, Individual</u>	<u>5 spaces per 1,000 square feet GFA</u>	<u>N/A</u>
<u>Car Wash Self Service or Automatic</u>	<u>4 spaces per 1,000 square feet GFA plus a 10 by 20 foot area adjacent to each vacuum or detailing area</u>	<u>N/A</u>
<u>Chemicals</u>		
<u>Retail and Wholesale</u>	<u>4 spaces per 1,000 square feet GFA</u>	<u>C</u>

③ "B" means Standard B, which requires one (1) space for the first ten thousand (10,000) square feet of gross floor area, plus one (1) space for each additional fifteen thousand (15,000) square feet. See Sec. 500.19.N.1.b.

④ Vehicles shall not be stored in view. A snow fence or vegetation may be used to screen the vehicles from view.

⑤ If a convenience store is associated with the service station, then one-half (.50) of the additional spaces will be adjacent to the store.

⑥ "C" means Standard C, which requires one (1) space for the first ten thousand (10,000) square feet of gross floor area, plus one (1) space for each additional one hundred thousand (100,000) square feet. See Sec. 500.19.N.1.c.

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COMMERCIAL (cont.)

Use Classification	Minimum Off-Street Parking Requirements	Off-Street Loading Requirements
Clinics/Offices Medical, Dental, Chiropractic (Outpatient only)	5 spaces per 1,000 square feet GFA	C
Confectionary Retail and Limited to Preparation of Products for On-Premise Sale	5 spaces per 1,000 square feet GFA	N/A
Confectionary, Commercial Preparation	1 space per employee (maximum shift), plus 1 space per 10,000 GFA	A <sup>①</sup>
Commercial New and Used Auto, Truck, Boat, Motorcycles, Mobile Home, Recreational Vehicle Sale and Rental and Repair Facilities and Lots	See Sec. 500.13.A	A
Convenience Food and Beverage Stores	5 spaces per 1,000 square feet GFA	C
Dairy Processing	1 space per employee (maximum shift) plus 1 space per 10,000 GFA	A
Department Store (Full Service)	5 spaces per 1,000 square feet GFA	B
Drive In Restaurant	30 per 1,000 square feet GFA 25 spaces minimum	C
Drive Through Establishment	1 space per establishment with a drive through window, except financial institutions	C
Dry Cleaning Pickup and Laundry Pickup Stations	5 spaces per 1,000 square feet GFA	N/A
Dry Cleaning Plant	1 space per employee (maximum shift) plus 1 space per 10,000 GFA	B
Electronic Equipment Retail and Wholesale	4 spaces per 1,000 square feet GFA	B
Financial Institutions	5 spaces per 1,000 square feet GFA	N/A
Flea Market (Enclosed)	5 spaces per 1,000 square feet GFA	C
Flea Market (Outdoor)	4 spaces per 1,000 square feet GFA	N/A

<sup>①</sup> "A" means Standard A, which requires one (1) space for the first five thousand (5,000) square feet of gross floor area, plus one (1) space for each additional thirty thousand (30,000) square feet. See Sec. 500.19.N.1.a.

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COMMERCIAL (cont.)

Use Classification	Minimum Off-Street Parking Requirements	Off-Street Loading Requirements
Funeral Homes, Mausoleums and Crematories	<u>4 spaces per 1,000 square feet GFA plus 1 space per each 3 seats</u>	C
Furniture or Carpet Sales	<u>1 space per 200 square feet of GFA plus 1 space for every 750 square feet of GFA of product storage space</u>	B
General Retail, including but not limited to: Butcher Shops Cosmetics Delicatessen Food Store Leather Goods Shoe Shops	<u>5 spaces per 1,000 square feet GFA</u>	C
Hardware, Paint and Garden Supplies	<u>5 spaces per 1,000 square feet GFA</u>	C
Hotel or Motel	<u>1 space per rentable room plus 1 space for each employee (maximum shift)</u>	C
Indoor Recreation except theaters and bowling alleys	<u>4 spaces per 1,000 square feet</u>	C
Laboratories Medical and Dental	<u>5 spaces per 1,000 square feet GFA</u>	C
Large Scale Community and Regional Shopping Centers	<u>5 spaces per 1,000 square feet GFA</u>	B
Laundry Plant	<u>1 space per employee (maximum shift) plus 1 space per 10,000 GFA</u>	A
Lounge	<u>1 space per 2 occupants at maximum capacity</u>	C
Lumber Yard Retail and Wholesale	<u>4 spaces per 1,000 square feet GFA</u>	B
Machinery, Retail	<u>4 spaces per 1,000 square feet GFA</u>	B
Marine Facilities	<u>See Sec. 500.6</u>	
Meat Cutting Retail and Wholesale	<u>4 spaces per 1,000 square feet GFA</u>	N/A
Millwork and Woodwork Retail and Wholesale	<u>4 spaces per 1,000 square feet GFA</u>	C
Monument Sales	<u>4 spaces per 1,000 square feet GFA</u>	N/A
Moving and Storage	<u>1 space per employee (maximum shift) plus 1 space per 10,000 GFA</u>	A

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COMMERCIAL (cont.)

Use Classification	Minimum Off-Street Parking Requirements	Off-Street Loading Requirements
Museum/Art Gallery	4 spaces per 1,000 square feet GFA	C
Newsstand	5 spaces per 1,000 square feet GFA	N/A
Nurseries and Greenhouses (including those accessory to a retail center)	1 space per employee (maximum shift) plus 1 space per 10,000 GFA	B
Office/Warehouse	See Sec 500.39	B <del>Q</del>
Personnel Services including but not limited to: Barber Shops Beauty Salons Masseuse	5 spaces per 1,000 square feet GFA	N/A
Pharmacy	5 spaces per 1,000 square feet GFA	C
Planned: General Commercial Developments, Neighborhood Commercial Developments, Office Business Parks	5 spaces per 1,000 square feet GFA	A
Precision Instruments and Optics, Retail and Wholesale	4 spaces per 1,000 square feet GFA	C
Printing and Publishing Service	4 spaces per 1,000 square feet GFA	C
Professional Offices	5 spaces per 1,000 square feet GFA	N/A
Propane Gas and Fuels	4 spaces per 1,000 square feet GFA	N/A
Public and Private Utility Services	1 space per employee (maximum shift), plus 1 space per 10,000 GFA	N/A
Recreation Facilities, Amusements and Attractions, Exhibits, Public and Private	See Sec. 500.9 K.	C
Restaurant or Cafeteria, predominately Eat-in	12 spaces per 1,000 square feet GFA	C
Restaurant, predominately Drive-through or Take-out	1 space per 50 square feet of customer service area, plus 1 space and queuing for any drive-through window	B
Restaurant, Drive-In	30 spaces per 1,000 square feet GFA 25 spaces minimum	C
Recreational Vehicle Park	See Sec. 500.23 G.3 B.	
Salvage Yard	1 space per employee (maximum shift) plus 1 space per 10,000 gross lot area	C

① Based on warehouse space

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COMMERCIAL (cont.)

<u>Use Classification</u>	<u>Minimum Off-Street Parking Requirements</u>	<u>Off-Street Loading Requirements</u>
<u>Seaplanes</u>	<u>See Sec. 500.25.G</u>	<u>N/A</u>
<u>Self-Service Laundry and Dry Cleaning</u>	<u>5 spaces per 1,000 square feet GFA</u>	<u>N/A</u>
<u>Self-Service Storage Facility</u>	<u>See Sec. 500.38</u>	<u>N/A</u>
<u>Shoe, Appliance and other Repair Services</u>	<u>4 spaces per 1,000 square feet GFA</u>	<u>N/A</u>
<u>Taxidermist</u>	<u>4 spaces per 1,000 square feet GFA</u>	<u>N/A</u>
<u>Theatres, Auditoriums Studios, and Other Places of Public Assembly</u>	<u>1 space per 3 seats plus 1 space per employee (maximum shift)</u>	<u>C</u>
<u>Upholstery Shop</u>	<u>4 spaces per 1,000 square feet GFA</u>	<u>N/A</u>
<u>Variety Store</u>	<u>5 spaces per 1,000 square feet GFA</u>	<u>C</u>
<u>Veterinary Club excluding animal exercise area</u>	<u>5 spaces per 1,000 square feet GFA</u>	<u>N/A</u>

CIVIC AND INSTITUTIONAL USES

<u>Use Classification</u>	<u>Minimum Off-Street Parking Requirements</u>	<u>Off-Street Loading Requirements</u>
<u>Airports, Landing Strips and Heliports</u>	<u>1 space per tie down/hanger</u>	<u>C</u>
<u>Churches, Synagogues and other Places of Worship</u>	<u>1 space per 3 fixed seats (schools and gymnasiums calculated separately)</u>	
<u>College and University, Trade, Vocational and Seminary Facilities</u>		
<u>a. Student Parking</u>	<u>2 spaces per 2 students</u>	<u>C</u>
<u>b. Gymnasiums/Auditoriums</u>	<u>1 space per 4 seats</u>	
<u>c. Administrative, Educational, and Office</u>	<u>1 space per 300 square feet</u>	
<u>Convalescent and Nursing Homes</u>	<u>1 space per 4 beds patient capacity, plus 1 space per employee (maximum shift)</u>	<u>D①</u>
<u>Convent or Cloister</u>	<u>2 spaces plus 1 space for every 10 residents living in building</u>	

① "D" means Standard D, which requires one (1) space for each fifty (50) beds. See Sec. 500.19.N.1.d.

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CIVIC AND INSTITUTIONAL USES (Cont'd)

Use Classification	Minimum Off-Street Parking Requirements	Off-Street Loading Requirements
Day Care Services	1 space per 250 square feet GFA plus a minimum of 5 visitor spaces ①	N/A
Government Services	1 space per employee (maximum shift), 1 space per 3 fixed seats of public assembly room ②	N/A
Hospitals	1.5 spaces per bed and 1 space per employee (maximum shift) plus spaces for emergency vehicles	C
Public and Private Primary Educational Facilities Grades 1 through 8	1 space per classroom and 1 space per employee	C
Public and Private Secondary Educational Facilities Grades 9 through 12	1 space per employee plus 0.5 space per student	C
Rectory	1 space per priest, minister or rabbi, 1 space per employee (minimum 3 spaces)	N/A
Retreat House	1 space per 3 beds plus 1 space per employee (maximum shift)	

MISCELLANEOUS USES

Use Classification	Minimum Off-Street Parking Requirements	Off-Street Loading Requirements
Agricultural Accessory	1 space per employee (maximum shift) 5 spaces minimum	N/A
Agricultural Research and Development	1 space per employee (maximum shift) 10 spaces minimum	B

① Such facilities shall provide clear ingress and egress and a convenient passenger drop-off area located adjacent to the building and out of the primary travel lanes.

② If service is a direct service provider and is frequented on a daily basis by the general public, then four (4) spaces per one thousand (1,000) square feet of customer service space shall be provided.

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AGRICULTURAL USES (Cont'd)

Use Classification	Minimum Off-Street Parking Requirements	Off-Street Loading Requirements
General Farming Activities	N/A	N/A
Migrant and Transient Farm Labor Quarters and Camps, including Tenant Dwellings	0.5 space per dwelling unit	N/A
Temporary Uses Enclosed Activities	1 space per 4 seats	N/A
Temporary Uses Open Activities	10 spaces per acre of ground covered, or 50 spaces minimum, whichever is greater	N/A

INDUSTRIAL

Use Classification	Minimum Off-Street Parking Requirements	Off-Street Loading Requirements
General Use	1 space per employee and staff member (maximum shift) plus 1 space per 1,000 square feet GEA	A
Warehouse	1 space per 2,000 square feet GEA plus 1 space per employee (maximum shift)	A

B. Special regulations for off-street parking.

a. Shared parking. Shared parking shall be allowed by special permit issued by the Site Plan Review Committee. Applications for shared parking shall be made on the appropriate Site Plan Review Committee application forms, and shall be consistent with the following standards:

1. General. All land uses which participate in a single shared parking plan shall be located on the same lot, or on lots which share a common boundary. The parking lot shall be developed and used as though the land uses on the lots were a single unit.
2. Written agreement or unity of control. A shared parking plan shall be enforced through written agreement, or through unity of control.
3. Open space reserved for parking for all land uses. Enough land shall be reserved as open space to provide for the combined parking requirements of each land use, or an alternate plan may be provided such as a plan to convert an existing lot to a structure. If reserved as open space, the reserved area shall not be used for on-site retention of storm-water runoff nor be counted to fulfill requirements of Sec. 500.35 (Landscape Code). Additionally, preservation area designated and protected by any

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government shall not be used to satisfy this reserve requirement. The reserved area shall be landscaped and maintained to present an orderly appearance.

**4. Shared parking study. A Shared Parking Study acceptable to the Zoning Director shall be submitted which clearly establishes that land uses will use the shared spaces at different times of the day, week, month or year. The study shall:**

- (a) Be based on the Urban land Institute's methodology for determining shared parking or other generally accepted methodology;
- (b) Address size and type of activities, composition of tenants, rate of turnover for proposed shared spaces, and the anticipated peak parking and traffic loads to be encountered;
- (c) Provide for reduction of paved area by not more than one half (50%) of the combined parking required for each use under Sec. 500.17-7;
- (d) Provide for no reduction of any required handicapped spaces;
- (e) Provide a plan to convert the open space reserved pursuant to Sec. 500.17.C.8.a.(3), to parking area. It may provide for construction of a parking structure to meet combined parking requirements; and
- (f) Be approved by the Office of the County Engineer based on feasibility of the land uses to shared parking due to their particular peak parking and trip generation characteristics.

**5. Covenant. An attested copy of an agreement among the owner(s) of record and the County and the Shared Parking Study shall be provided outlining the terms under which they agree to use the shared parking facility, which shall be approved by the County Attorney. The agreement must be filed in the deed records of the County by the owner(s) or record. Proof of recordation of the agreement shall be presented to the Zoning Director, by a date established by the Zoning Director. The agreement shall:**

- (a) List the names and ownership interest of all parties to the agreement and contain the signatures of those parties;
- (b) Provide a legal description of the property;
- (c) Include a site plan showing the area of the parking parcel and open space reserved area which would provide for future parking.
- (d) Describe the area of the parking parcel and designate and reserve if for shared parking unencumbered by any conditions which would interfere with its use;
- (e) Agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;

- (f) Assure the continued availability of the stalls for joint use and provide assurance that all spaces will be usable without charge to all participating uses;
  - (g) Describe the obligations of each party, including the maintenance responsibility to retain and develop reserved open space for additional parking spaces if the need arises;
  - (h) Incorporate by reference the shared parking study;
  - (i) Be made part of the final site plan certification; and,
  - (j) Describe the agreed upon way the covenant shall be revised.
6. Use change. Should any of the uses be changed, or the Zoning Director find that any of the conditions described in the approved Shared Parking Study or agreement no longer exist, the owner of record shall have the option of submitting a revised shared parking study in accordance with the requirements of this section or providing on-site the required number of spaces for each use.
- b. Handicapped parking. All handicapped parking regulations shall be governed by Secs. 316.1955, 316.1956, and 553.48, Fla. Stat., and shall be paved. The handicapped parking regulations required by these Florida Statutes are available at the Department's Publications office.
- c. Grassed parking. Grassed parking shall be permitted by a special permit, subject to review and approval by the Site Plan Review Committee, and subject to the following requirements.
1. Application requirements. In addition to the Site Plan Review Committee application, the applicant shall submit the following:
    - (a) A written statement of and a site plan showing the area proposed for grassed parking and the proposed method of traffic control to direct vehicular flow and parking;
    - (b) A written statement that the parking area proposed for grassed parking shall be used for parking on an average of no more than two (2) days or nights each week, this information shall contain the proposed hours and days of the expected use of the grassed parking and the expected average daily traffic peak hour traffic counts, as calculated by a registered engineer;
    - (c) Description of the method to ensure that the grassed parking surface will be maintained in its entirety with a viable turf cover due to infrequency of use;
    - (d) A conceptual drainage plan for the entire parking area; and
    - (e) A description of the soil type of the area proposed for grassed parking.
  2. Permit. If at any time prior to the approved expiration date it is determined that a grassed parking site does not meet the minimum requirements established in this section, the Zoning Director may require the restoration of the grassed surface or the paving of the grass for parking.

3. **Standard for review and approval of application.**  
The following standards shall apply to the Site Plan Review Committee review and approval of the application for a grassed parking permit.
- (a) Only stalls provided for peak demand may be approved as grassed parking. Paved parking shall be provided for average daily traffic, including weekday employees and visitors.
  - (b) The Engineering Department may determine that site specific factors, such as but not limited to soil type, exist which necessitate that substructural improvements be made to the area planned for grassed parking.
  - (c) The review shall find that the area does not include any existing or proposed landscaped area, surface water management area or an easement other than a utility easement.
  - (d) None of the grass parking is provided for handicapped persons.
  - (e) Grassed parking areas meet all minimum interior landscaping requirements normally associated with hard surface parking facilities as required in Sec. 500.35 (Landscape Code). No grassed parking area shall be counted toward meeting the minimum landscape or open space requirements.
  - (f) Within grassed parking areas, all access aisles shall either: (1) be paved and meet the same substructural and surface requirements as for paved asphaltic parking surfaces; or (2) be surfaced with paverblock, or other semi-pervious coverage approved by the County Engineer.
- d. **Valet parking.** Valet parking may be used upon any lot to satisfy, in part, off-street parking standards. The design of valet parking shall not cause customers who do not use the valet service to park off-premise or in the right-of-way or cause queuing in the right-of-way. In addition:
- 1. **Maximum number of reserved stalls.** Up to fifty percent (50%) of the required off-street parking spaces may be reserved for valet parking.
  - 2. **Location of reserved stalls.** Stalls reserved for valet parking may be located anywhere on site, except that handicapped parking spaces shall be the spaces located closest to the nearest accessible entrance of the building that the parking spaces are intended to serve.

9. **Dimensions and geometrics of parking areas.**

- a. **Minimum standards.** The dimensions and geometrics of off-street parking areas shall conform to the minimum standards of this subsection.
- b. **Rules for calculating dimensions.** If proposed parking angles are not illustrated in Table 500.17-1 and Figure 500.17-1, below, dimensions shall be interpolated from the tables and approved by the Zoning Director.
- c. **Dimensions.**
  - 1. **Residential dwelling units.**

- (a) Dwelling units which do not share a common parking lot. Each parking space for dwelling units which do not share a common parking lot shall be a minimum of eight feet (8') wide and twenty feet (20') long. Parking spaces may be provided in a manner in which the stalls are side-by-side, end-to-end or not contiguous to each other.
- (b) All dwelling units which share a common parking lot. For dwelling units which share a common parking lot, parking stalls, and aisles shall be the size provided in Table 500.17-1, below, using the "general" standard.

**2. Non-residential land uses and residential land uses with shared parking lots.** All non-residential land uses and residential land uses with shared parking lots shall provide parking spaces that comply with the dimensional requirements shown in Table 500.17-1 and Figure 500.17-1.

In Column 1:

- (a) General. The term "general" applies to parking spaces designated to serve all commercial uses, except retail uses, and also residential uses with shared parking lots. Spaces to be reserved for use by disable persons shall be governed by the rows labelled "handicapped".
- (b) Unspecified. The term "unspecified" is included to provide a guideline for the design of parking spaces above the minimum required width.
- (c) Retail land uses. All retail land uses shall provide parking spaces that have minimum widths of nine and one-half feet (9.5'). Other required dimensions of the stall shall be governed by Table 500.17-1.
- (d) Handicapped parking. All spaces marked and reserved for use by disable persons shall be installed in accordance with the handicapped parking requirements of Secs. 316.1955, 316.1956 and 553.48, Fla. Stat.
- (e) Queuing distance. A minimum queuing distance of twenty feet (20') is required between the property line and the first stall.

**3. Parallel parking.** Parallel parking spaces shall have minimum lengths of twenty-three feet (23') and minimum widths of ten feet (10') (see Figure 500.17-2).

**4. Measuring stall width.** Where double striping is used to mark stalls, stall width shall be measured from the centerline of one (1) set of stripes to the centerline of the other set of stripes. Where a single striping is used to delineate stalls, the width shall be measured from the centerline of each stripe to the centerline of each stripe.

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**TABLE 500.17-1.  
MINIMUM PARKING BAY DIMENSIONS FOR  
NON-RESIDENTIAL USES AND RESIDENTIAL USES WITH SHARED PARKING LOTS**

Angle A	Stall Width B	Stall Depth C	Aisle Width D	Curb Length E	Wall to Wall Width F	Interlock to Interlock Width G	Stall Depth to Interlock H	Land Use I
45	9'0"	17'6"	12'0"	12'6"	47'0"	44'0"	15'6"	general
	9'6"	17'6"	12'0"	13'6"	47'0"	44'0"	15'6"	retail
	10'0"	17'6"	12'0"	14'0"	47'0"	44'0"	15'6"	unspecified
	12'0"	17'6"	12'0"	17'0"	47'0"	44'0"	15'6"	handicapped
60	9'0"	19'0"	16'0"	10'6"	55'0"	52'0"	17'6"	general
	9'6"	19'0"	15'0"	11'0"	54'0"	51'0"	17'6"	retail
	10'0"	19'0"	14'0"	11'6"	53'0"	50'0"	17'6"	unspecified
	12'0"	19'0"	14'0"	14'0"	53'0"	50'0"	17'6"	handicapped
70	9'0"	19'6"	19'0"	9'6"	58'0"	0"	18'6"	general
	9'6"	19'6"	18'0"	10'0"	57'0"	55'0"	18'6"	retail
	10'0"	19'6"	17'0"	10'6"	56'0"	54'0"	18'6"	unspecified
	12'0"	19'6"	17'0"	12'6"	56'0"	54'0"	18'6"	handicapped
75	9'0"	19'6"	23'0"	9'6"	62'0"	60'0"	18'6"	general
	9'6"	19'6"	22'0"	10'0"	61'0"	59'0"	18'6"	retail
	10'0"	19'6"	21'0"	10'6"	60'0"	58'0"	18'6"	unspecified
	12'0"	19'6"	21'0"	12'6"	60'0"	58'0"	18'6"	handicapped
80	9'0"	19'6"	24'0"	9'0"	63'0"	62'0"	19'0"	general
	9'6"	19'6"	23'0"	9'6"	62'0"	61'0"	19'0"	retail
	10'0"	19'6"	22'0"	10'0"	61'0"	60'0"	19'0"	unspecified
	12'0"	19'6"	22'0"	12'0"	61'0"	60'0"	19'0"	handicapped
90	9'0"	18'6"	26'0"	9'0"	63'0"	63'0"	18'6"	general
	9'6"	18'6"	25'0"	9'6"	62'0"	62'0"	18'6"	retail
	10'0"	18'6"	24'0"	10'0"	61'0"	61'0"	18'6"	unspecified
	12'0"	18'6"	24'0"	12'0"	61'0"	61'0"	18'6"	handicapped

1. Dimensional requirements for stalls vary depending on the angle of parking provided (Column A) and the land use that the parking serves (Column I).
2. In Column I, above, "general" applies to parking spaces designated to serve all commercial uses, except retail uses, and also residential uses with shared parking lots. Spaces to be reserved for use by disabled persons shall be governed by the rows labelled "handicapped". The label "unspecified" is included to provide a guideline for the design of spaces above the minimum required width.
3. The paved stall depth may be affected by Sec. 500.35.G.9201(d).

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J. Minimum parking bay dimensions by parking angle and parking bay illustrations.

Parking

A	B	C	Angle	A'	B'	C'
21'	30'	30'	0	33'	42'	42'
27'	43'	34'	20	39'	50'	50'
30'	49'	39'	30	41'	61'	53'
32'	52'	44'	40	43'	63'	55'
34'	54'	47'	45	45'	66'	59'
34'	54'	48'	50	45'	66'	60'
40'	61'	56'	60	50'	70'	68'
40'	61'	57'	70	50'	70'	69'
45'	65'	64'	80	45'	65'	65'
45'	65'	65'	90	45'	65'	65'

FIGURE 500.17-1:  
PARKING STALL SCHEMATIC

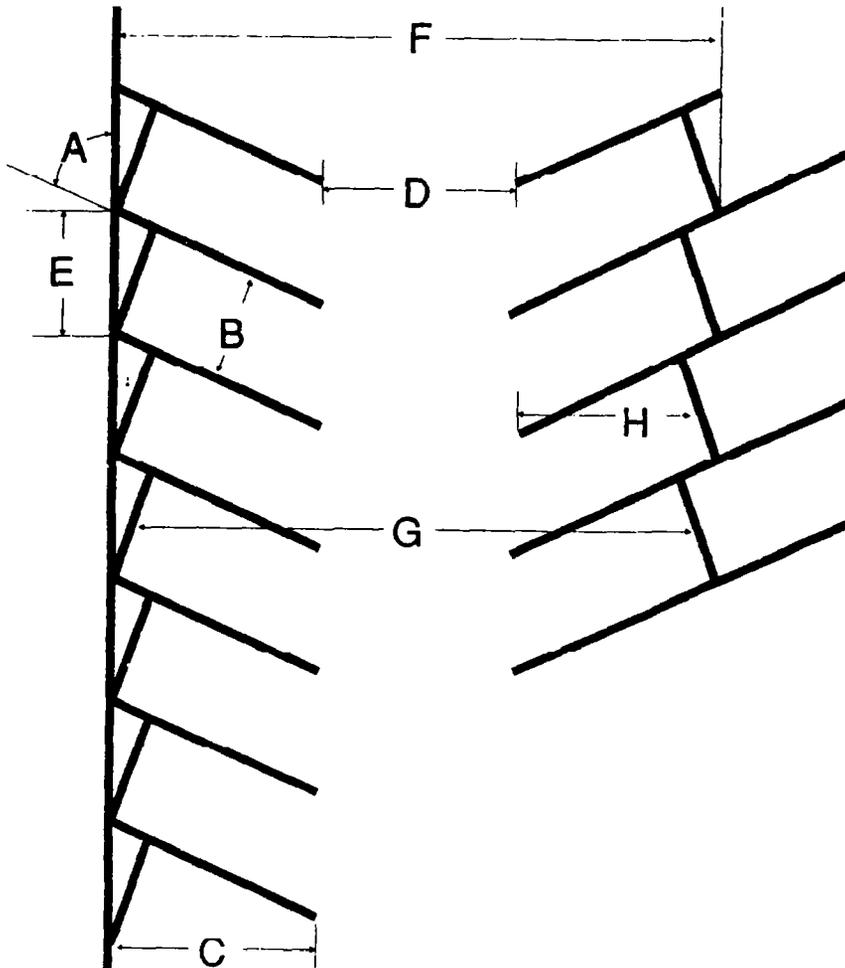
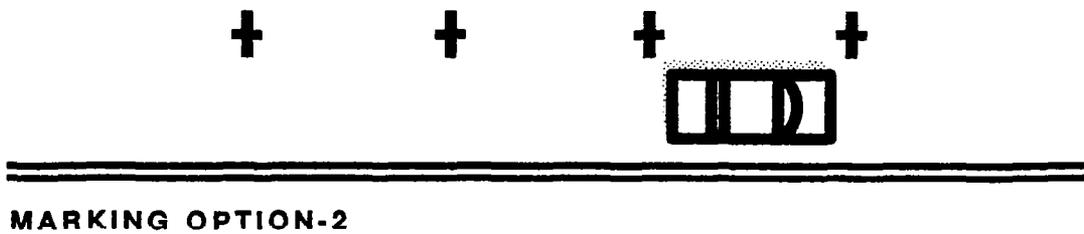
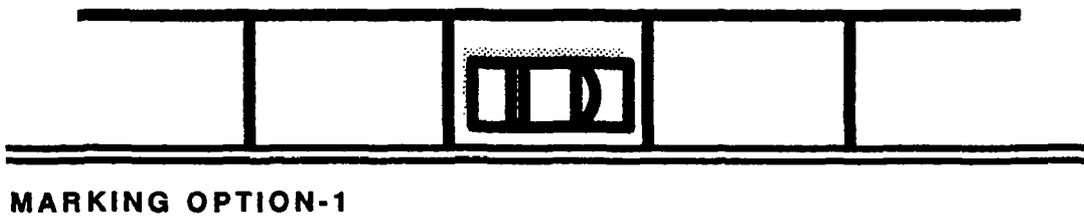
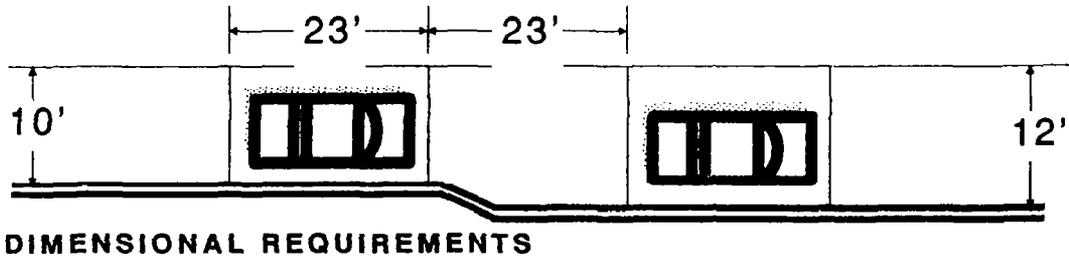
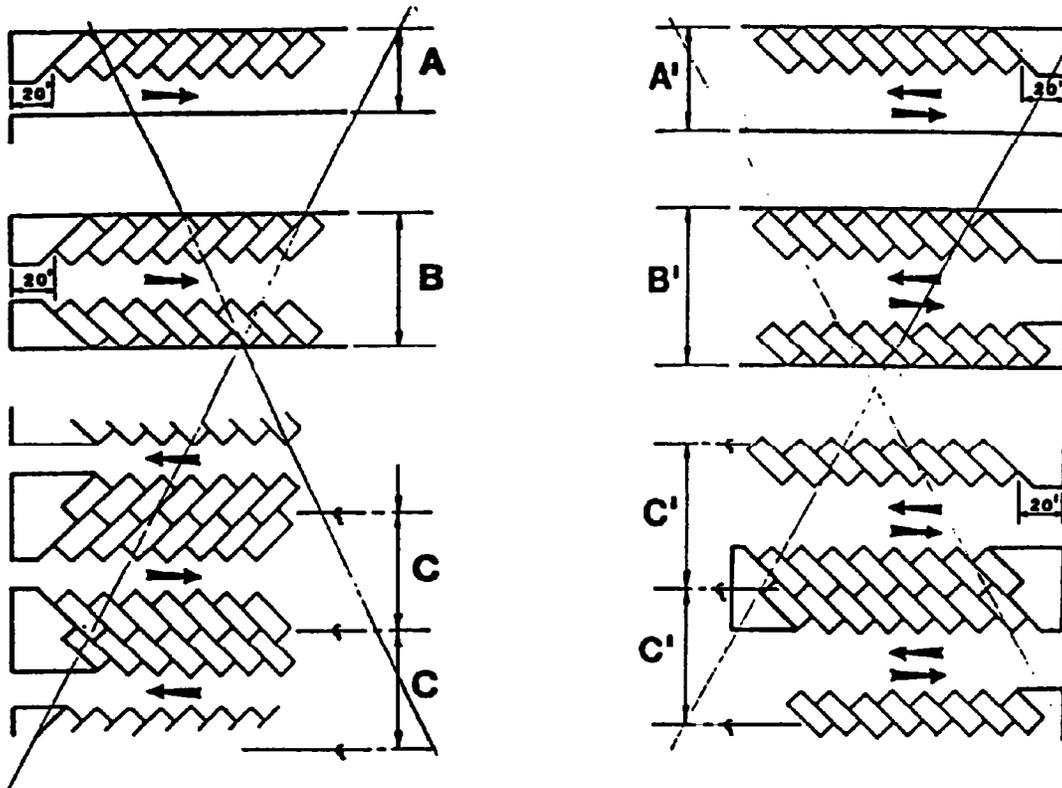


FIGURE 500.17-2:  
PARALLEL PARKING DIMENSIONAL REQUIREMENT AND MARKING OPTION



PARKING LOT SCHEMATIC  
ONE-WAY TRAFFIC TWO-WAY TRAFFIC



**NOTES:**

1. ~~All examples show forty five (45) degree angle parking.~~
2. ~~Wheel slope or curbs are required when the parking spaces face the property line.~~
3. ~~A minimum backup distance of twenty (20) feet is required between the property line and the first stall as shown in examples above.~~

**10. Construction and design of parking areas.**

**a. General on-site circulation design standards.**

1. There shall be safe, adequate, and convenient arrangement of pedestrian pathways, bikeways, roadways, driveways, and off-street parking and loading spaces within parking areas.

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2. Streets, pedestrian walks, parking areas, and open space shall be designed as integral parts of an overall site design which shall be property related to existing and proposed buildings, adjacent land uses and landscaped areas.
3. The materials used in the design of paving, lighting fixtures, retaining walls, fences, curbs and benches shall be good appearance, easily maintained and indicative of their function.
4. Parking lots shall be maintained in a safe operating condition and manner as to not create a hazard or nuisance.

**b. Pedestrian circulation.**

1. Structures, vehicular circulation lanes, parking stalls, driveways, and open spaces shall be designed to provide logical, impediment free pedestrian movement. The site shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.
2. Paved, landscaped or comfortably graded pedestrian walks shall be provided along the lines of most intense use, particularly from building entrances to streets, parking areas, and adjacent buildings.
3. Where off-street parking spaces directly face a structure, and are not separated by an access aisle from the structure, a paved pedestrian walkway shall be provided between the front of the parking stall and the structure. The walkway shall be a minimum of four feet (4') wide, exclusive of vehicle overhang, and shall be separated from the parking stall by concrete wheel stops or continuous curbing. Residential vehicular use areas are exempt from this requirement.

**c. Location of accessory parking.** All accessory parking shall be located: (1) upon the same lot as the land use it is intended to serve; or (2) upon a lot which (a) shares a common boundary with the principal land use, (b) is properly zoned for accessory parking, and (c) subject to the same site plan and a unity of title or control agreement as the land use the parking is intended to serve.

**c.d. Locations of on-site parking spaces.**

- (1) Unless otherwise provided in this section, parking spaces shall be located so that no spaces are a greater distance more than six hundred feet (600') from the building or land use to which they are assigned they are intended to serve, provided; This requirement shall not apply to parking spaces for auditoriums, stadiums, assembly halls, gymnasiums, and other places of assembly; industrial, wholesaling and manufacturing establishments; hospitals; and large-scale retail, wholesale, and consumer service uses of over five hundred thousand (500,000) square feet.
- (2) There shall be no parking or storing of vehicles in the landscape buffer or the ultimate right-of-way.
- (3) There shall be no parking of automobiles at the rear of a structure unless a public pedestrian walk connects it to the front of the building or there exists an entrance of store in the rear. Such pedestrian accessway shall be a minimum of four feet (4') in width and shall be clearly marked. This requirements may be waived by the Site Plan Review Committee upon demonstration by the applicant that no safety hazards will be created.

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determine from the site plans submitted, whether the requirements of the Landscape Ordinance have been met:

**e.f. Paving standards. Drainage and maintenance:**

1. ~~Reviewed and approved by engineering department. The proposed grading and construction drainage of for the off-street parking facilities shall be approved by the Department Office of the County Engineer.~~
2. ~~Materials and methods. Unless otherwise provided in Sec. 500.17.D.3, all vehicular use areas and specialized vehicular use areas shall be improved either with: (a) a minimum of a six inch (6") shellrock or limerock base with a one inch (1") hotplant mix asphaltic concrete surface; or (b) a base and surface material of equivalent durability.~~  
~~All parking areas shall be paved with a minimum of six (6) inch shellrock or limerock base and a one (1) inch hotplant mix asphaltic concrete or other acceptable base for durable weatherproof surface pavement. The parking lot shall be maintained in a manner as to not create a hazard or nuisance:~~
3. ~~Maintenance of paved vehicular use areas. All vehicular use areas or specialized vehicular use areas shall be maintained in good condition to prevent any hazards, such as cracked asphalt or potholes.~~
4. ~~Shell rock allowed. The land uses and associated features listed below may construct surface parking lots with shellrock or other similar material.~~
  - (a) ~~Agricultural uses with less than twenty (20) spaces.~~
  - (b) ~~Radio Towers in the Agricultural Zoning Districts.~~
  - (c) ~~Camps in the Agricultural Zoning Districts.~~
  - (d) ~~Nursery and Greenhouses in the Agricultural Zoning Districts.~~
  - (e) ~~Driveways in Rural Residential Zoning Districts serving residential uses or unpaved roads.~~
  - (f) ~~Other similar land uses when approved by the Site Plan Review Committee or the Office of the County Engineer.~~
5. ~~Wheelstops or curbing required. Wheel stops or continuous curbing shall be placed two and one-half (2.5) feet back from walls, poles, structures, pedestrian walkways or landscaped areas. The area between any wheel stop and required landscaped strip may be grassed, rendering the paved stall area fifteen (15') to sixteen (16') feet in length, depending on the angle of parking provided.~~

**c.g. Drainage standards.** ~~Runoff from Vehicular Use Areas shall be controlled and treated in accordance with all applicable agency requirements in effect at the time of permit application.~~

**d.h. Lighting.** ~~If a vehicular use area, or a specialized vehicular use area is to be open for use after dark, it shall be lighted. Lighting shall be arranged and designed so that no source of light is directed toward any adjoining or nearby property used or zoned for residential purposes. Lighting all be designed to shield public streets and all other adjacent properties~~

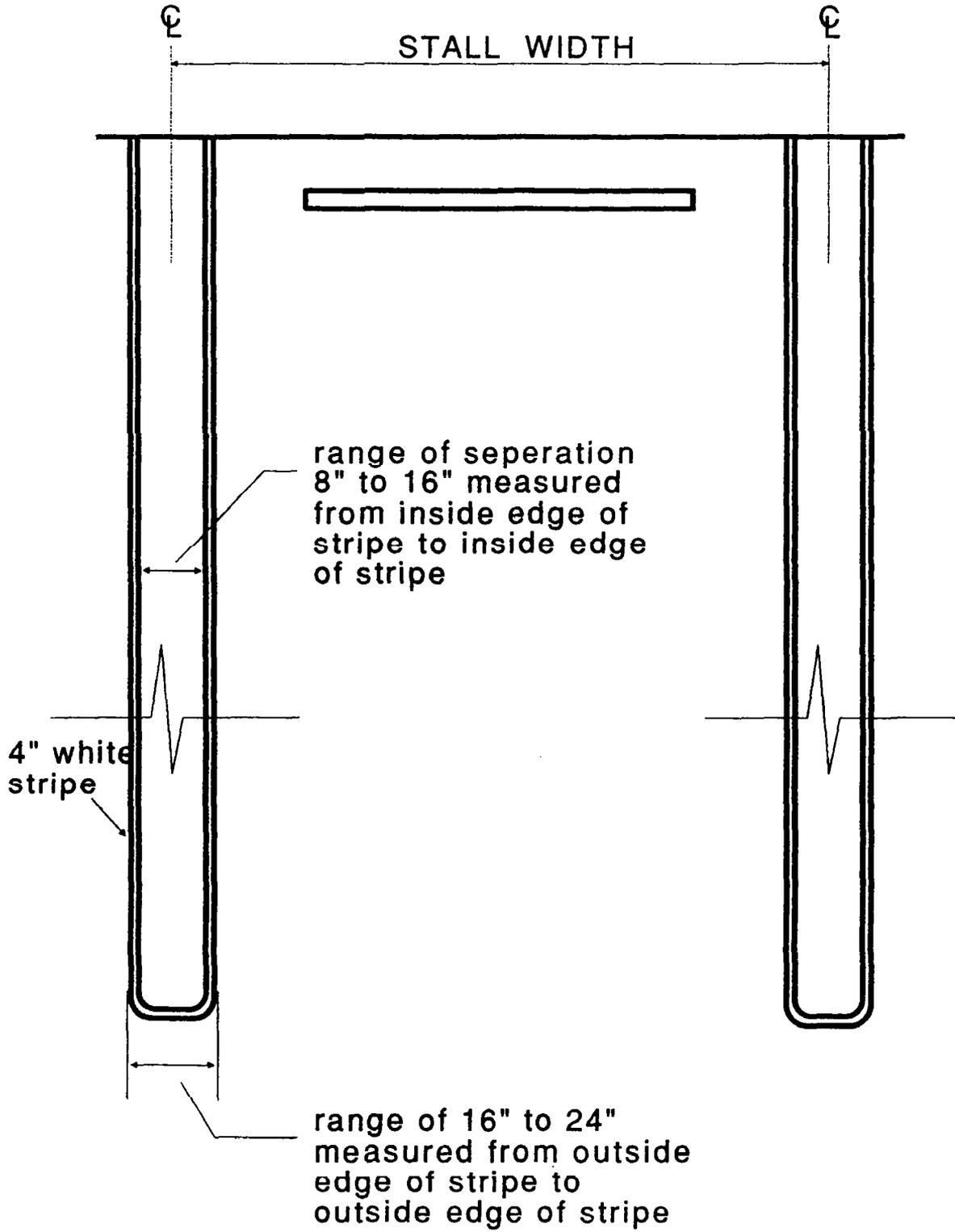
from direct or distracting glare, or hazardous interference of any kind. Vehicular use areas shall not be lighted at any other time than the hours of operations of the land use that the parking is intended to serve, except for necessary security lighting. All vehicular use areas must also meet the lighting standards contained in the Palm Beach County Security Code and the Sea Turtle Protection Ordinance, as applicable.

F.I. ~~Parking geometries, signing~~ Signage and marking requirements. ~~The parking shall be se designed as to meet the minimum geometric requirements as defined in subsection J. The minimum stall width for residential parking areas shall be nine (9) feet. All other parking areas shall have ten (10) foot stall widths. All parking shall be delineated by painted lines, curbs or other means to indicate individual spaces.~~

1. Marking. ~~Except for parallel parking spaces, parking lots containing stalls for three (3) or more vehicles shall delineate each stall by double stripes on each side of the stall. All stripes shall be painted in white paint except for handicapped spaces which shall have blue stripes. The width of the painted stripe shall be four inches (4"). The separation from inside edge of stripe to inside edge of stripe shall be no less than eight inches (8") and no more than sixteen inches (16"). The effective width of the double stripes shall range from sixteen inches (16") to twenty-four inches (24"), measured from outside edge of stripe to outside edge of stripe. (See Figure 500.17-3 for an example). Marking of parallel parking spaces shall be as shown in either of the options in Figure 500.17-2.~~

2. Signage. ~~Traffic control signs and other pavement markings shall be used installed and maintained as necessary to insure safe and efficient traffic operation of the lots, all vehicular use areas. Such signage signing and marking shall be subject to the approval of the Department, and conform with the Manual on Uniform Traffic Control Devices, Federal Highway Administration, U.S. Department of Transportation, as adopted by the Florida Department of Transportation, as revised.~~

**FIGURE 500.17-3**  
**STRIPING REQUIREMENTS**



G.f. **Parking access and driveways Ingress and egress to vehicular use areas.**

1. **Ingress and egress.** Each parking stall shall have appropriate access to a street or an alley. ~~Only dwelling units with separate unshared driveways shall be allowed backward egress from a driveway onto a local street. In all other cases,~~ maneuvering and access aisle area shall be sufficient to permit vehicles to enter and leave parking areas ~~the vehicular use area or specialized vehicular use area~~ in a forward motion, with the exception of single-family and duplex areas. ~~The location and number of driveways shall be subject to approval by the Office of the County Engineer. Driveways shall be paved and meet the requirements outlined below unless very high volumes or other special circumstances warrant variation by the Office of the County Engineer.~~

H.2. **Dimensions of ingress and egress areas.** ~~The dimensions listed below shall begin at the street and run the entire length of the driveway. This section does not apply to residential land uses.~~

Dimension at Street

Width (in feet)\*

Minimum (one-way)	15
Minimum (two-way)	25
<del>Maximum</del>	<del>35</del>
<del>without median</del>	<del>36</del>
<del>with median</del>	<del>48</del>

Right turn radius (in feet)\*\*

Minimum	<del>10</del> 20
Maximum	30

\* Measured along right-of-way line at inner limit or curbed radius sweep or between radius and near edge of curbed island at least fifty (50) square feet in area. The minimum width applies principally to one-way driveways.

\*\* On side of driveway exposed to entry or exit by right-turning vehicles

E11. **Stacking requirements for drive-up units Queuing.** In addition to meeting the requirements of Sec. 500.17.LC.14., all drive-up through units establishments shall meet the following criteria standards listed below:

- 1.a. Each stacking queuing lane must shall be clearly defined and designed so as not to conflict or interfere with other traffic utilizing using the site.
- 2. ~~A minimum stacking capability, including the vehicle being serviced, or five vehicles per lane shall be provided. Each stacking space shall be a minimum of 10 feet by 20 feet in size.~~
- 3b. A by-pass lane a minimum of twelve feet (12') wide must shall be provided if a one-way traffic flow pattern is used utilized in the parking lot. ~~The by-pass lane shall be clearly designated and distinct from the queuing area.~~

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- c. The minimum number of required queuing spaces, including the vehicle being serviced, shall be as provided in Schedule 500.17-3. Each queuing space shall be a minimum of ten feet (10') by twenty feet (20') in size. Unless otherwise indicated below, queuing shall be measured from the point of ultimate service to the rear of the queuing lane.

**SCHEDULE 500.17-2**

**QUEUING REQUIREMENTS**

<u>Land Use</u>	<u>Number of Queuing Spaces</u>
<u>Drive-through Financial Institution teller lanes</u>	<u>5</u>
<u>automatic teller lane</u>	<u>3</u>
<u>Drive-through Restaurant minimum before menu board</u>	<u>7</u> <u>4</u>
<u>Drive-through Car Wash automatic</u>	<u>5</u>
<u>self-service</u>	<u>3</u>
<u>Drive-through Oil Change</u>	<u>4</u>
<u>Gasoline Pump at Service Station</u>	<u>30 feet of queuing from each end of pump island</u>
<u>Drive-through Convenience Store</u>	<u>3</u>
<u>Drive-through Dry Cleaning or Laundry</u>	<u>3</u>
<u>Drive-through General Retail (bakery, photo lab, etc.)</u>	<u>4</u>
<u>Commercial Parking Lot</u>	<u>3</u>
<u>Vehicle Emission Inspection Station</u>	<u>10</u>

**12. Public, private or commercial parking lots.**

- a. General. Where permitted by special exception, off-street parking lots and structures shall be allowed as the principal land use. These parking lots shall not be contiguous to lands in the Residential Zoning Districts. Parking spaces may be rented for parking. No other business of any kind shall be conducted on the lot, including repair, service, washing, display or storage of vehicles or other goods. Review of applications for parking lots and structures shall consider the proposed operation of the lot. Requirements of this section, including signage, maneuvering, and backup distances may be varied, based on the proposed operation. The requirements of the Zoning Code related to landscaping, lighting, surfacing and drainage may not be varied.
- b. Design. Plans for parking lots shall be drawn to an accurate scale and show the layout of the lot entrance and exits, drainage provisions, signs, surfacing, curbs or barriers, exits and entrances of properties located contiguous and directly across the street, and location and type of landscaping.

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3. Entrances and exits. The size of entrances and exits shall comply with Sec. 500.17 and shall be located to present the least interference with traffic and the least nuisance on any adjacent street. The point of entrance control shall be located to provide three (3) car queuing internal to the site. The location, size and number of entrances and exits shall be subject to the approval of the Office of the County Engineer.

13. Requirements for parking structures.

- a. General. All public or private parking garages may be used to meet off-street parking requirements for any use or combination of uses, and such structures shall be considered accessory to the principal use. Garages shall be designed to meet or exceed the following minimum requirements and regulations. All public or private parking garages shall comply with the standards for surface parking lots with regard to marking, signage and minimum number of spaces to be provided.
- b. Review of plans by department of engineering and public works. The Office of the County Engineer shall review and approve the proposed parking layout. In determining whether a proposed plan shall be approved, the Office of the County Engineer shall apply the standards set forth in this subsection. In addition, the Office of the County Engineer shall consider the following information, which is to be supplied by the applicant:
1. The number, location and associated internal and external vehicular reservoirs;
  2. Anticipated arrival and departure rates and times of day for vehicles using the parking structure;
  3. Type of control for outward and inbound traffic with the associated service rate per lane;
  4. Driveway locations on contiguous property or property on the opposite side of the street;
  5. Information regarding the current and anticipated volume of traffic at adjacent intersections and on surrounding streets serving the parking structure driveways;
  6. Lot size and lot configurations, and safe sight distance; and.
  7. Proposed land usage and the traffic characteristics of the land usage.
- c. Design standards.
1. Module width requirements. The unobstructed distance between columns or walls measured at any point between the ends of the parking aisle shall be as specified in the following table.

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**Module Width Requirements (Feet)**

<u>Angle</u>	<u>Parking on Both Sides of Aisles</u>	<u>Parking on One Side of the Aisle</u>
90	<u>60' one or two-way aisle*</u>	<u>43' one or two-way aisle*</u>
75	<u>59' one-way aisle*</u>	<u>40' one-way aisle*</u>
60	<u>53' one-way aisle</u>	<u>34' one-way aisle*</u>

\*Requests for reductions of unobstructed distances will be considered if the stall and aisle dimensions specified in surface parking dimensions are met and the columns are not located at the rear of the parking stalls or interfere with the opening of doors.

**2.** Minimum parking space widths. The minimum parking stall width shall be eight and one-half feet (8.5') provided that the minimum clear distances specified above are met.

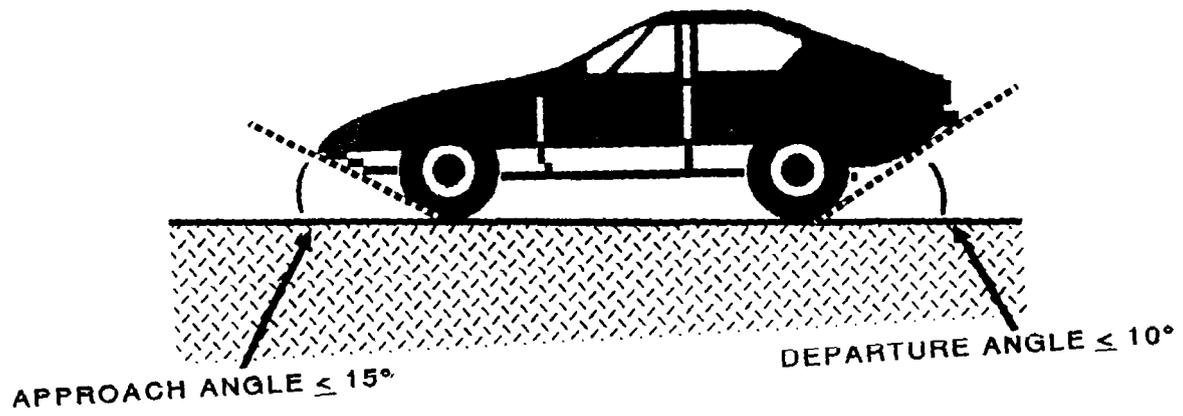
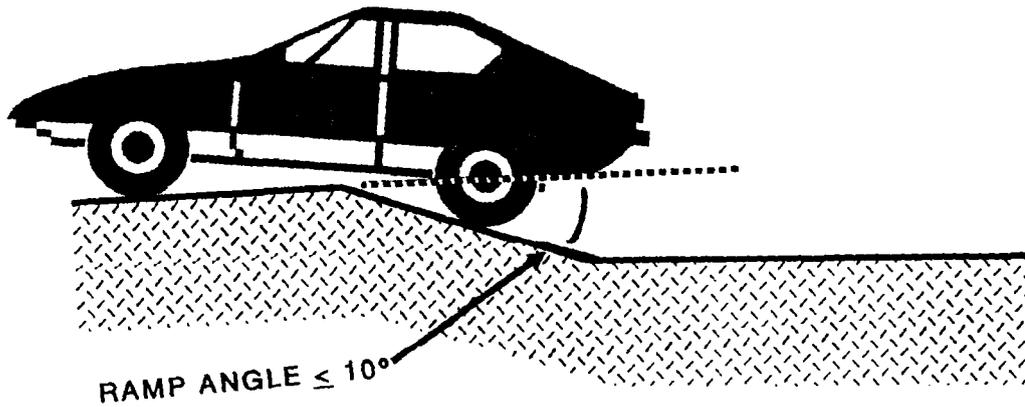
**3.** Ramp dimensions.

**(a)** Width. The width of ramps between parking levels and cross aisles at the end of parking aisles shall be sixteen feet (16') for one-way operation and twenty-six feet (26') for two-way operation.

**(b)** Angles. The maximum approach, departure, and ramp angles (as illustrated and defined in Figure 500.17-5), shall not exceed the values indicated below unless vertical curves (Minimum K=1) are provided to connect the two (2) grades. The design of such vertical curves shall be subject to the review and approval of the Office of the County Engineer.

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FIGURE 500.17-5  
RAMP ANGLES



ORDINANCE NO. 90-11

4. Maximum floor grades. The maximum grade on floors with parking shall be six percent (6%) maximum grade, and on floors without parking shall be twelve percent (12%).
5. Stairways or elevators required. Stairways and elevators shall be made to separate vehicular and pedestrian movements between the various levels of multi-level parking structures.
6. Minimum turning radii. The minimum vehicle turning inside radii shall be fifteen feet (15').
7. Lighting. Lighting of enclosed parking structures shall be provided to meet or exceed the following standards:

	Desirable		Minimum	
	Footcandles	Lux	Footcandles	Lux
Entrance	80-100	860-1080	50-80	540-860
Driving Lanes	10-15	110-180	8-10	85-110
Above				
Parked Vehicles	5-10	55-110	3-5	30-55

8. Handicapped parking. Spaces designed and reserved for use by disabled persons shall be provided pursuant to Sec. 500.17.B.8.b.
9. Plans certified by registered engineer. All plans to construct parking structures shall be designed and certified by a registered engineer or architect. Plans shall be drawn to an accurate scale and show the structure's layout and that all of the minimum requirements for parking structures have been met.

**I.14. Site plan requirements: Supplemental administrative requirements.** At the time of the application for the first development order to be obtained for any use for which parking spaces are required to be constructed, a site plan for such parking facilities shall be submitted to the Department of planning, zoning, and building. The site plan shall include the following: show requirements specific to the land use as outlined in Sec. 500.17, other sections of the Zoning Code, and the following:

- 1.a. Landscaping and screening as outlined in the landscape ordinance: A generalized landscape plan showing location and dimensions of proposed perimeter strips, buffers and interior features. At the time of application for a building permit, a detailed landscape plan shall be submitted detailing the location, type and names of materials proposed for planting.
- 4.b. When the parking facilities are housed in an underground garage of a multi-storied structure or on the roofs of buildings, a site plan shall be submitted thereunder for approval of interior traffic circulation, slope of ramp, ease of access and utilization of ramps, for parking stall and aisle dimensions, proper traffic control signing and pavement marking for safe and efficient vehicular and pedestrian operation, for location of entrances and exits on public roads, for approval of sight distances at such entrances and exits and at corners of intersecting public roads, and for approval of the effective screening of the cars located in or on the parking structures from adjoining properties and from public roads.
- c. Entrances and exists to all public and private roads and easements, dimensioned.
- d. Location and dimensions of all structures.
- e. Location and dimensions of all parking spaces and aisles, queuing lanes, loading areas and any specialized vehicular use areas.

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- f. Location and dimensions of all stalls designed and reserved for disabled persons, and locations of associated ramps.
- g. Directional markings, fire lanes, loading zones, and typical wheel stops or curbing.
- h. Location and dimensions of walls, fences, and pedestrian walkways.
- i. Location of required berms, retention areas, septic tanks, drainfields, and lighting fixtures.
- i. Proposed and existing centerlines of adjacent rights-of-way and streets, rights-of-way dimensions, lot dimensions and lot area.
- k. Any existing easements, including those used for drainage, utility limited access, ingress/egress and maintenance.
- l. Graphical representation of parking surface proposed to have grassed parking and enumeration in the site plan data table of the number of spaces to be grassed.
- m. Delineation of any area reserved as future parking provided for in an approved shared parking plan and enumeration in the site plan data table of the number of spaces for which open space has been reserved.
- n. Any other pertinent information that may be required to satisfy the rules and regulations of this and other applicable Codes and Ordinances or conditions of development approval.

~~2. Channelization and division of parking areas within the interior of the parking lot for pedestrian and vehicular traffic shall be accomplished by the use of landscaped areas with trees, walls, fences, other natural growth or artificial features, or raised curbs. Marked directional lanes and controls, change of grade or other devices to mark points of turn, to separate parking areas shall be used to control traffic movement. Traffic channelization and other traffic controls including signing and pavement marking will be approved by the Department. The county Engineer will approve with regard to ingress and egress to public roads and to safe movement of traffic on the parking lot.~~

~~3. Each parking site or lot shall be designed individually with reference to the size, street pattern, adjacent properties, buildings, and other improvements in the general neighborhood, number of cars to be accommodated, hours, and kinds of use.~~

~~5. The Site Plan shall be prepared with careful regard to the location of the parking facilities with relation to adjoining and neighborhood commercial, industrial, multi-family, and other residential improvements, and shall be devised to have the least adverse effects on such adjoining or neighboring properties. Landscaping shall be as required by the Palm Beach County Landscape Ordinance. The Site Plan submitted shall show the location and design of:~~

- a. ~~Entrances and exits to public roads;~~
- b. ~~The location and size of all buildings and structures.~~
- c. ~~Location and dimensions of parking spaces and aisles, directional markings, traffic control devices and signs, and the location of future parking areas as required by section 500.17, subsection K;~~

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- d. ~~Walls, fences, landscaped areas, banks, berms, changes of grades and planting materials, including the type and names of the materials proposed to be planted; and~~
- e. ~~Such other information that may be required by the Department to meet the rules and regulations of this and other applicable Codes and Ordinances.~~

**500.19 Off-street loading regulations standards.**

A. **Purposes and Intent. Scope.** At any time of the erection of any principal or accessory use at the time any principal or accessory use is altered, enlarged or increased in capacity or intensity, by adding floor area or volume, off-street loading space for the accommodation of trucks servicing the use shall be provided in accordance with this section ~~500-17~~ and other applicable regulations of this the Zoning Code, and with the following requirements and regulations:

<del>USE OR USE</del> CATEGORY	<del>FLOOR AREA IN</del> SQUARE FEET	<del>LOADING SPACES</del> REQUIRED
<del>Retail stores</del> <del>(including depart</del> <del>ment stores, res</del> <del>taurants, consumer</del> <del>service), wholesale</del> <del>and jobbing estab</del> <del>lishments.</del>	<del>3,000-10,000</del> <del>10,000-20,000</del> <del>Each additional</del> <del>20,000 square</del> <del>feet or major</del> <del>fraction thereof</del>	<del>one (1) berth</del> <del>two (2) berths</del> <del>one (1) addi</del> <del>tional berth</del>
<del>Automotive</del> <del>(including any new</del> <del>and used vehicle</del> <del>sales, recreational</del> <del>facilities, amuse</del> <del>ments and attrac</del> <del>tions, airports and</del> <del>heliports.</del>	<del>2,000-15,000</del> <del>15,000-40,000</del> <del>Each additional</del> <del>10,000 square feet</del> <del>or major fraction</del> <del>thereof</del>	<del>one (1) berth</del> <del>two (2) berths</del> <del>one (1) addi</del> <del>tional berth</del>
<del>Office building,</del> <del>apartment building</del> <del>over five (5) floors,</del> <del>hotel, motel, hospital,</del> <del>nursing or convales</del> <del>cent facility</del>	<del>5,000-20,000</del> <del>20,000-100,000</del> <del>More than</del> <del>100,000 square feet</del>	<del>one (1) berth</del> <del>two (2) berths</del> <del>three (3) berths</del>
<del>Arenas, Auditoriums,</del> <del>stadia, trade</del> <del>expositions.</del>	<del>20,000-50,000</del> <del>Over 50,000</del> <del>square feet</del>	<del>two (2) berths</del> <del>four (4)</del> <del>berths</del>
<del>Any manufacturing</del> <del>and processing use,</del> <del>research and develop</del> <del>ment.</del>	<del>up to 15,000</del> <del>15,000-40,000</del> <del>40,000-85,000</del> <del>Each additional</del> <del>80,000 square feet</del>	<del>one (1) berth</del> <del>two (2) berths</del> <del>three (3) berths</del> <del>one (1) addi</del> <del>tional berth</del>

B. **Loading demand statement.** All applicants applications for new or increased use or capacity for non-residential establishments shall include a statement outlining the land use's projected normal demands for loading and unloading, and a plan showing the location on the lot of the off-street

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~~loading space to be provided, in accordance with the provisions of this section. For commercial or industrial establishments with a total of sixty five thousand (65,000) square feet or more of total floor area devoted to such uses, a statement outlining the projected normal demands for loading and unloading for the use, and a plan showing the location on the lot of the space to be provided shall be supplied by the applicant.~~

**C. Relationship to streets and off-street parking.**

1. A street or walkway shall not be used for loading or unloading materials.
2. An off-street loading area shall not be used to satisfy any off-street parking requirements, and the location of the loading area shall not interfere with the free circulation of vehicles in the off-street parking area.
3. Where loading areas are directly adjacent to or integrated with an off-street parking lot, the Zoning Director may require installation of physical barriers, such as curbing, fences, solid hedges, or other means for separation of loading areas from parking areas and pedestrian traffic.

~~C. **Administrative hardship waiver.** For uses which contain less than ten thousand (10,000) square feet of total floor area, the development may waive or reduce the loading requirements whenever the character of the use is such as to make unnecessary the full provision of loading facilities or where such provision would impose an unreasonable hardship upon the use of the lot.~~

**D. No repair activities. No motor vehicle repair work except emergency repair service, shall be permitted in any required off-street loading facility.**

~~D.E. **Mixed uses in one (1) building.** Where a building is used for more than one (1) use or for different uses, and where the floor area used for each use for which the loading space is required is below the minimum for required loading spaces but the aggregate total floor area used is greater than such that use in the building for which the most spaces are required. In such cases, the Department may make reasonable requirements for the location of required loading space.~~

**F. Maximum requirements apply in cases of uncertainty. If there is uncertainty about the amount of loading space required by the provisions of this section as a result of indefiniteness about the proposed use of a building or land, the maximum requirement for the general type of use that is involved shall govern. Where the required number of loading spaces is not set forth for a particular use, and where there is no similar general type of use listed in this section, the Zoning Director shall determine the basis for the number of spaces to be provided by determining the off-street loading demand for the most comparable land use.**

**G. Lighting. Lighting of off-street loading areas shall comply with Sec. 500.17.C.13.c.7. (Off-street Parking).**

~~H. **Landscaping.** All off-street loading areas uses for all uses shall be landscaped as outlined in the Palm Beach County Landscape Ordinance in accordance with Sec.500.35 (Landscape Code). The Planning, Zoning and Building Department will determine from the site plans submitted whether the requirements of the Landscape Ordinance have been met.~~

**E.I. Minimum size, and dimensions, and location of loading space. Loading space shall have the following minimum dimensions:**

1. Berth width. A single loading berth shall have a minimum width of fifteen feet (15'). Additional loading berths that lie alongside, contiguous to, and not separated from a first loading berth may be a minimum of twelve feet (12') in width.
2. Berth length. All loading berths shall be a minimum of thirty-five feet (35') in length.
3. Maneuvering apron. An area equal to the width and length of the berth shall be provided for vehicle maneuvering directly behind the loading berth it is intended to serve.
4. Vertical clearance. A vertical clearance of a minimum of fifteen feet (15') shall be provided throughout the berth and maneuvering apron.
5. Location of loading space. Berths and related space shall be located directly adjacent to the building which requires designated loading space. Loading areas shall be proportionately distributed throughout the site. ~~For the purposes of these regulations a loading space is a space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks, having minimum dimensions of loading bays as follows:~~

Type Vehicle	Width	Length	Maneuvering Apron
Single Units	12 feet	30 feet	30 feet

**G.J. Entrance and exits.** Location and design of entrances and exits shall be in accordance with Sec. 500.17, and Sec. 500.20.

**K. Distance from Intersections.**

1. Distance. No loading space or berth shall be located within forty feet (40') from the nearest point of the edge of pavement or curb of any two (2) intersecting streets.
2. Setback. The surfaced portions of all loading areas, excluding driveways, shall observe a twenty foot (20') setback from all front or side corner lines. When located at the rear of a building, a minimum of five foot (5') setback from all property under separate ownership or control shall be observed.

**F.L. Drainage and maintenance.** All loading areas shall be paved in accordance with the provisions of Sec. 500.17.C.13. ~~The proposed grading and drainage for the off-street loading facilities shall be approved by the Planning, Zoning and Building Department. All loading areas shall be paved with a minimum of six (6) inch shellrock or limerock base and a one (1) inch hotplant mix asphaltic, concrete or other acceptable base and/or durable weatherproof surface pavement. The loading area shall be maintained in a manner as to not create a hazard or nuisance.~~

**M. Access marking.** Each off-street loading space shall be provided with safe and convenient access to a street, without it being necessary to cross or enter any other required loading space. If any loading space is located contiguous to a street, ingress and egress to the street side shall be provided only through driveway openings. The dimension, location and construction of these driveways shall be designed in accordance with the provisions of Sec. 500.20 (Access Driveways) and approved by the Office of the County Engineer. In addition, off-street loading spaces which have three (3) or more berths shall have individual spaces marked, and spaces shall be so arranged that maneuvering to and from a loading space shall be on the same lot unless approved by the County Engineer. Maneuvering shall be permitted in an alley upon the approval of the County Engineer if surrounding land uses are within a compatible Zoning District.

Underlined language (e.g., the) indicates proposed new language.

Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

**N. Minimum required spaces.**

1. **Ratios.** Minimum off-street loading spaces shall be provided in accordance with the Schedule 500.17-1, above. When the calculation of loading spaces results in a fractional number, a fraction of one half (0.5) spaces or greater shall require on full additional loading space.
  - a. **Standard A:** One (1) space for the first five thousand (5,000) square feet of gross floor area, plus one (1) space for each additional thirty thousand (30,000) square feet.
  - b. **Standard B:** One (1) space for the first ten thousand (10,000) square feet of gross floor area, plus one (1) space for each additional fifteen thousand (15,000) square feet.
  - c. **Standard C:** One (1) space for the first ten thousand (10,000) square feet of gross floor area, plus one (1) space for each additional one hundred thousand (100,000) square feet.
  - d. **For each congregate living facility or nursing home development containing twenty (20) or more beds, one (1) space for each fifty (50) beds.**

**O. Reduction in required loading space.** All required off-street loading spaces and their appurtenant aisles and driveways shall be deemed to be required space and shall not be encroached upon or reduced in any manner except upon approval by the Zoning Director, and in the following circumstances.

**1. Reduction in number of berths.**

- a. **Change in use.** The number of loading spaces may be proportionately reduced if the space is not needed as a result of a reduction in size or change in the nature of the land use to which loading spaces are served.
- ~~a.b.~~ **Administrative reduction.** For uses which contain less than ten thousand (10,000) square feet of total floor area, the Zoning Director may waive or reduce the loading requirements whenever the character of the use is such as to make unnecessary the full provision of loading facilities and where such provision would impose an unreasonable hardship upon the use of the lot.

**2. Reduction on size of berth.** Reduced stall dimensions shall be permitted upon a finding that all of the following standards have been met.

- a. **The manner of operation proposed is such that stalls of the required dimensions are unnecessary because, the size, character, and operation of the use will not regularly involve service by motor vehicles which require the dimensions of an off-street loading berth, such as, but not limited to the following uses: bowling alleys and other recreational establishments, financial institutions, funeral chapel and funeral homes, nursing homes, offices, and personal service establishments;**
- b. **The land uses are likely to continue or to be succeeded by others for which the same stall dimensions will be adequate, or that any additional loading space necessary could be provided in a logical location without creating violations of other requirements of these regulations; and,**

- c. Any reduction provides for a minimum stall length of fifteen feet (15'), a stall width of at least twelve feet (12'), maneuvering apron of a minimum of twenty feet (20') in length and twelve (12') in width, and a vertical clearance of ten feet (10').

500.20 Access to rights of way.

Sec. 500.20 is amended as follows.

- A. **Intent.** It is the intent of this section to provide control of access to streets in order to facilitate safe and efficient movements of traffic while affording reasonable access to abutting properties.
- B. **Access Driveways.** Access Driveways shall be permitted by the Palm Beach County Engineering and Public Works Department in accordance with the following guidelines: County standards and this section.
- ~~1.~~ **Corner lots.**
- a. ~~Along local streets, access driveways to corner lots shall be located a minimum of thirty-five (35) feet from the intersection of the projection of rights of way lines, to centerline of driveway, except as provided hereinafter.~~
- b. ~~Along arterial and collector streets, access driveways to corner lots shall be located a minimum of one hundred fifty (150) feet from the intersection of the projection of right-of-way lines to centerline of driveway except as provided for hereinafter.~~
- ~~1.2.~~ **Interior lots Distance between driveways.**
- a. Except in townhouse clusters and planned unit developments ~~access~~ driveways along local or residential access streets at interior locations shall be permitted not closer than four feet (4') from side or rear property line to edge of driveway. There shall be no more than two (2) driveways per lot.
- b. Along arterial and collector streets, ~~the first access driveway for interior lots shall be located a minimum of three hundred (300) feet from the intersection of the projection of rights of way lines to the centerline of driveway. Thereafter, access driveways shall be spaced a minimum of two hundred feet (200') apart.~~
- ~~2.3.~~ **Construction.** Access Driveways which intersect or abut ~~rights of way streets~~ under the control or jurisdiction of Palm Beach County shall be constructed in accordance with the construction standards and details as available from the Palm Beach County Engineering and Public Works Department.
- C. **Street connections.** Street connections shall be permitted by the Palm Beach County Engineering and Public Works Department in accordance with the following guidelines: Palm Beach County Subdivision Regulations and the County Standards.
- ~~1.~~ ~~Local street connections to collector streets shall be spaced a minimum distance of two hundred (200) feet, centerline to centerline.~~
- ~~Intersections which warrant traffic signalization shall be spaced a minimum distance of thirteen hundred (1300) feet, centerline to centerline. Connection of local streets to arterial streets may be permitted only where other access is not available.~~
- D. **Double frontage lots.** Where a double frontage residential lot is located adjacent to a collector or an arterial street, it shall front on a local or residential access street. A limited access easement shall be placed along

the property line which abuts either the collector street or the arterial street. Frontage for nonresidential lots shall be governed by the Palm Beach County Subdivision Regulations.

- E. **Exceptions.** The county engineer shall have the authority to grant a permit for lessor or greater distances than designated herein, giving consideration to the following factors:
1. Lot size.
  2. Lot configurations.
  3. Proposed land usage.
  4. Traffic generation or anticipated traffic volume along adjoining rights-of-way.
  5. Traffic characteristics of the land usage.
  6. ~~Access~~ Driveway locations on contiguous property or property on the opposite side of the street.
  7. Median opening locations.
  8. Safe sight distance, and
  9. Such other factors as may be deemed pertinent by the county engineer.
- F. **Appeal.** ~~A landowner may appeal the access driveway spacing requirement, determined by the county engineer pursuant to the foregoing guidelines and factors to the Palm Beach County Board of Adjustment. The Board of adjustment may thereafter grant or deny the appeal pursuant to section 403 of this Code. A landowner may appeal the driveway spacing requirement herein or any requirement of the County Engineer imposed pursuant to this section to the Board of Adjustment.~~

#### 500.21 Planned Unit Development

Secs. 500.21.E.4, and 5., 500.21.F., and 500.21.K are amended as follows.

- E. **General requirements and special regulations.** The following general requirements and special regulations shall apply to all planned unit developments.

~~4. — Authorized Uses.~~

~~Any residential structure type and arrangement compatible with the purpose and intent of this special exception.~~

~~Residential accessory uses. (See Sec. 500.1).~~

~~Home occupations. (See Sec. 500.2).~~

~~Public operated parks and recreation areas or other facility operated by a nonprofit organization.~~

~~Public and private utility services and accessory buildings and structures (excluding sanitary land fill, incinerator, refuse and trash dumps).~~

~~Government services and accessory buildings and structures.~~

~~Heliports. (See Sec. 500.7).~~

~~Recreation facilities and clubs.~~

~~Commercial radio, television, microwave transmission and relay stations and towers.  
(See Sec. 500.10).~~

~~Churches or places of worship and accessory buildings and structures.~~

~~Day care centers. (See Sec. 500.12).~~

~~Nursing and convalescent facilities. (See Sec. 500.25).~~

~~Clinics, medical, dental, chiropractic and veterinary (outpatient only).~~

~~Hospitals. (See Sec. 500.26).~~

~~Congregate living facility, type 1 as a permitted use in all planned unit developments,  
subject to the provision of Sec. 500.37, "Congregate Living Facilities", below, and  
other applicable law (Ord. No. 87-32).~~

~~Congregate living facilities, types 2 and 3 as a special exception land use, subject to  
the provisions of Sec. 500.37, "Congregate Living Facilities", below, and other  
applicable law. (Ord. No. 87-32).~~

~~Congregate living facility, type 3 in a planned unit development approved pursuant to  
Zoning Resolution 3-57, subject to the provisions of Sec. 500.37, "Congregate Living  
Facilities," below, and other applicable law. (Ord. No. 87-32)~~

~~5. Authorized Commercial Uses. (Ord. No. 75-11; Ord. No. 76-4)~~

~~Removal of soil and fill material. (See Sec. 500.3).~~

~~Business offices and studios.~~

~~Professional offices.~~

~~Personal services, including but not limited to barbershops, beauty salons, and the  
like.~~

~~Financial institutions.~~

~~Marine facilities. (See Sec. 500.6).~~

~~Hotel and motels.~~

~~Restaurants and lounges.~~

~~Bakeries, retail limited preparation of products for on premises sale.~~

~~Food and beverage stores.~~

~~Confectionery, retail limited preparation of products for on premises sale.~~

~~Dry cleaning and laundry pick up stations.~~

~~Self-service laundry and dry-cleaning.~~

~~Newsstand.~~

~~Automobile service station (no repairs).~~

~~Pharmacy.~~

~~Hardware, paint, and garden supplies.~~

**4. Residential uses.** The following uses are permitted within the residentially designated portions of an approved master land use plan of a planned unit development.

**a. Permitted residential uses.**

Any residential structure type and arrangement compatible with the purpose and intent of Sec. 500.21. (Planned Unit Development).

Residential accessory uses. (See Sec. 500.1).

Home Occupations. (See Sec. 500.2).

Publicly operated parks and recreation areas or other facility operated by a non-profit organization, including pools, tennis facilities, clubhouses and accessory marine uses for the residents only.

**b. Special permit uses.** The following uses are permitted within the residentially designated portion of an approved master plan of a Planned Unit Development.

Congregate living facility, Type 1, subject to the provisions of Sec. 500.37, Congregate Living Facilities, and other applicable law.

Accessory apartments for elderly and handicapped persons (subject to Sec. 500.46).

**5. Permitted commercial uses.** The following uses are permitted within the commercial designated portions of an approved master land use plan of a planned unit development.

Publicly operated parks and recreation areas or other facility operated by a non-profit organization.

Public and private utility services and accessory buildings and structures (excluding sanitary landfill, incinerator, refuse and trash dump, power substation, and wastewater treatment plant/ package plant.)

Government services and accessory buildings and structures.

Churches or places of worship and accessory buildings and structures.

Clinics, medical, dental, chiropractic and veterinary (out-patient only).

Business offices and studios.

Professional offices.

Personal services, including but not limited to barbershops, beauty salons, and the like.

Financial institutions occupying ten thousand (10,000) square feet or less of total floor area with no more than four (4) drive-up teller units (See Sec. 500.17(l)).

Hotels and motels.

Restaurants and lounges.

Bakeries, retail (limited to preparation of products for on premises sale).

Food and beverage stores.

Confectionery, retail (limited preparation of products for on premises sale).

Dry cleaning and laundry and dry cleaning.

Newsstands.

Automobile service station (no repairs) and one accessory car wash.

Pharmacies.

Hardware, paint, and garden supplies.

The existing Sec. 500.21.E.6 has been moved and renumbered as Sec. 500.21.E.8.

6. Residential special exceptions. The following uses are allowable as special exceptions within the residentially designated portions of an approved master land use plan of a planned unit development. These uses require specific approval by the Board of County Commissioners pursuant to the criteria in Sec 401.2 of the Zoning Code, "Special Exceptions", and pursuant to other standards regarding specific uses set forth elsewhere in the Zoning Code and referenced directly in this section.

Electrical Power Facilities. (See Sec. 500.42).

Water and Wastewater treatment facilities. (See Sec. 500.41).

Heliport and Helipads. (See Sec. 500.7).

Recreation facilities and clubs, including golf courses and bowling alleys. (see Sec.500.9).

Commercial radio, television, microwave transmission and relay stations and towers. (See Sec. 500.10).

Day care centers. (See Sec. 500.12).

Nursing and convalescent facilities. (See Sec. 500.25).

Hospitals. (See Sec. 500.26).

Congregate living facilities, Type 2 and 3 as a special exception subject to the provisions of Sec. 500.37, Congregate Living Facilities, and other applicable law.

Congregate living facility, Type 3 in a planned unit development approved pursuant to Zoning Resolution 3-57, subject to the provisions of Sec. 500.37, Congregate Living Facilities, and other applicable law.

Excavation, Type III (see Sec. 500.3).

Churches or places of worship and accessory buildings and structures.

Government services and accessory buildings and structures.

The existing Sec 500.21.E.7 has been moved and are renumbered as Sec. 500.21.E.9.

7. Commercial special exceptions. The following uses are allowable as special exceptions within the commercially designated portions of an approved master land use plan of a planned unit development. These uses require specific approval by the Board of County Commissioners pursuant to the criteria in Sec. 401.2 of the Zoning Code, "Special Exceptions", and pursuant to other standards regarding specific uses set forth elsewhere in the Zoning Code and referenced directly in this section.

Day care centers and adult or child care facilities. (see Sec. 500.12).

Electrical power facilities. (See Sec. 500.42).

Water and Wastewater treatment facilities. (See Sec. 500.41).

Helipport and helipads. (See Sec 500.7).

Recreation facilities and clubs (see Sec 500.9).

Commercial radio, television, microwave transmission and relay stations and towers. (See Sec. 500.10).

Nursing and convalescent facilities. (See Sec. 500.25).

Hospitals. (See Sec. 500.26).

Congregate living facility, Type 3 as a special exception subject to the provisions of Sec. 500.37, Congregate Living Facilities, and other applicable law.

Mixed residential/commercial development. (see Sec. 500.33.1)

Excavation Type III (see Sec. 500.3).

Marine facilities. (See Sec. 500.6).

Automobile service station. (with repairs).

Car wash, self-service or automatic.

Uses not previously listed herein as permitted uses and also allowed as permitted uses or Special Exceptions in the Community Commercial (CC) Zoning District. (See Sec. 615.

The existing Secs. 500.21.E.8 and 500.21.E.9 have been moved and renumbered as Secs. 500.21.E.10 and 500.21.E.11, respectively.

~~F. Planned unit development residential density. This section establishes the maximum total density to be permitted for any given Planned Unit Development (PUD).~~

~~1. Standard density. The standard density of a planned unit development to be permitted shall be that of the underlying Zoning District, provided that the density permitted by the underlying Zoning District does not exceed the maximum standard density of the appropriate land use plan category as listed in the Residential Density Table and provided that all mandatory performance standards of the Land Use Element of the Palm Beach County Comprehensive Plan are being met for that density. For the purposes of this section, underlying Zoning Districts are considered to permit up to the following standard densities.~~

~~AP: Dwellings accessory to bonafide agricultural uses only;  
AR: 0.2 Dwelling units per gross acre;  
RE: 0.4 Dwelling units per gross acre;  
RT: 1.0 Dwelling units per gross acre;  
RB: 2.0 Dwelling units per gross acre;  
RS: 3.0 Dwelling units per gross acre;  
RM: 8.0 Dwelling units per gross acre;  
RH: 12.0 Dwelling units per gross acre;~~

~~2. PUD bonus. In addition to the permitted standard density, a PUD may qualify for a PUD bonus if:~~

- ~~a) The proposed PUD is consistent with Sec. 500.21 A., Purpose and Intent, and with Sec. 500.21 M., General objectives, and~~
- ~~b) The mandatory performance standards and the density standards of the Land Use Element of the Palm Beach County Comprehensive Plan will be met for the total density to be permitted. The range of a possible PUD bonus within each land use plan category is described in the Residential Density Table.~~

~~3. TDR bonus. In addition to the permitted standard density and PUD bonus, a PUD may qualify for a TDR (Transfer of Development Rights) bonus if:~~

- ~~a) The proposed transfer is consistent with the transfer of development rights provisions of the Land Use Plan Element of the Palm Beach County Comprehensive Plan and with other regulations which the County may adopt governing the transfer of development rights; and~~
- ~~b) The mandatory performance standards of the Land Use Element of the Palm Beach County Comprehensive Plan will be for the total density to be permitted.~~

~~4. Residential density table. The Residential Density table describes the ranges which may be permitted for standard density, for PUD bonus, for a TDR bonus, and as the total density for any project within each underlying land use plan category Zoning District. Under no circumstances may the range of permitted densities, defined by this Residential Density Table be exceeded.~~

The residential density table in Sec. 500.21.F.4. is deleted in its entirety.

**F. Planned unit development - residential density.**

1. The minimum and maximum residential densities for planned unit developments shall be based on gross acreage, and shall be as follows:

<u>Zoning District</u>	<u>Minimum Density</u>	<u>Maximum Density</u>
<u>AGR</u>	<u>(1)</u>	<u>(1)</u>
<u>AP</u>	<u>(1)</u>	<u>(1)</u>
<u>AR</u>	<u>none</u>	<u>.05-.1(2)</u>
<u>CBS</u>	<u>none</u>	<u>.05-.1(2)</u>
<u>RE</u>	<u>none</u>	<u>1.0</u>
<u>RT</u>	<u>1.0</u>	<u>2.0</u>
<u>RTS</u>	<u>1.0</u>	<u>3.0</u>
<u>RTU</u>	<u>3.0</u>	<u>5.0</u>
<u>RS</u>	<u>5.0</u>	<u>8.0</u>
<u>RM</u>	<u>5.0</u>	<u>12.0(3)</u>
<u>RH</u>	<u>5.0</u>	<u>18.0(3)</u>

(1) Densities accessory to bona fide agricultural uses.

(2) Densities based upon land use designations of Land Use Element of the Palm Beach County Comprehensive Plan.

(3) Gross densities above eight (8) dwelling units per acre are limited to PUDs which are designed to include affordable housing under the voluntary density bonus program for affordable housing pursuant to the Palm Beach County Comprehensive Plan.

The existing Secs. 500.21.K.5.b and 500.21.21.K.5.h are deleted in their entirety and replaced with the following:

**K. Property development regulations for planned unit developments - residential uses.**

**5. Special Regulations.**

b. Fences and Walls. Where walls or privacy fences are required along the zero lot line and an easement exists at the rear of the lot, the wall or fence shall extend to the edge of the easement. (See also Sec. 500.15)

h. Off street parking.

**1. Residential parking.**

- (a) The required number of parking stalls shall be governed by Sec. 500.17, (off street parking), schedule 500.17-1, above.
- (b) Parking stall dimensions shall be provided pursuant to Sec. 500.17.C.9 (Off-street Parking Dimensions and Geometrics).
- (c) Parking spaces and driving aisles shall be designed to provide forward egress from a lot to a street. Only dwelling units with unshared driveways shall be allowed backward egress from a lot to a local street. In no instance shall vehicles back out into any collector streets. Turning movements for vehicle orientation purpose

may be accomplished prior to entering any collector, arterial or other street of high volume traffic.

**2. Commercial Pods within PUDs**

Parking for commercial pods within planned unit developments shall be calculated under the standard for the applicable land use as set forth in Zoning Code Section 500.17 (Parking Code), Schedule 500.17-1, above, as if the use existed separately.

**3. Recreational uses within PUDs**

Parking for recreational uses within PUDs shall be determined based on the standards outlined in Zoning Code Section 500.9 (Recreation Facilities).

**500.22 Mobile home rental parks (MHRP).**

Existing Sec. 500.22.F is repealed in its entirety and replaced by the following new Sec. 500.22.F. Additionally, the parking standards in Sec. 500.22.K. are amended, and a new Sec. 500.22.O is added to require the development of emergency shelters in mobile home rental parks.

**F. MHRP development density by applicable zoning district.** Notwithstanding any other provision of the Zoning Code, the maximum residential density in a mobile home rental park shall be determined by reference to the following table:

<u>Comprehensive Plan Land Use Category</u>	<u>Zoning District</u>	<u>Maximum Standard Density</u>
<u>Rural Residential 20</u>	<u>AR/CRS</u>	<u>0.05 DU/AC</u>
<u>Rural Residential 10</u>	<u>AR/CRS</u>	<u>0.1 DU/AC</u>
<u>Low Residential 1</u>	<u>RE</u>	<u>0.4 DU/AC</u>
<u>Low Residential 2</u>	<u>RT</u>	<u>2 DU/AC</u>
<u>Low Residential 3</u>	<u>RUTS</u>	<u>3 DU/AC</u>
<u>Med. Residential 5</u>	<u>RTU</u>	<u>5 DU/AC</u>
<u>High Residential 8</u>	<u>RS</u>	<u>8 DU/AC</u>
<u>High Residential 12</u>	<u>RM</u>	<u>8 DU/AC</u>
<u>High Residential 18</u>	<u>RH</u>	<u>8 DU/AC</u>

**K. Property development regulations for MHRP developments -residential uses.**

**3. Special regulations.**

**h. Off-Street parking.** A minimum of two (2) parking spaces for each dwelling unit shall be provided. If any MHRP unit is clustered with other dwelling units on a parking lot, then parking shall be calculated to include guest parking at the rate of one-quarter (.25) space for each dwelling unit. Parking for recreational uses within MHRPs shall be determined based on the standards outlined in Sec. 500.9 (Recreation Facilities). Parking areas shall be located for convenient access to living units without impairing the views from the living rooms, entrances to the mobile home or excessively consume front yard space. Parking of vehicles on arterials or collectors is prohibited. Parking areas shall be screened as required by the Palm Beach County Landscape Ordinance, Sec 500.35 (Landscaping Code). Parked vehicles may back out of any arterial or collector streets. Turning movements for vehicle orientation purpose must be accomplished prior to entering any collector.

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Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

arterial or other street of high traffic volumes. Parking space dimensions shall be governed by Sec. 500.17.

O. Emergency structure requirements. Each mobile home rental park shall include a permanent structure adequate to serve as an emergency shelter designed to accommodate the anticipated population of the mobile home rental park based upon a standard of forty (40) square feet for each person. Such structure shall be designed and constructed in accordance with the technical standards required by the Building Codes Enforcement Administrative Code, as amended.

500.23 Recreational vehicle park (RVP).

The parking standards in Sec. 500.23.G. are amended as follows.

G. Property development regulations for recreational vehicle park.

3. Special regulations.

h. **Off-Street parking.** A minimum of one (1) parking space per recreational vehicle unit shall be required. Parking of vehicles on arterials or collectors is prohibited.

Parked recreation vehicles may not back out onto any arterial or collector streets. Turning movements for vehicle orientation purpose must be accomplished prior to entering any collector, arterial or other street of high traffic volumes. Parking space dimensions shall be governed by Sec. 500.17.

500.24 Mobile home condominium park (MHCP).

Existing Sec. 500.24.F. is repealed in its entirety and replaced by the following new Sec. 500.24.F. Existing Sec. 500.24.K.1. is also repealed in its entirety and replaced by the following new Sec. 500.24.K.1, and Sec. 500.24.K.5.h. is amended. A new Sec. 500.24.O is added to require the development of emergency shelters in mobile home condominium parks.

F. MHCP development density by applicable zoning district. Notwithstanding any other provision on the Zoning Code, the maximum residential density in a mobile home condo park shall be determined by reference to the following table:

<u>Comprehensive Plan Land Use Category</u>	<u>Zoning District</u>	<u>Maximum Standard Density</u>
<u>Rural Residential 20</u>	<u>AR/CRS</u>	<u>0.05 DU/AC</u>
<u>Rural Residential 10</u>	<u>AR/CRS</u>	<u>0.21 DU/AC</u>
<u>Low Residential 1</u>	<u>RE</u>	<u>4.04 DU/AC</u>
<u>Low Residential 2</u>	<u>RT</u>	<u>2 DU/AC</u>
<u>Low Residential 3</u>	<u>RUTS</u>	<u>3 DU/AC</u>
<u>Med. Residential 5</u>	<u>RTU</u>	<u>5 DU/AC</u>
<u>High Residential 8</u>	<u>RmRS</u>	<u>8 DU/AC</u>
<u>High Residential 12</u>	<u>RHRM</u>	<u>8 DU/AC</u>
<u>High Residential 18</u>	<u>RH</u>	<u>8 DU/AC</u>

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K. Property development regulation for MHCP developments - residential uses.

1. Minimum Lot Area and Dimensions (Ord. No. 85-36)

Zoning District	Minimum Lot Area	Minimum Lot Dimensions Interior Lot	Minimum Lot Dimensions Corner Lot	Minimum Frontage
<del>GRFCRS/AR</del>	<del>20 acres in RR20 Plan Category</del>	<del>400' x 400'</del>	<del>400' x 400'</del>	<del>400'</del>
<del>GRFCRS/AR</del>	<del>10 acres in RR10 Plan Category</del>	<del>400' x 400'</del>	<del>400' x 400'</del>	<del>400'</del>
<del>RE, RT, RUTS, RTNU, RS, RM, RH</del>		<del>40' x 90'</del>	<del>45' x 90'</del>	<del>40'</del>

5. Special regulations.

- h. ~~Off-Street Parking. Parking areas shall be located for convenient access to the living units without impairing the views from the living rooms, entrances to the mobile home or excessively consume front yard space. A minimum of two (2) parking spaces for each dwelling unit shall be provided. If any MHCP unit is clustered with other dwelling units on a parking lot, then parking shall be calculated to include guest parking at the rate of one-quarter (.25) space for each dwelling unit.~~

~~Parking for recreational uses within PUDs shall be determined based on the standards outlined in Sec. 500.9 (Recreation Facilities). Parking of vehicles on arterials or collectors is prohibited. Parking areas shall be screened as required by the Palm Beach County Landscape Ordinance. Parked vehicles may not back out onto any arterial or collector streets. Turning movements for vehicle orientation purposes must be accomplished prior to entering any collector, arterial or other street of high traffic volumes. Parking space dimensions shall be governed by Sec. 500.17.~~

- ~~Q. Emergency structure requirements. Each mobile home condominium park shall include a permanent structure adequate to serve as an emergency shelter designed to accommodate the anticipated population of the mobile home condominium park based upon a standard of forty (40) square feet for each person. Such structure shall be designed and constructed in accordance with the technical standards required by the Building Codes Enforcement Administrative Code, as amended.~~

500.28 Exceptions to property development regulations.

Sec. 500.28.A. and B.8. is amended as follows.

- A. Height. The height limitations stipulated in the applicable Zoning Districts shall not apply to the following.

Church spires.  
Belfries.

Monuments.  
Tanks.  
Water towers.  
Fire towers.  
Stage towers or scenery lofts.  
Cooling towers.  
Ornamental towers and spires.  
Chimneys.  
Elevator bulkheads.  
Smoke stacks.  
Oil derricks.  
Conveyors.  
Flag poles.  
Aircraft control towers.  
Aircraft navigation aids.

Amateur and citizens Band Radio and Television Antennas and Antenna Support Structures subject to the provisions of Sec. 500.44.  
Dry dock marinas.

**B. Yard.**

7. Structures Accessory to Single Family Dwellings on Nonconforming Lots in the AR-Agricultural Residential District or CRS-Country Residential District. An accessory building may be constructed on a single nonconforming lot, tract or parcel of land in the Ar-Agricultural Residential District a distance of ~~twenty-five (25)~~ fifteen (15) feet from the rear property line or at least five (5) feet from any established easement in the rear, whichever is the greater distance, and ~~twenty-five (25)~~ fifteen (15) feet from the Interior side property line, provided that the front yard and corner side yard setback requirements are compiled with and adhered to. Except as provided elsewhere in the Zoning Code, activities accessory to principal use such as pens for the keeping of livestock, shade houses and containerized plants shall be located a minimum of ten (10) feet from any side or rear property line.

**500.29 Design Criteria.**

The title of Sec. 500.29 is amended as follows.

500.29 Design Criteria for Mobile Home Parks.

**500.30 Townhouse cluster.**

The parking standards in Sec. 500.30.G are amended as follows.

**G. Special regulations.**

2. Off-street parking.

- a. **General parking.** Each townhouse unit shall provide a minimum of two (2) parking spaces. Parking for townhouse clusters shall be based on the number of bedrooms per townhouse:

Efficiency	1.25 spaces per dwelling unit
One and Two Bedroom	1.75 spaces per dwelling unit
Two or more Bedroom	2.0 spaces per dwelling unit

- b. **Guest parking.** For all dwelling units with shared driveways, guest parking shall be provided consistent with the following requirements and options:

- (1) Guest parking shall be provided at the rate of one-quarter (.25) space for each dwelling unit.
- (2) Guest parking spaces may be grouped, provided that the spaces are located within three hundred feet (300') of the dwellings that they are intended to serve.
- (3) Grouped guest parking may be grassed, as provided for in Sec. 605.4 B.8. Each space shall be provided with wheelstops, except for grassed guest parking which is designed as parallel parking. Parking for recreational uses within townhouse clusters shall be determined based on the standards outlines in Sec. 500.9 (Recreation Facilities).
- (4) All guest parking shall be designated with an above grade sign. Parking spaces and driving aisles shall be designed to provide forward egress from a lot onto a street. Only two-unit townhouse clusters with unshared driveways shall be allowed backward egress from a lot onto a street. Parking stall dimensions shall be governed by Sec. 500.17.

**500.33.1 Mixed residential/commercial planned development.**

A new Sec. 500.33.1 allowing mixed residential/commercial planned development is added as follows.

- A. Purpose and Intent.** It is the intent of the Mixed Residential/Commercial Planned Development section to implement Policies 1-o and 1-q of the Land Use Element of the Palm Beach County Comprehensive Plan, that encourage mixed residential/commercial planned development on lands designated on the Future Land Use Atlas of the Comprehensive Plan as Commercial Low-Intensity (CL) and Commercial High-Intensity (CH), with alternative residential densities. This Mixed Residential/Commercial Development will be allowed in the Neighborhood Commercial (CN), Community Commercial (CC) and the General Commercial (CG) Zoning Districts and commercial pods and PUDs as special exception uses.
- B. Procedure.** Applicants for the Mixed Residential/Commercial Development option shall be required to follow the procedure for approval set forth in Sec. 500.21, Planned Unit Development. Where the requirements of this section conflict with those of Sec. 500.21, this section shall prevail.
- C. Mixed use criteria.**

1. Uses. The non-residential uses allowed in a Mixed Residential/Commercial Development shall include only those uses listed as Permitted Uses. Uses subject to Special Permit Regulations, or Special Exception Uses in the Zoning District where the development is proposed to be located. The density and type of residential uses allowed shall be determined by the alternative residential density associated with the applicable land use designation.
2. Portion of development devoted to commercial uses. The portion of the development devoted to commercial uses shall not be less than thirty percent (30%) of the total floor area.

**D** Additional design criteria. The design criteria for the proposed development shall comply with the requirements of Sec. 500.21.M, except that the following criteria shall apply.

1. Compatibility of commercial uses with residential uses. The design of the proposed development shall minimize any incompatibility with surrounding land including, but not limited to the visual impact, of the commercial uses on the residential uses.
2. Consistency with underlying zoning districts. The design of the commercial portions of the proposed development shall be of a character and scale that is compatible with the intent of the underlying Zoning District where it is located. The development shall comply with all of the Property Development Regulations and Special Regulation found in the underlying Zoning District.
3. Residential property development and special regulations. The design of the residential portion of the proposed development shall be of a character and density that meets all of the Property Development and Special Regulations of the underlying Zoning District that is most compatible with the underlying residential land use designation of the Future Land Use Atlas of the Comprehensive Plan.

#### 500.35 Landscape Code.

The existing Sec. 500.35 is repealed in its entirety and replaced by the following.

- A. Short title. This section shall be known and may be cited as the "Palm Beach County Landscape Code".
- B. Definitions. In addition to the Definitions contained in this section, words and phrases defined in Sec. 200.2, Definitions, of the Zoning Code shall also apply to the interpretation of this section.
  1. Access Way means an area which is permitted by the Zoning Code or Subdivision Ordinance for ingress or egress of vehicles or pedestrians. An access way is permitted to traverse a required landscape buffer.
  2. Agriculture, Bona Fide means good faith commercial use of land for agricultural production. In determining whether the proposed agricultural use of land is bona fide, the following factors, though nonexclusive, shall be taken into consideration:
    - a. The length of time the land will be used for agricultural production;
    - b. The size of the land area, as it relates to a specific agricultural use;
    - c. Whether such land is under lease, and if so, the effective length, terms and conditions of the lease;
    - d. The Intent of the landowner to sell or convert the land for nonagricultural purposes;

- e. The proximity of the property to existing urban or metropolitan development;
  - f. The productivity of land in its present use; and
  - g. The land use designation in the Palm Beach County Comprehensive Plan.
3. Barrier, Landscape means a landscape design feature constructed within a landscape buffer that is intended to impede pedestrian or vehicular cross-movement and to provide an abrupt transition between otherwise incompatible land uses. A landscape barrier may consist of living plants (such as a hedge), structures (such as a wall or fence), or changes in grade (such as a berm).
  4. Branch means a secondary shoot or stem arising from one of the main axes (i.e. trunk or leader) of a tree.
  5. Buffer, Landscape means a continuous area of land which is required by the Landscape Code to be set aside along the perimeter of a lot in which existing native vegetation, relocated native vegetation, and landscaping is used to provide a transition between and to reduce the negative environmental, aesthetic, compatibility and other impacts of one land use upon another.
  6. Canopy means the upper portion of a tree consisting of limbs, branching and leaves.
  7. Drought-Tolerant Tree means a tree, excluding prohibited or controlled species, classified as very or moderately drought tolerant in South Florida Water Management District Xeriscape Plant Guide.
  8. Ecosystem means a characteristic assemblage of plant and animal life within a specific physical environment, and all interactions among species and between species within the specific environment.
  9. Encroachment, Vehicular means any protrusion of a motor vehicle outside of the boundaries of a vehicular use area into a landscape area.
  10. Ground Cover means plants, other than turf grass, normally reaching an average maximum height of not more than twenty-four inches (24") at maturity.
  11. Hatracking means the severe cutting back of branches, making intermodal cuts to lateral limbs leaving branch stubs. "Shaping" is included in the term "hatracking".
  12. Hedge means a landscape barrier consisting of a continuous, dense planting of shrubs.
  13. Irrigation System means a system of pipes or other conduits designed to transport and distribute water to plants.
  14. Landscape Architect means any person authorized to prepare landscape plans or drawings by Chapter 481, Part II (Landscape Architecture) of the Florida Statutes.
  15. Landscaping means any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and nonliving landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials. Landscaping shall include the preservation and incorporation of existing trees, vegetation, or ecosystems into site development.
  16. Limb means the same as branch.

17. Mulch means non-living organic material customarily used in landscape design to retard erosion and retain moisture.
18. Plant Species, Controlled means those plant species which tend to become nuisances because of their undesirable growth habits, but which, if properly cultivated, may be useful or functional as element of landscape design.
19. Plant Species, Prohibited means those plant species which are demonstrably detrimental to native plants, native wildlife, ecosystems, or human health, safety, and welfare.
20. Pruning means the removal of plant parts, dead or alive, in a careful and systematic manner so as to not damage other parts of the plant.
21. Shade Tree means a hardwood tree that reaches a minimum height of fifteen feet (15') at maturity, provides relief from direct sunlight for at least six (6) months each year and is included in the Recommended Tree List.
22. Shrub means a self supporting woody perennial plant of low stature characterized by multiple stems and branches continuous from the base.
23. Topping means undesirable pruning practices resulting in intermodal cutting back of branches with little regard to the natural shape of the tree.
24. Tree means a self-supporting woody plant of a species normally growing to a mature height of at least fifteen feet (15') in Palm Beach County.
25. Tree Survey means a survey document or site plan which delineates the location and identifies the species of trees and vegetation upon a lot, and which meets the tree survey requirements of the Landscape Code.
26. Vegetation, Native means any plant species with a geographic distribution indigenous to all or part of the State of Florida. Plant species which have been introduced by man are not native vegetation.
27. Vegetation Required to be Preserved by Law means areas of vegetation which are clearly delineated on site development plans, plats, or in some other legally binding manner based upon which the lot area being preserved can be accurately measured.
28. Vehicular Use Area means either: (1) an area designed or used for off-street parking; or (2) an area used for loading, circulation, access, storage, or display of motor vehicles. Designated parking areas on public or private streets shall not be considered a vehicular use area.
29. Vine means a plant with a flexible stem which normally requires support to reach mature form.

**C. Purpose and Intent.** The purpose and intent of the Landscape Code is to promote the health, safety, and welfare of existing and future residents of Palm Beach County by establishing minimum standards for the installation and continued maintenance of landscaping within unincorporated Palm Beach County. The specific objectives of the Landscape Code are as follows.

1. Aesthetics. To improve the aesthetic appearance of commercial, industrial and residential development through the requirement of minimum landscaping in ways that harmonize and enhance the natural and built environment;

Underlined language (e.g., the) indicates proposed new language.  
Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

2. Environmental quality. To improve environmental quality by maintaining permeable land areas essential to surface water management and aquifer recharge; reducing and reversing air, noise, heat, and chemical pollution through the biological filtering capacities of trees and other vegetation; promoting energy conservation through the creation of shade; reducing heat gain in or on buildings or paved areas through the filtering capacity of trees and other vegetation; reducing the temperature of the microclimate through the process of evapotranspiration; and encouraging the use of limited fresh water resources through the use of drought resistant plants;
3. Water conservation. To promote water conservation by encouraging xeriscaping and utilization of native and drought tolerant landscape material; utilization of water conserving irrigation practices; adherence to sound landscape installation standards and maintenance procedures that promote water conservation; ecological placement of landscape material; and utilization of natural areas and vegetation.
4. Efficiency in land development. To promote efficiency in the development of limited land resources by ameliorating the compatibility of otherwise incompatible land uses in close proximity, particularly residential development that is adjacent to more intensive commercial and industrial development;
5. Land values. To maintain and increase the value of land by requiring minimum landscaping which becomes a capital asset;
6. Human values. To provide physical and psychological benefits to persons through landscaping, by reducing noise and glare, and by softening the harsher visual aspects of urban development;
7. Preservation of native plants and vegetation. To encourage the preservation and planting of native vegetation and plants in landscape plans;
8. Removal of exotic plant species. To encourage the eradication or control of exotic plant species which have become nuisances because of their tendency to disrupt or destroy native ecosystems;
9. Improved design. To encourage innovative and cost-effective approaches to the design, installation and maintenance of landscaping, particularly those that promote energy and water conservation; and
10. Improved administration and enforcement. To establish procedures and standards for the administration and enforcement of the Landscape Code.

D. Applicability. The provisions of the Palm Beach County Landscape Code shall apply to all development in unincorporated Palm Beach County, except those developments exempted in Sec 500.35.E, Exemptions.

E. Exemptions. The following development shall be exempt from the standards of the Landscape Code.

1. Enlargement or repair of single-family and duplex development. The enlargement or repair of one (1) single-family detached or duplex residence on a single lot.
2. Buildings or structures accessory to single-family or duplex development. The initial construction, enlargement or repair of buildings or structures accessory to one (1) single-family or duplex residence on a single lot.

3. Vehicular use areas within or on top of a building. Vehicular use areas consisting exclusively or parking entirely within or on top of a building.
  - a. Parking structures within one hundred feet (100') of a public right-of-way or within one hundred feet (100') of a single family zoning district shall, however, provide planters at each level of the parking structure. The planter shall provide a total of one half (0.5) square foot of planting area for each linear foot of facade per parking level. Planting areas may be arranged in linear fashion or clustered at intervals, and shall be provided with permanent irrigation to permit watering of plant materials. Planters shall be landscaped pursuant to the provisions of the Landscape Code.
4. Bona fide agricultural production. Bona fide agricultural production activities.
5. Development that does not entail a substantial change in land use. Existing development that does not entail a substantial change in land use.
  - a. If a substantial change in land use, as defined in Sect. 200.2 of the Zoning Code, occurs on the site of an existing development, the Tree Planting and Preservation Standards (G.1) and Compatibility Landscape Buffer Strip standards (G.3.b.) of the Landscape Code shall apply.
6. Development with site development or building permit approval. Development that has received a site development plan or building permit approval prior to February 1, 1990.

**F. Procedure**

**1. General**

- a. Prior to the issuance of a building permit or a paving permit for any development except a single-family dwelling or duplex residence, a landscape plan which has been prepared by and bears the seal of a landscape architect, shall be submitted to, reviewed by, and approved by the Department, pursuant to the terms of this section.
- b. Prior to the issuance of a building permit or a paving permit for a single-family dwelling or duplex residence, a landscape plan which does not have to be prepared by, or bear the seal of a landscape architect shall be submitted to, reviewed by, and approved by the Department, pursuant to the terms of this section.

**2. Contents of proposed landscape plan.** An applicant shall submit a proposed Landscape Plan to the Zoning Director. Each proposed landscape plan shall:

- a. Be drawn to scale, including dimensions and distances;
- b. Delineate existing and proposed parking spaces, access aisles, driveways, and other vehicular use areas;
- c. Indicate, by diagram, the proposed location of water outlets, and by diagram or note, the location of sprinklers and any proposed sprinkler zones.
- d. Designate by name and location the plant material to be installed or preserved in accordance with the standards of this section;
- e. Identify and describe the location and characteristics of all other landscape materials to be used;

- f. Show all landscape features, including areas of native vegetation required to be preserved by law, in context with the location and outline of existing and proposed buildings and other improvements upon the site, if any;
- g. Indicate the condition of soils and the method of installation of all plant materials;
- h. Include a tabulation displaying the relevant statistical information necessary for the Department to evaluate compliance with the provisions of the Landscape Code, including gross acreage of the development, the area of preservation areas, the number of trees to be planted or preserved, the square footage of paved areas and such other information as the Department may require;
- i. Include, if relevant, a tree survey which shall be prepared by, and bears the seal of, a registered land surveyor licensed to practice in the State of Florida, drawn to a convenient scale, which shall include:
  - (1) Property boundaries;
  - (2) Easements;
  - (3) Rights-of-way;
  - (4) Existing or proposed buildings, structures, or other improvements, if any;
  - (5) Existing or proposed utility services, including septic tank drain fields;
  - (6) Bodies of surface water;
  - (7) The nature of adjacent land uses;
  - (8) Protected trees or groupings of trees, and species of trees to be removed or relocated. In the case of groupings of trees, the predominant species mix and estimated number shall be identified. Trees or areas of vegetation which are required to be preserved, such as mangroves or specimen trees, shall be delineated and identified. Areas infested with prohibited or controlled plant species shall also be delineated and identified; and
- i. Any other information that may be required by the Department that is determined necessary to adequately review the proposed Landscape Plan.

**G. Landscape standards**

- 1. Tree planting and preservation standards. The following tree planting and preservation standards shall apply to all development. They may be used to satisfy, in whole or in part, the landscape standards for the Interior of Vehicular Use Areas (Sec. 500.35.G.2); the landscape standards for Compatibility Landscape Buffers (Sec. 500.35.G.3.); any special condition landscape buffer standards imposed by the Board of County Commissioners; and any landscape or vegetation standards for littoral zones of lakes. All other landscape standards of this section shall be in addition to these following standards. Trees planted pursuant to Sec. 500.35.J.1 (Right-of-Way Landscape) shall not be used to satisfy the standards of this subsection, 500.35.G.1.
  - a. Residential lot. One (1) tree shall be planted or preserved for every one thousand five hundred (1500) square feet of a residential lot or fraction thereof, excluding only areas of vegetation required to be preserved by law and preservation areas. No more than fifteen (15) new trees shall be required to be planted on any residential

lot that is to be developed for one (1) single-family dwelling or one (1) duplex residence.

- b. Non-residential lot. One (1) tree shall be planted or preserved for every two thousand five hundred (2500) square feet of a non-residential lot or fraction thereof, excluding only areas of vegetation required to be preserved by law and preservation areas.
- c. Planned development. One (1) tree shall be planted or preserved for every one thousand five hundred (1500) square feet of a residential lot or fraction thereof within a planned development, excluding only areas of vegetation required to be preserved by law and preservation areas.

The number of trees required to be planted or preserved in a phase, sub-area or "pod" of a planned development shall be a proportion of the total number of trees required to be planted in the overall planned development. This proportion shall be determined by comparing the area of the platted phase or "pod" to the area of the entire planned development as shown on its current, controlling master land use plan. Areas of vegetation required to be preserved by law shall be excluded from the calculation of the area of a platted phase or "pod" of the planned development.

Master land use plans and site development plans will indicate the minimum number of trees to be planted in a particular pod. This figure is intended to be suggestive of the total number of trees which shall be planted or preserved in each subarea. The actual number of trees to be planted or preserved on individual lots will be established on individual building plans.

- d. Use of site specific planting materials. Trees and other vegetation shall be planted in soil and climatic conditions which are appropriate for their growth habits. Plants used in the landscape design shall to the greatest extent possible be:

(1) appropriate to the conditions in which they are to be planted, for instance:

- (a) plant materials installed on a berm comprised of sandy materials should be able to tolerate reduced water conditions;
- (b) plant materials installed in locations where the predominate soil type is well-draining sands should be able to tolerate reduced water conditions;
- (c) plant materials installed around retention/detention ponds or in swales should be able to tolerate wet conditions caused by poorly draining soils; and
- (d) plant materials installed in locations where the predominate soil type is marly, mucky, has a hardpan layer or is one of many other poorly draining soils, shall be plant materials that are able to tolerate wet conditions.

(2) have non-invasive growth habits;

(3) encourage low maintenance, high quality design;

(4) be otherwise consistent with the intent of this Code.

- 2. Interior of vehicular use areas. The following landscape standards shall apply to the interior of all vehicular use areas. Landscaping of landscape buffer strips required by Sec. 500.35.G.3, shall not be used to satisfy the interior of vehicular use area landscape standards. The gross area of landscape buffer strips that exceed the minimum standards

of Sec. 500.35.G.3., may however, be credited to satisfy the interior landscape requirements of this subsection.

- a. Off-street parking. Off-street parking areas shall be landscaped in accordance with one (1) of the following alternatives.
- (1) Parking areas without four (4) or more spaces that intersect. For parking areas without four (4) or more parking spaces that intersect, the following standards are required. Parking areas with staggered parking shall be landscaped in accordance with Sec. 500.35.G.2.a.(1)
- (a) Landscape. A minimum of twenty (20) square feet of landscaping for each parking space shall be provided within the interior of an off-street parking area. At least one (1) tree shall be planted in each required terminal island and/or optional interior island. Any combination of landscaped islands, median stripes or planting areas may be used to satisfy the requirements of this section.
- (b) Mandatory terminal island design. Each row of parking spaces shall be terminated by landscaped islands which measure not less than five feet (5') in width and not less than fifteen feet (15') in length.
- (c) Mandatory interior island design. Interior landscape islands shall be provided within each row of parking spaces. A minimum of one (1) interior island shall be provided for every twelve (12) parking spaces or fraction thereof. Landscaped interior islands shall measure not less than five feet (5') in width.
- (d) Optional divider median design. Landscaped divider medians may be used to meet interior landscape standards. If divider medians are used, they shall form a continuous landscaped strip between abutting rows of parking spaces. The minimum width of a divider median shall be five feet (5'). One (1) tree shall be planted for each forty linear feet (40') of divider median, or fraction thereof. Trees in a divider median may be planted singly or in clusters, with a maximum spacing of sixty feet (60') on center.
- The landscaped divider median may serve as the first two and one half feet (2.5') of a parking stall and the curbing surrounding the divided median shall serve as the wheel stops for parking spaces, such that the effective depth of the paved parking space is reduced by two and one half feet (2.5')
- (e) Additional landscape treatment. All interior landscaped areas not dedicated to trees or to preservation of existing vegetation shall be landscaped with grass, ground cover, shrubs, or other appropriate landscaped treatment. Sand or pavement shall not be considered appropriate landscape treatment.
- (f) Curbing. Mandatory terminal islands, optional interior islands and optional divider medians shall be surrounded with a continuous, raised curb which meets the Landscape Protection and Curbing Standards of this section. Landscape island and median strip width shall be measured from the inside edge of the curb.
- (2) Parking areas with four (4) or more spaces that intersect. In off-street parking areas that contain four (4) or more parking spaces that intersect, landscaping shall be provided in accordance with the following minimum landscape standards or the

landscape standards of 500.35.G.2.a.(1). Any combination of interior landscape island, median strip or planting area may be used to satisfy these requirements. Parking areas with staggered parking shall be landscaped in accordance with Sec. 500.35.G.2.a.(1).

(a) **Mandatory terminal island design.** Each row of parking spaces shall be terminated by landscaped islands which measure not less than five feet (5') in width and at least fifteen feet (15') in length. At least one (1) tree shall be planted in each terminal island.

(b) **Interior grade-level tree planting area design.** Trees required to be planted by this subsection shall be distributed throughout the interior of an off-street parking area in any way that encourages adequate shading of parked motor vehicles and visual access. Grade level tree planting areas shall be located at the common intersection of four (4) parking spaces. The minimum area of a tree planting area shall be twenty (20) square feet, and the minimum dimensions shall be four feet by five feet (4' x 5'). Trees shall be planted on center at the point of intersection of the four (4) parking spaces. The ground within the tree planting area shall receive appropriate landscape treatment, including mulch or ground cover.

(c) **Curbing.** Mandatory terminal islands shall be surrounded with a continuous, raised curb which meets the Curbing Standards of Sec. 500.35.I.6.

b. **Other vehicular use areas used by the public.** For On-site vehicular use areas which are not used as off-street parking areas, but which serve access and temporary vehicle storage needs of the public (access roads in planned developments; stacking areas in gasoline service stations, banks and drive-in restaurants; or outdoor retail sales and display of new and used vehicle), the following minimum landscape standards are required. These following standards shall also apply to vehicular use areas used for storage of new or used motor vehicles or boats; local, suburban and inter-urban bus terminals and service facilities; and motor freight terminals which are not normally open to the public shall be subject to the following landscape standards. This subsection shall apply only to that portion of a lot that is actually used for specialized vehicular uses. It shall not apply to any areas of a lot open to the public or used for off-street parking or access ways. Employee parking lots shall be considered public vehicular use areas.

(1) **Landscape.** A minimum of ten percent (10%) of the gross paved area of such vehicular use area that is open to the public, but that is not used for off-street parking, shall be devoted to interior landscaping.

(2) **Placement of landscape materials.** The interior landscaping required by this subsection shall be installed in any manner that provides adequate buffering of vehicular uses. If the landscaped area is moved to the perimeter of the lot, it shall be designed as an integral part of landscape buffers. One (1) additional tree shall be planted for each five-hundred (500) square feet of landscape areas transferred to the landscape buffer area. The landscaped area may be designed as a divider median strip to accommodate one (1) tree for each forty linear feet (40') of divider median, or fraction thereof.

3. **Landscape buffer strips.** Landscape buffer strips shall be installed and maintained in accordance with the following standards.

- a. Vehicular use area landscape buffers. Where vehicular use areas abut dedicated right-of-way or the interior lot line of an abutting property, the following standards are required.
- (1) Width of vehicular use area landscape buffer strips that abut rights-of-way. The width of the landscape buffer strip separating a vehicular use area from abutting dedicated rights-of-way shall depend on the gross acreage of the lot.
- (a) Developments of fifteen (15) acres or more. Development of fifteen (15) acres or more shall provide a landscape buffer strip with a minimum width of twenty-five (25) feet.
- (b) Developments of less than fifteen (15) acres. Development of less than fifteen (15) acres shall provide a landscape buffer strip according to the ultimate width of the abutting right-of-way, as determined by reference to Figure 500.35-1.

**Figure 500.35-1**

**Minimum Width of Landscape Buffer Strips**  
**Developments of Less than Fifteen (15) Acres**

<u>Width of Ultimate Right-of-way<sup>①</sup></u>	<u>Minimum Width of Landscape Buffer Strip</u>
0 - 99 Feet <sup>②</sup>	10 Feet
100 + Feet <sup>③</sup>	15 Feet

**Notes:**

<sup>①</sup> The width of the ultimate right-of-way shall be determined by reference to the Traffic Circulation Plan Map of the Palm Beach County Comprehensive Plan, as amended. Street classifications corresponding to right-of-way widths shall be determined by reference to the Palm Beach County Subdivision Code, as amended.

<sup>②</sup> Corresponds to Marginal Access Road, Local Street, or Collector Street. Also includes a limited number of substandard arterial streets which have been incorporated into the County road system.

<sup>③</sup> Corresponds to Arterial Street or Expressway.

- (2) Width of vehicular use area landscape buffer strips that abut interior lot lines. The width of the landscape buffer strip separating a vehicular use area from the interior lot line of an abutting property shall be five feet (5').
- (3) Length. The landscape buffer strip shall extend along the length of the boundary between the vehicular use area and the abutting right-of-way, and/or along the length of the boundary between the vehicular use area and abutting property. The landscape buffer strip may be traversed by access ways as necessary to comply with the standards of the Landscape Code, the Subdivision Code, and other County codes.
- (4) Tree planting. One (1) tree shall be planted or preserved for each thirty linear feet (30') of required landscape buffer strip. In calculating the number of trees to be planted, Fractional Distances shall be rounded down. The width of access ways

which traverse required landscape strips shall be included in the calculation of linear dimension.  
The trees and plants shall comply with the following standards.

(a) Tree height. The height of trees planted or preserved within the required landscape buffer strip shall be as follows:

<u>Required Width of Landscape Strip</u>	<u>Tree Height</u>
<u>Five (5) Feet</u>	<u>Ten (10) Feet</u>
<u>Ten (10) Feet</u>	<u>Ten (10) Feet</u>
<u>Fifteen (15) Feet</u>	<u>Twelve (12) Feet</u>
<u>Twenty-Five (25) Feet</u>	<u>Twelve (12) Feet</u>

(b) Tree spacing. Trees in a landscape buffer strip may be planted in clusters. The maximum spacing of trees in landscape buffer strips abutting dedicated rights-of-way shall not exceed sixty feet (60') on center for rights-of-way of less than one-hundred feet (100') in width, and shall not exceed one-hundred feet (100') on center for rights-of-way exceeding ninety-nine feet (99') in width. The spacing of trees in landscape buffer strips abutting interior lot lines shall not exceed thirty feet (30') on center.

(5) Landscape barriers. A hedge, wall, fence, berm, or other landscape barrier shall be installed and maintained within the landscape buffer strip. Unless otherwise provided in this Landscape Code, the barrier shall be no less than three feet (3') in height and no more than twelve feet (12') in height within a maximum of two (2) years after installation.

(a) Hedges. If a hedge is used as an element of the landscape barrier, plants shall be selected which comply with the Plant Material Standards of this section.

(b) Non-living landscape barriers. If walls, fences, or other non-living barriers are used as elements of the landscape barrier, a minimum of one (1) shrub or vine shall be planted for each ten linear feet (10') of required landscape barrier. If, upon planting, shrubs or vines are not of sufficient height to be clearly visible above the top of the landscape barrier, the shrubs or vines shall be planted on the outside of the barrier.

(c) Earth berms. Earth berms may be used only when installed in conjunction with sufficient plant materials to satisfy the provisions of this section. The slope of a berm shall not exceed a ratio of three-to-one (3:1).

(6) Additional landscape treatment. The remainder of the landscape buffer strip shall be landscaped with grass, ground cover, or other appropriate landscape treatment. Sand or pavement shall not be considered appropriate landscape treatment.

b. Compatibility landscape buffer strips. A landscape buffer strip shall be installed and maintained or preserved along the length of the boundary between the incompatible use or Zoning District abutting the district or development, as indicated in Figure 500.35-2.

- (1) Width. The required width of landscape buffer strips separating incompatible land uses and Zoning Districts shall depend on the type of alternative strip required, as follows:

<u>Landscape Strip</u>	<u>Width</u>
<u>Alternative 1</u>	<u>Five (5) Feet</u>
<u>Alternative 2</u>	<u>No Minimum Width</u>
<u>Alternative 3</u>	<u>Ten (10) Feet</u>
<u>Alternative 4</u>	<u>Twenty-Five Feet</u>

- (2) Tree planting. Within all required compatibility landscape buffer strips, trees shall be installed and maintained, or preserved, in accordance with the following standards:

- (a) In required compatibility buffer strips for proposed nonresidential uses abutting residential development or residential Zoning Districts, a minimum of one (1) tree shall be planted for each twenty linear feet (20') of abutting property line, or fraction thereof; or
- (b) In required buffer strips separating two (2) or more residential developments or Zoning Districts or two (2) or more nonresidential developments or Zoning Districts, a minimum of one (1) tree shall be planted for each thirty linear feet (30') of abutting property line, or fractions thereof.

**Figure 500.35-2  
OPTIONS FOR COMPATIBILITY BUFFER**

**Existing Zoning or Use**

Proposed Zoning or Use	Rural Resid.	Single Family	Multiple Family	Commercial		POD	
				Pod in a PUD	Office or	PCD	CRE Industrial
Multi Family Zoning (except Pods in PUD)		1,3	1,3				
Commercial Pod in PUD		1,2,3	1,2,3				
RSER	1,2,3	1,2,3					
CN	1*	1*	1*				
POD or PCD	1,2,3	1,2,3	1,2,3				
Special Exception	1,2,3,4	1,2,3,4	1,2,3,4	1,2,3,4	1,2,3,4	1,2,3,4	1,2,3,4
CRE	1,2,3	1,2,3	1,2,3	1,2,3	1,2,3	1,2,3	1,2,3
SA	1,2,3	1,2,3	1,2,3	1,2,3	1,2,3	1,2,3	1,2,3
Industrial Zoning	1,2,3	1,2,3	1,2,3	1,2,3	1,2,3	1,2,3	1,2,3
PO	1,2,3	1,2,3	1,2,3	1,2,3	1,2,3	1,2,3	1,2,3
Water and Waste-Water Treatment Facilities	4	4	4	4	4	4	4
Electrical Power Substations	4	4	4	4	4	4	4
Type III Excavation	4	4	4	4	4	4	4

\*Option 1, but a 10' width is required

Alternative 1 Five foot (5') wide landscape buffer strip, with a six foot (6') wall and a ten foot (10') tall trees spaced no more than twenty feet (20') feet on center between nonresidential/residential and no more than thirty feet (30') on center between nonresidential/nonresidential or residential/residential.

Alternative 2 Six foot (6') wall and ten foot (10') tall trees planted in grade level planters, spaced no more than twenty feet (20') feet on center between nonresidential/residential and no more than thirty feet (30') on center between nonresidential/nonresidential or residential/residential.

Alternative 3 Ten foot (10') wide landscape buffer strip, with a six foot (6') wall, hedge, fence, berm or combination and ten foot (10') tall trees spaced no more than twenty feet (20') feet on center between nonresidential/residential and no more than thirty feet (30') on center between nonresidential/nonresidential.

Alternative 4 Twenty five foot (25') wide landscape buffer strip, and two rows of twelve foot (12') tall trees spaced no more than twenty feet (20') feet on center between nonresidential/residential and no more than thirty feet (30') on center between nonresidential/nonresidential or residential/residential. The Board of County Commissioners shall have the option of requiring any combination of Alternative 1, 2, 3 or 4 buffer requirements for proposed uses to which alternative 4 standards apply.

(3) Placement of landscape material. Trees within Compatibility Landscape Strips shall be planted within with a maximum spacing of twenty feet (20') on center between nonresidential and residential developments and thirty feet (30') on center between abutting nonresidential developments and between abutting residential developments. For Compatibility Landscape

Underlined language (e.g., the) indicates proposed new language.  
Language crossed out (e.g., the) indicates language proposed to be deleted.

Strip number two (2), required trees shall be planted along the lot perimeter in grade level tree planting areas spaced at no more than thirty feet (30') on center. The minimum area of a tree planting area shall be twenty (20') square feet, and the minimum dimensions shall be four feet by five (4'x5') feet. The ground within the tree planting area shall receive appropriate landscape treatment, including mulch or ground cover. For Compatibility Landscape Strip number four (4), trees shall be planted within the strip in double rows.

(4) Landscape barriers. A landscape barrier shall be installed within compatibility buffer strips in accordance with the following standards.

(a) For landscape buffer strips one (1) and two (2), a solid concrete block (CBS) and steel-reinforced wall, with a continuous footing, or an alternative approved by the Department, shall be installed. The minimum height of the wall shall be six feet (6'), as measured from the highest grade on either side of the abutting lots. The exterior side of the wall shall be given a finished architectural treatment which is compatible with and harmonizes with abutting development.

(b) For landscape buffer strip three (3), a landscape barrier consisting of a hedge, berm, fence or wall shall be installed. The landscape barrier shall present a continuous, solid visual screen at least six feet (6') in height within two (2) years of installation.

c. Landscape buffer strips for planned developments over fifteen (15) acres.

Planned Developments over fifteen (15) acres shall be landscaped along their entire buffer length in accordance with the following standards. Additional landscape buffering shall not be required if existing native vegetation, excluding prohibited species, satisfies the requirement of this subsection.

(1) Landscape. Perimeter landscaping shall comply with the landscape standards established for compatibility landscape buffer number three (Sec. 500.35.G.3.b). Notwithstanding Zoning Code Sec. 500.21.K, in cases where the perimeter of the PUD or planned development abuts a sufficient natural or man-made buffer or amenity (i.e., lakes, open space, golf course), the Board of County Commissioners may waive or modify the buffer requirements.

(2) Width. The width of landscape buffer strips for planned developments over fifteen (15) acres shall be established by the applicable planned development regulations.

(3) Length. The landscaping shall extend along the boundary of the planned development, excluding accessways necessary to comply with the standards of this Code, the Subdivision Code or other County codes.

(4) Tree planting. One (1) tree shall be planted or preserved for each thirty linear feet (30') of abutting property line.

d. Alternative use of native vegetation. Notwithstanding the specific requirements of this Section 500.35.G.3 above, existing native vegetation may be deemed to satisfy the landscape buffer requirements, in total or in part, upon the approval of the Zoning Director and the Department of Environmental resource Management. In determining whether native vegetation satisfies the buffer requirements, the following shall be considered:

- (1) The effectiveness of the visual screening which will be provided.
- (2) The quality of the vegetation being preserved.
- (3) The proposed native buffer makes use of existing native vegetation, which may include trees. If no trees exist in the proposed buffer, no additional trees will be required if adequate screening is provided, and
- (4) Native vegetation from areas of the site to be developed may be relocated to the buffer area.

4. Tree credits. A native wetland tree planted in a littoral zone, a preserved native tree, or drought-tolerant tree on-site, that meets the standards specified in this subsection may be substituted for any of the trees required to be planted by the Tree Planting and Preservation Standards (Sec 500.35.G.1.); the Interior of Vehicular Use Areas landscape standards (Sec. 500.35.G.2); or by the planned development regulations contained in Chapter V and Chapter VI, including the Planned Unit Development (Sec. 500.21), Mobile Home Rental Parks (Sec. 500.22), Mobile Home Condominium Parks (Sec. 500.24) and Planned Industrial Park District (Sec. 615) standards of this Zoning Code; or by special conditions imposed by the Board of County Commissioners.

- a. Tree surveys. Credit shall not be granted for preservation of existing native or drought-tolerant trees unless the application is accompanied by a tree survey which meets the Application Requirements (Sec. 500.35.E.2.) of the Landscape Code.
- b. Tree credit formula. Existing native wetland trees planted in littoral zones or drought-tolerant trees and shall be credited according to the formula in Figure 500.35-3 (below). Fractional measurements shall be submitted to the next lowest category.

**Figure 500.35-3  
Tree Credits**

<u>Crown Spread of Tree</u>	<u>or</u>	<u>Diameter of Tree 4.5 Feet Above Natural Grade</u>	<u>=</u>	<u>Credits</u>
<u>90 feet or greater</u>	<u>or</u>	<u>36 inches or greater</u>	<u>=</u>	<u>7</u>
<u>60 to 89 feet</u>	<u>or</u>	<u>30 to 35 inches</u>	<u>=</u>	<u>6</u>
<u>50 to 59 feet</u>	<u>or</u>	<u>26 to 29 inches</u>	<u>=</u>	<u>5</u>
<u>40 to 49 feet</u>	<u>or</u>	<u>20 to 25 inches</u>	<u>=</u>	<u>4</u>
<u>30 to 39 feet</u>	<u>or</u>	<u>13 to 19 inches</u>	<u>=</u>	<u>3</u>
<u>20 to 29 feet</u>	<u>or</u>	<u>8 to 12 inches</u>	<u>=</u>	<u>2</u>
<u>10 to 19 feet</u>	<u>or</u>	<u>2 to 7 inches</u>	<u>=</u>	<u>1</u>
<u>Less than 10 feet</u>	<u>or</u>	<u>Less than 2 inches</u>	<u>=</u>	<u>0</u>

c. Trees excluded from credit. No tree credits shall be permitted for the following types of trees.

- (1) Required preservation. Trees which are required to be protected by law, or trees located in required preservation areas:

Underlined language (e.g., the) indicates proposed new language.

Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

- (2) Not protected during construction. Trees which are not properly protected from damage during the construction process, as provided by the Required Landscape Protection Measures (Sec. 500.35.I.6);
- (3) Prohibited or controlled species. Trees which are classified as prohibited or controlled species by the Landscape Code;
- (4) Dead or diseased trees. Trees which are dead, dying, diseased, or infested with harmful insects; or
- (5) Recreation tracts, golf courses, or similar subareas within planned developments. Trees which are located within recreation tracts, golf courses or similar subareas within planned developments which are not intended to be developed for residential, commercial, or industrial use.

5. Alternative landscape betterment plans. Applicants shall be entitled to demonstrate that the intent of the Landscape Code can be more effectively met, in whole or in part, through an Alternative Landscape Betterment Plan. An Alternative Landscape Betterment Plan shall be reviewed by the Department, and, if approved, shall be substituted, in whole or in part, for a landscaping plan meeting the express terms of this Landscape Code.

a. Submittal requirements. Applicants seeking approval of an Alternative Landscape Betterment Plan shall be subject to the following standards.

- (1) Each Alternative Landscape Betterment Plan shall be prepared and submitted in accordance with the Procedures (Sec. 500.35.F) of the Landscape Code;
- (2) Each Alternative Landscape Betterment Plan shall be clearly labeled as an "Alternative Landscape Betterment Plan"; and
- (3) Each Alternative Landscape Betterment Plan shall clearly delineate and identify the deviations permitted from the provisions of this section.

b. Review Standards. In reviewing proposed Alternative Landscape betterment Plans, the Department shall give favorable consideration to exceptional landscape designs which attempt to preserve and incorporate native existing vegetation in excess of minimum standards and Plans that demonstrate innovative design and use of plant materials. The Department shall not approve an Alternative Landscape Betterment Plan if it:

- (1) Results in the planting or preservation of fewer trees than the minimum number required by the Base Tree Planting and Preservation Standards (Sec. 500.35.G.1);
- (2) Violates the terms or conditions of any code or ordinance of Palm Beach County. In particular, an Alternative Landscape Betterment Plan shall not be a substitute for any variance required to be obtained by the Landscape Code; or
- (3) Is not as good as a plan prepared in strict compliance with the other requirements of the Landscape Code, or is otherwise inconsistent with the intent of this subsection to encourage exceptional or unique landscape designs.

H. Tree and landscape material standards. The following standards shall be considered the minimum required planting standards for all trees and landscape material.

1. Plant quality. Plants installed pursuant to this section shall conform to or exceed the minimum standards for Florida Number 1, as provided in the most current edition of "Grades and Standards for Nursery Plants, Parts I and II", prepared by the State of Florida Department of Agriculture and Consumer Services. Another accepted standard may be used if it equals or exceeds the quality of Florida Number 1.
2. Tree and plant species. A recommended Tree and Plant Species list shall be developed, periodically revised, and distributed to the public by the Department as an informational guide for the selection of tree and plant species which meet the requirements of this section. The recommended Tree and Plant Species List shall also identify plant species which shall be prohibited from being planted in required landscape areas. The criteria used to identify these prohibited tree and plant species shall be based upon the general intent of the Landscape Code.  
  
Trees and Plants used in landscape design pursuant to this section shall, to the greatest extent possible, be drought tolerant; appropriate for the ecological setting in which they are to be planted; have non-invasive growth habits, encourage low maintenance and high quality landscape design; be commercially available; and be otherwise consistent with the purpose and intent of the Landscape Code.  
  
No artificial plants or vegetation shall be used to meet any requirement of the Landscape Code.
3. Tree diameter and height. Immediately upon planting, trees shall be a minimum of ten feet (10') in height with a minimum diameter of one and one-half (1.5") measured at a point which is at least four and one-half feet (4.5') above existing grade level.
4. Tree crown and canopy. Required trees shall have a minimum of five feet (5') of clear trunk and a minimum five foot (5') canopy spread, except as otherwise noted.
5. Required tree species. A minimum of fifty percent (50%) of all trees required to be planted by the Landscape Code shall be native species.
  - a. Shade trees. A minimum of seventy-five percent (75%) of all trees that are required to be planted in the interior of vehicular use areas shall be shade trees.
6. Palm trees. Palms planted in landscape buffers shall be installed in groups of no less than three (3). Each group of three (3) palms in a buffer strip shall be considered to be one (1) tree. In the case of species of palms which characteristically grow in clumps, each clump shall be considered to be one (1) tree. Each palm used in interior planting shall be considered to be one (1) tree. Palms planted in the interior of vehicular use areas shall be an appropriate species which when mature will not interfere with required lighting or other property development regulations.
7. Tree species mix. When more than ten (10) trees are required to be planted to meet the requirements of the Landscape Code, a mix of species shall be provided. The number of species to be planted shall vary according to the overall number of trees required to be planted. The minimum number of species to be planted is indicated in Figure 500.35-4. Species shall be planted in proportion to the required mix. This species mix standard shall not apply to areas of vegetation required to be preserved by law.

Figure 500.35-4  
Required Species Mix

Required Number of Trees	Minimum Number of Species
11-20	2
21-30	3
31-40	4
41 +	5

8. Hedges and shrubs. Hedges and shrubs shall be a minimum of twenty-four inches (24") in height immediately upon planting, and spaced at a maximum of twenty-four inches (24") on center. Hedges shall form a solid continuous visual screen of at least three feet (3') in height within two (2) years after the time of planting.
9. Vines. Vines shall have a minimum of five (5) runners, with each a minimum of thirty inches (30") in length immediately upon planting. Vines may be used in conjunction with fences, screens, or walls to meet physical barrier requirements. If vines are used in conjunction with fences, screens, or walls, their runners will be attached to the fence, screen, or wall in a way that encourages proper plant growth.
10. Ground treatment. The ground area within required landscaped areas which is not dedicated to trees, vegetation, or landscape barriers shall receive appropriate landscape treatment and present a finished appearance and reasonably complete coverage upon planting. The following standards shall apply to the design of ground treatment:
- a. Ground cover. Ground cover may be planted in lieu of grass in conjunction with planting of trees, shrubs, or hedges. Ground cover shall provide a minimum of fifty percent (50%) coverage immediately upon planting or at time of inspection and one hundred percent (100%) coverage within two (2) years after planting.
  - b. Mulch. Mulch shall be temporarily applied to areas not immediately covered by ground cover. Mulch may be used as a permanent ground treatment in those landscape designs where ground cover or grass is inappropriate, such as in a pine preservation area. Where mulch is intended to be installed permanently, it shall be renewed and maintained at a minimum depth of 2 inches.
  - c. Pebbles and egg rock. Pebbles or egg rock may be used in a limited way as a ground treatment in areas where drainage is a problem.
  - d. Lawn and turf grass. Grass areas shall be planted with species suitable as permanent lawns in Palm Beach County. Grass areas may be sodded, plugged, sprigged, or seeded, provided that solid sod shall be used in swales, rights-of-ways or other areas subject to erosion. In areas where grass seed is used, nursegrass seed shall also be sown for immediate effect, and maintenance shall be provided until coverage is completed. Because of their drought resistant characteristics, it is recommended that the Bahia grass species be used. Use of drought-tolerant ground cover instead of lawn and turf grass is encouraged where feasible.
  - e. Native vegetation areas. Ground treatment is not required in areas of native vegetation.
11. Prohibited plant species. The following plant species shall not be planted:

- a. Melaleuca quinquenervia (commonly known as Punk Tree, Cajuput, or Paper Bark);
  - b. Schinus terebinthifolius (commonly known as Brazilian Pepper or Florida Holly);
  - c. Casuarina trees (commonly known as Australian Pine); or
  - d. Acacia auriculaeformis (commonly known as Earleaf Acacia).
12. Eradication of prohibited plant species. Each landscape plan or Alternative Landscape Betterment Plan required or permitted by this section shall include a program to eradicate and prevent the reestablishment of prohibited plant species. A phased eradication program may be approved by the Department in instances where a prohibited species is required to be removed from the perimeter of a site on which a use is proposed that is incompatible with the use of an adjoining property.
- The eradication program shall specify the planting program for any required landscaping and the time frames in which the prohibited plant species is to be removed.
13. Controlled plant species. The following plant species have a tendency to become nuisances if they are not properly cultivated. These species may be planted under controlled conditions provided that they are installed and maintained according to the following regulations.
- a. Casuarina species hedges (Australian pine). Casuarina species may be continued to be used as a hedge if it existed prior to February 1, 1990. A casuarina hedge shall be constantly maintained and shall not exceed twelve feet (12') in height.
  - b. Ficus species. Ficus species may be planted as individual trees provided that they are no closer than fifteen feet (15') from any structure or utility. Ficus species planted within fifteen feet (15') of any structure or utility shall be permitted only if they are:
    - (1) Contained in a planter approved by the Department, or
    - (2) Maintained as hedge which is constantly cultivated and does not exceed twelve feet (12') in height.
  - c. Gravillea robusta (silk oak), Bischofia javanica (tong) and Dalbergia sissoo (rosewood). These species may be planted, but cannot be counted for more than ten percent (10%) of the total number of trees required by any section of this Landscape Code.

I. Installation, maintenance, irrigation and replacement. The following standards shall be considered the minimum required installation, maintenance, irrigation and replacement standards for all trees and landscape material.

1. Installation. All landscaping shall be installed according to sound nursery practices in a manner designed to encourage vigorous growth. Soil improvement measures may be required to ensure healthy plant growth. A plant or tree's growth characteristics shall be considered before planting to prevent conflicts with views or signage. Such conflict shall not in itself permit the pruning of trees in excess of thirty percent (30%) of the tree's canopy in any given year as regulated by the Pruning standards of this section.

2. Replacement. Vegetation which is required to be planted or preserved by this Landscape Code shall be replaced with equivalent vegetation if it is not living within one (1) year of issuance of a Certificate of Occupancy or Certificate of Completion. Preserved trees for which credit was awarded and which subsequently die, shall be replaced by the requisite number of living trees according to the standards established in this section.
3. Maintenance. The property owner, or successors in interest, or agent, if any, shall be jointly and severally responsible for the following:
  - a. Regular maintenance of all landscaping in good condition and in a way that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching or other maintenance, as needed and in accordance with acceptable horticultural practices;
  - b. The repair or replacement of required landscape structures (e.g., walls, fences) to a structurally sound condition;
  - c. The regular maintenance, repair, or replacement, where necessary, of any screening or buffering required by the Landscape Code;
  - d. Perpetual maintenance to prohibit the reestablishment of harmful exotic species within landscaping and preservation areas; and
  - e. Continuous maintenance of the site.
4. Tree pruning. Pruning of trees shall be permitted to allow for healthy uniform growth and to promote structural, aesthetic and safety considerations. All permitted pruning shall be conducted in accordance with the following standards.
  - a. Severely cutting back lateral branches and canopy or hatracking is prohibited.
  - b. No more than thirty percent (30%) of a tree's canopy shall be removed during any one (1) year period unless the pruning is conducted pursuant to National Arborist Association guidelines and is necessary to remove limbs or foliage which present a hazard to power lines or structures, or is necessary to remove dead or diseased limbs.
  - c. Pruning shall be performed in accordance with the latest standards of the National Arborist Association. These standards shall be available at the Department.
5. Irrigation. Adequate irrigation of landscaped areas shall be provided for the first full growing season and continue thereafter as necessary to maintain required vegetation in good and healthy condition. Irrigation systems shall conform to following standards.
  - a. All landscaped areas shall be provided with a readily available water supply with at least one (1) outlet within seventy-five (75') of the plants to be maintained. The use of non-potable water for irrigation purposes shall be encouraged.
  - b. Irrigation systems shall be continuously maintained in working order and shall be designed so as not to overlap water zones or to water impervious areas.
  - c. No irrigation system shall be installed or maintained abutting any public street with a width of sixty-three (63') or wider, which causes water from the system to spurt onto the roadway or to strike passing vehicular traffic.

- d. The use of grey or re-used water shall be required for, but not limited to, parks and recreation facilities (e.g., golf courses, medians, etc.) that are within one (1) mile of a waste water treatment plant or within the Irrigation Quality (IQ) effluent water service area of the Palm Beach County Water Utilities Department where grey or re-used water is available and where such reuse is approved by the regulatory agencies.
  - e. The use of grey or re-used water shall be encouraged through inter local agreements for the use of grey water with municipalities and utilities that provide water and sewer service to the unincorporated areas provided that the waste water treatment plant is within one (1) mile, where IQ water is available and where such reuse is approved by the regulatory agencies.
  - f. No permanent irrigation system is permitted for an area set aside on approved site development plans for preservation of existing native vegetation.
  - g. Temporary irrigation systems installed pursuant to acceptable xeriscape practices may be used to meet the requirements of the Landscape Code, upon approval of the Department of Environmental Resources Management.
  - h. Whenever practical, irrigation systems shall be designed in zones to apply water onto shrub and tree areas on a less frequent schedule than those irrigating shrub lawn areas. When technically feasible, a rain sensor switch shall be installed on systems with automatic controllers.
6. Landscape protection. The following landscape protection measures shall be required for all landscaping installed or preserved pursuant to the Landscape Code and other County regulations.
- a. Nonresidential curbing. All landscape areas in a nonresidential development, except where wheel stops are used, shall be separated from vehicular use areas by non-mountable, reinforced concrete curbing of the type characterized as "Type D" in the current edition of the "Roadway and Traffic Design Standards" Manual, prepared by the State of Florida Department of Transportation, or curbing of comparable durability. Unreinforced extruded asphaltic curbing shall be prohibited. The width of curbing shall be excluded from the calculation of the minimum dimensions of all required landscape areas.
  - b. Residential curbing. Extruded concrete curbs may be permitted to line the interior parking areas in a residential development. The area of extruded concrete may be limited to the immediate parking bays. Curbing along accessways and interior streets shall be provided as required by the County Engineer. The width of curbing shall be excluded from the calculation of the minimum dimensions of all required landscape areas. Unreinforced extruded asphaltic curbing shall be provided.
  - c. Wheel stops. All landscaped areas adjacent to off-street parking areas which are not protected by curbing shall be protected from encroachment or intrusion of vehicles through the use of concrete wheel stops. Wheel stops shall have a minimum height of six inches (6") above finished grade of the parking area. Wheel stops shall be properly anchored and shall be continuously maintained in good condition. Where wheel stops are located within two feet (2') of the front of a parking space, that two feet (2') need not be paved, provided that the area between the wheel stop and the landscape area shall receive appropriate landscape treatment, including planting of grass or ground cover.

d. Tree protection. Trees which are to be preserved on a site shall be protected from damage during the construction process, in accordance with the Palm Beach County Vegetation Protection and Preservation Ordinance and other appropriate tree protection techniques. In determining the appropriateness of particular techniques, the Department shall use the current edition of the "Tree Protection Manual for Builders and Developers," published by the Division of Forestry of the State of Florida Department of Agriculture and Consumer Services, or a similar reference manual.

7. Use of landscaped areas.

a. Landscaped areas which are required to be created or preserved by the Landscape Code shall not be used for the storage of materials or sale of products or services.

b. Signs within landscape areas. All signs within required landscaped areas shall comply with the sign code and shall be supplemented with a three foot (3') wide planting area around the base of the sign. One shrub for each ten square feet of sign surface area shall be installed within the required planting area.

8. Safe distance triangles. Whenever an access way intersects a right-of-way or when a property abuts the intersection of two (2) or more rights-of-way, the following standards shall apply.

a. Where an accessway enters a right-of-way, two (2) safe distance triangles shall be created, diagonally across from each other on both sides of the accessway. Two (2) sides of the triangle shall extend ten feet (10') each way from the point of intersection. The third side of the triangle shall be a line connecting the ends of the other two (2) sides.

b. Where a property abuts the intersection of two (2) rights of way, a safe sight distance triangle shall be created. Two (2) sides of the triangle shall extend twenty-five feet (25') along the abutting rights-or-way lines, measured from their

point of intersection. The third side of the triangle shall be a line connecting the ends of the other two (2) sides.

- e. Alternative safe distance triangles may be required in individual cases if they are deemed necessary by the County Engineer to ensure adequate traffic safety. If an alternative safe distance triangle are required, they shall result in traffic safety which is equivalent or superior to the minimum standards of this subsection.
  - d. All landscaping within the required safe distance triangle areas shall be planted and maintained as follows:
    - (1) Safe Distance Triangle areas shall be planted and maintained in a way that provides unobstructed visibility at a level between thirty inches (30") and eight feet (8') above the crown of the adjacent roadway;
    - (2) Vegetation within Safe Distance Triangle areas shall be trimmed so that no limbs or foliage extend into the required visibility area;
    - (3) Within Safe Distance Triangle areas, vegetation shall not be planted, nor shall improvements or devices such as bus benches or shelters or newspaper vending machines, be installed in a way that creates a traffic hazard.
    - (4) Landscaping shall be located in accordance with the roadside recovery area provisions of the State of Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance of Streets and Highways, as amended.
    - (5) No parking or vehicular use areas shall be permitted within the required safe corner triangular areas.
    - (6) All landscaping shall be planted and perpetually maintained within the safe corner triangle area, in accordance with this section.
9. Landscape manual. The Department shall prepare and may from time to time revise a landscape manual which shall illustrate the requirements of this section. The manual shall be made available for purchase to the public. The manual may include other explanatory information at the discretion of the Department.

J. Landscape in rights-of-way and easements

- 1. Right-of-way landscape. A developer or property owner may be permitted by the County Engineer to landscape the medians or swales of streets, provided that the plant material to be used complies with the Tree and Landscape Material Standards (Sec. 500.35.H) and provided that the following standards are met. Permit application forms shall be prepared and made available to applicants by the Department of Engineering and Public Works.
  - a. Landscaping shall comply with the Minimum Safe Intersection Sight Distances (Sec. 500.35.I.8.).
  - b. Plants may be permitted within the rights-of-way of streets provided that they comply with the roadside recovery area provisions of the State of Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance of Streets and Highways, (DOT Green Book), as amended. The County Engineer shall have final authority to approve or disapprove

the location of plants and landscaping with respect to safe and proper engineering practices.

c. Shrubs may be permitted within the typical swale section provided that the County Engineer is satisfied that drainage within the swale is not affected.

2. Landscape in easements. Landscaping may be permitted in easements only with the written permission of the easement holder. Written permission shall be submitted prior to application for a development order, in a form acceptable to the Palm Beach County Attorney. Permission shall be filed with the land records applicable to the site, as maintained by the Clerk of the Circuit Court of Palm Beach County. Costs of filing shall be borne by the applicant. A five foot (5') tree planting strip, free of utility easements, shall be provided in required landscape buffer strips. A utility easement may cross a tree planting strip only upon Department approval provided at the Planning Commission Preheating Conference.

K. Special landscape and vegetation protection standards.

1. Lake Worth and Loxahatchee River buffers. A fifty foot (50') native vegetation buffer shall be preserved along Lake Worth and the Loxahatchee River. The fifty foot (50') buffer shall be measured from the present commonly recognized waterway bank.

2. Native plant community set aside. All development shall comply with the Palm Beach County Vegetation Preservation and Protection Ordinance.

3. Wetlands. A buffer zone of native upland vegetation shall be planted pursuant to the Palm Beach County Wetlands Ordinance.

4. Surface water management tracts. Functional vegetated littoral zones shall be established pursuant to the Palm Beach County Mining Ordinance.

L. Temporary suspension of landscape standards. The installation of landscaping required by the Landscape Code may be temporarily suspended, in individual cases, by the Executive Director after a freeze when require landscape materials are not available or during a period of drought in which the use of water is restricted by a governmental authority.

1. Performance surety. If the landscape standards of the Landscape Code are suspended pursuant to this subsection, the Department shall enter into an agreement with the developer, the owner, or their agent that will allow issuance of the permit or Certificate of Occupancy or Certificate of Completion. Such an agreement will be approved only if, in the opinion of the County Attorney, the owner or developer provides adequate guarantee or surety that the terms of this Landscape Code shall be met. The guarantee shall consist of a performance bond or other or other surety agreement approved by the County Attorney, in an amount equal to one hundred and ten percent (110%) of the direct costs of materials and labor, and other costs incidental to the installation of the required landscaping.

2. Surety bond requirements. Performance guarantees required pursuant to this subsection shall run to the County Commission; be in a form satisfactory and acceptable to the County Attorney; and specify the time-frame for the completion of the landscape requirements of the Landscape Code. Application for a surety bond shall be accompanied by a Landscape plan prepared by the applicant which shall identify the plantings which have been postponed and include a project schedule. Planting cost estimates shall be verified by competent authority.

**M. Administration and enforcement.** ~~No building permits, paving permits, or certificates of occupancy shall be issued by the Department until compliance with the requirements of this section has been verified as provided in this subsection. An authorized agent of the Department may enter upon a lot to verify that any requirements of the Landscape Code have been or are being met.~~

1. **Field inspections.** ~~Unless otherwise provided in the Landscape Code, all development subject to the Landscape Code shall be inspected by the Department prior to issuance of a paving permit, or certificate of compliance.~~

2. **Optional special certification.** ~~In lieu of initial field inspection and certification by the Department, the property owner or his agent may submit a special certificate of compliance which complies with the following.~~

a. **Form of special certification.** ~~The special certification shall:~~

- (1) ~~Be submitted to the Department prior to issuance of a building permit, paving permit or Certificate of Occupancy or Certificate of Completion;~~
- (2) ~~Be submitted in sufficient numbers upon forms available from the Department;~~
- (3) ~~Bear the seal of a landscape architect;~~
- (4) ~~State that the landscape architect or other licensed professional personally inspected the site;~~
- (5) ~~State that the landscape architect or other licensed professional certifies that landscaping was properly installed and meets all requirements of the Landscaping Code and of this section;~~
- (6) ~~State that the landscape architect or other licensed professional understands that any misrepresentations or misstatements in the special certificate of compliance shall constitute a violation of the Landscape Code and of State law;~~
- (7) ~~State that the landscape architect or other licensed professional understands that misrepresentations or misstatements in the special certificate of compliance may also become the grounds for professional disciplinary action pursuant to State law; and~~
- (8) ~~Contain such other information as required by the Department which is reasonable and necessary to a determination that landscaping is in compliance with this section.~~

b. **Field verification of special certification.** ~~The Department may at its option conduct a field inspection to verify representations made in the special certificate of compliance.~~

c. **Acceptance of special certification.** ~~If no field verification is conducted by the Department, the special certificate of compliance shall be deemed to have been accepted. Upon acceptance by the Department, the special certificate of compliance shall be filed and maintained with the official records of the development.~~

3. **Violations.** ~~Failure to install or maintain landscaping according to the terms of this section shall constitute a violation of the Landscape Code. Where trees are required to be planted, preserved, or maintained by this section, failure to plant, preserve, or maintain each~~

individual tree shall also be considered to be a separate violation of the Landscape Code. Each day in which either landscaping or individual trees are not installed or maintained according to the terms of this section shall constitute a continuing and separate violation of the Landscaping Code.

**500.37 Congregate Living Facilities.**

**Sec. 500.37 is amended as follows.**

- A. Purpose and intent.** The purpose and intent of this section is to protect the public health, safety and welfare by:
1. Establishing minimum standards for the occupancy, physical development, redevelopment, location, and future conversion to other residential uses of Congregate Living Facilities within unincorporated Palm beach County;
  2. Coordinating county regulations with those of the State of Florida;
  3. Ensuring an adequate quality of life for residents of Congregate Living Facilities by providing for a balanced mix of residential, social, health and leisure services within such Facilities;
  4. Encouraging the development of Congregate Living Facilities within planned developments; and
  5. Establishing standards for the appropriate placement of Congregate Living Facilities within the growth management frame work established by the Palm Beach County Comprehensive Plan.
- B. Applicability.** In addition to the requirements of Sec. 401.1.A.,B., the requirements of this section shall apply to all Congregate Living Facilities within unincorporated Palm Beach County. These standards shall prevail over less restrictive standards applicable to such Facilities imposed by the Zoning Code or otherwise by law. All CLE's for residents other than housing for children, aged persons, physically disabled persons, developmentally disabled persons as defined in Sec. 393.0631(6), Florida Statutes, non-dangerously mentally ill persons as defined in Sec. 394.455(3), Florida Statutes, safe house shelters, or maternity homes excluding birthing centers and clinics shall be subject to the requirements of Sec. 401.2 (Special Exceptions).
- ~~**C. Definitions.** Definitions have been moved to Sec. 200.2.~~
- C. Maximum permissible occupancy.**
1. **Maximum occupancy.**
    - a. The maximum occupancy of a Congregate Living Facility, Type 1 shall be ~~four(4)~~ six (6) persons, excluding staff.
    - b. The maximum occupancy of a Congregate Living Facility, Type 2 shall be ~~twelve(12)~~ fourteen (14) persons, excluding staff.
    - c. The maximum occupancy of a Congregate Living Facility, Type 3 shall be determined by reference to Table 500.37.

Underlined language (e.g., the) indicates proposed new language.  
Language crossed out (e.g., the) indicates language proposed to be deleted.

**Table 500.37.  
Maximum Permissible Occupancy in Type 3  
Congregate Living Facilities\***

Land Use Plan Category (Residential)	Maximum Occupancy (Residents per Acre)			
	Zoning District	In a Standard Zoning District	In a Planned Unit Development	Occupancy Bonus
Very Low	AR	Prohibited	0.5 <del>0.26</del>	None
	RE	Prohibited	0.5	None
Very Low Low	RE	Prohibited	1.0 <del>3.0</del>	None
	RT	Prohibited	4.0 <del>5.0</del>	None
	RTS	Prohibited	8.0	None
Low Medium	RS	Prohibited	13.0 <del>20.0</del>	None
Medium High	RM	21.0 <del>16.0</del>	31.0	15.0
Medium High High	RH	31.0 <del>16.0</del>	47.0 <del>45.0</del>	29.0
AGR	AGR	Prohibited	2.6 (moratorium)	
RR10	RSER	Prohibited	0.26	
RR10	AB	Prohibited	0.26	
RR20	AB	Prohibited	0.13	
RR10	CBS	Prohibited	0.26	
RR20	CBS	Prohibited	0.13	
LR1	CBS	Prohibited	2.6	
LR1	RE	Prohibited	2.6	
LR2	RT	Prohibited	5.2	
LR3	RTS	Prohibited	7.8	
MR5	RTU	Prohibited	13.0	
HR8	RS	Prohibited	20.8	
HR12	RS	Prohibited	20.8	
HR18	RS	Prohibited	20.8	
HR12	BM	15.6	31.2	
HR18	RM	15.6	31.2	
HR18	RH	15.6	31.2	

\*Note: Occupancy has been calculated by multiplying the maximum density of a conventional residential development permitted by the land use plan Zoning Code in a PUD times 2.6 persons per household. The resulting figure was then rounded to the nearest whole number. 2.6 persons represents the average household size of all occupied dwelling units in Palm Beach County in the 1980 U.S. Census.

d. Occupancy bonus for Congregate Living Facility Type 3 is the low-medium through high density residential plan categories are to be permitted as follows:

Underlined language (e.g., the) indicates proposed new language.  
Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

d. The underlying residential density in a commercial Zoning District shall be used to calculate the density of the Congregate Living Facility. The overall residential density shall not exceed that of the underlying land use.

~~(1) and increase in maximum permitted occupancy of a Congregate Living Facility, Type 3 may be appropriate if all of the following circumstances exist.~~

~~(a) The site has commercial potential under the Comprehensive Plan, or is in an approved Commercial Pod in a Planned Unit Development.~~

~~(b) The site is in a Zoning District permitted in the low medium through high density residential plan categories; and~~

~~(c) The site is or shall be subject to a special exception for a planned unit development pursuant to Sec. 500.21, and~~

~~(d) The proposed project is consistent with the intent of this section, the Zoning Code, the Comprehensive Plan, and other applicable law and policy, as determined by the Board of County Commissioners in accordance with applicable standards.~~

~~(2) An occupancy bonus shall not be considered an entitlement. No bonus shall be granted except as an express request in an application for a special exception for a planned unit development. The Board of County Commissioners may decline to grant a bonus or may reduce the requested bonus if it determines that additional occupancy is not consistent with the general character of surrounding development, or if the effects of additional occupancy have not been adequately addressed through appropriate site design, or that a bonus is otherwise inconsistent with the intent of this section.~~

- 3-2. Number of residents to be specified.** The total number of residents proposed, including resident staff, shall be specified in the initial application and on the approved master or site plan.
- 4-3. No double counting density in PUD's.** The gross area of a pod dedicated to a Congregate Living Facility on a planned unit development master plan shall be deducted from the gross area of the planned unit development for the purpose of calculating the maximum density of conventional residential development.
- 5-4. Maximum occupancy of CLF's in "old code" planned unit developments in the AR district.** The Maximum occupancy of a Congregate Living Facility in a planned unit development in the AR District approved pursuant to Zoning Resolution 3-57 shall be determined by reference to the underlying Zoning District, as established in Table 500-37.
- 2-5. Conversion to conventional dwelling units.**
- a. Prior to conversion to conventional dwelling units, a building designed to accommodate a Congregate Living Facility shall, if necessary, be structurally modified to comply with residential density restrictions in the Comprehensive Plan and Zoning Code.
  - b. No special exception for a Congregate Living Facility, Type 3, shall be abandoned through administrative action. A proposed abandonment shall be subject to the requirements of Sec. 401, "Application Procedure for all Petitions."
  - c. No site plan for a Congregate Living Facility, Type 3, shall be certified until a declaration of restrictions in a form approved by the County Attorney has been recorded to run with the land records maintained by the clerk of the circuit court in and for Palm Beach County. This declaration of restrictions shall expressly provide that: (1) the conversion of the premises to conventional dwelling units is prohibited except in compliance with Sec. 500.37, "Congregate Living Facilities," as it may be amended; and (2) if permitted, conversion will result in a reduction in the number of "quarters" and residents permitted on the site if permitted, conversion will not result in an increase in the number of "quarters" and residents permitted on the site unless the converted project has obtained a valid PUD approval. If that approval has not been granted, the converted project will have to comply with the density permitted in the underlying Zoning District; and (3) the total number of

permitted residents may be determined by referring to the approved master or site development plan on file with the Department.

**D. Supplemental property development regulations.**

1. **In general.** Unless otherwise provided in this subsection, a Congregate Living Facility shall be governed by the property development regulations applicable to the Zoning District or planned unit development in which it is established.
2. **Minimum lot area.** The minimum lot area requirements of the underlying Zoning District shall apply to each Congregate Living Facility, but in no case shall lot size be less than seven thousand five-hundred (7500) square feet for a Congregate Living Facility Type 2, or one (1) acre for a Congregate Living Facility, Type 3.
3. **Off-street parking requirements.**
  - a. **General requirements.**
    - (1) Every Congregate Living Facility shall provide adequate parking and circulation for residents, visitors and staff. The standards established in this subsection shall be considered the minimum necessary to achieve this goal.
    - (2) Unless otherwise provided in the Zoning Code, all parking and vehicular use areas shall be paved.
    - (3) The bases for parking calculations shall be clearly stated on proposed site plans, including the maximum number of employees.
    - (4) Additional parking requirements may be imposed as a condition of approval of the special exception.
  - b. **Congregate Living Facilities, Type 1** shall comply with off-street parking requirements for single-family residences, as provided in Sec. 500.17.
  - c. **Congregate Living Facility, Types 2 and 3** shall comply with the following off-street parking requirements:
    - (1) A minimum of one (1) parking space shall be provided for each four (4) residents, plus one (1) space for each employee on the shift of greatest employment.
    - (2) Adequate provision shall be made to reserve sufficient lot area to meet future parking requirements if the Facility is converted to other uses. Protected vegetation in this reserve parking area shall be maintained as provided in Sec. 500.36, "Vegetation Protection and Preservation." The boundaries of the reserve parking area shall be indicated on the project's site plan.
    - (3) Congregate Living Facilities, Types 2 and 3, shall establish a safe drop-off area for group transportation, such as vans or similar vehicles.
4. **Cooking facilities.**
  - a. **Central dispensing and consumption of food.** Each Congregate Living Facility shall provide and continuously maintain central Facilities for daily food dispensing and consumption.

- b. **Food preparation in individual living quarters of Congregate Living Facilities.** Food preparation shall be prohibited in sleeping areas or in individual quarters in Congregate Living Facilities, Type 1 or Type 2. Individual kitchen facilities may be provided in the Living quarters of a Congregate Living Facility, Type 3.
- 5. **Maximum occupancy of sleeping areas.** The maximum number of persons per sleeping area shall be determined by applying the space requirements of the State of Florida Department of Health and Rehabilitative Services.
- 6. **Signage.**
  - a. Signage for Congregate Living Facilities, Type 1 or Type 2 shall be limited to one (1) on-premises sign no more than one (1) square foot in size. No other on-premises or off-premises sign shall be permitted on site.
  - b. A Congregate Living Facility, Type 3 may have one (1) double or single-face on-premises identification sign no more than thirty-two (32) square feet in size per face.
  - c. A Congregate Living Facility, Type 3 may have entrance gates and informational signage which meet the requirements of the Palm Beach County Sign Code.
- 7. **Accessory and associated land uses.**
  - a. Congregate Living Facilities, Type 1 or 2, may have those accessory uses customarily incidental to a single family residence and home occupations.
  - b. A Congregate Living Facility, Type 3, may have:
    - (1) Those accessory land uses customarily accessory to a multiple-family residence; and
    - (2) Those noncommercial land uses customarily incidental to a Congregate Living Facility, such as a common dining room, a central kitchen, a nursing station, a medical examining room, a chapel, a library, and offices necessary to manage the Facility.
- 8. **Commercial land uses.**
  - a. A limited amount of commercial uses may be established as a permitted use in a Congregate Living Facility, Type 3. Such uses shall be limited to retail and Congregate Living personal service uses designed to serve exclusively the residents of the Facility, such as a barber or beauty shop, small convenience retail sales and banking services. No more than ten percent (10%) of the gross floor area of the Facility shall be dedicated to such commercial uses. There shall be no exterior signage or other indication of existence of commercial uses which may attract nonresidents.
  - b. Pursuant to Zoning Code Sec. 500.21.L.5, a commercial tract may be established within a planned unit development consisting exclusively or partially of Congregate Living Facilities. No such commercial tract shall be established except by the board of county commissioners after a public hearing. In determining the maximum total acreage of a commercial tract, two and six-tenths (2.6) residents of a Congregate Living Facility shall be equivalent to one (1) dwelling unit.

9. **Maximum height.** The maximum height of a Congregate Living Facility shall not exceed thirty five feet (35') or three (3) stories in the AR-Agricultural Residential Zoning District and in all single-family Zoning Districts, or seven (7) stories in all multiple family Zoning Districts.
10. **Maximum lot coverage for CLF's in "old code" PUD's in the AR district.** The maximum lot coverage for Congregate Living Facilities in planned unit developments in the AR District approved pursuant to Zoning Resolution 3-57 shall be thirty percent (30%).

E. Location, concentration and neighborhood compatibility.

1. **In general.** No approval for a Congregate Living Facility shall be granted unless it satisfies the following criteria for location, concentration and neighborhood compatibility.
2. **Location of Congregate Living Facility, type 1.** A Congregate Living Facility, Type 1 may be located wherever single-family residences are permitted provided that such Facilities shall not be located within one thousand (1,000) feet of another such Facility.
3. **Location and congregare living facilities, types 2 and 3.**

a. **Mandatory standards.**

(1) A Congregate Living Facility, Type 2 may be permitted in all residential Zoning Districts that allow multiple family dwelling units as permitted uses, provided that it is not located within a radius of twelve hundred feet (1200') of another Congregate Living Facility Type 2 and shall not be within a radius of five hundred feet (500') from a Zoning District that allows single family dwelling units as permitted uses if the proposed Congregate Living Facility, Type 2 is a Category B or C Housing Type. A Congregate Living Facility, Type 2 that does not comply with these spacing requirements may be permitted in all residential Zoning Districts that allow multiple family dwelling uses as permitted uses, as a Special Exception Use after compliance with the conditions and provisions of Chapter 1, Section 102, Chapter IV, Sections 400, 400.1, 401 and the other regulations as required by this Zoning Code.

(2) Each Congregate Living Facility, Types 2 and 3, shall:

- (a) Be located within five (5) road miles of a full-service professional fire rescue station, as determined by the Palm Beach County Fire-Rescue Department; and
- ~~(b) Comply with Environmental Control Rule 1, "Individual Sewage Disposal Systems" (Appendix C, Sec. 2-21 et seq.); provided however that a congregare living facility, type 3 shall not be established on a septic tank; and~~
- (b) Not be established on a septic tank (Type 3 only); and
- ~~(c) Comply with Environmental Control Rule 2, "Water Supplies" (Appendix C, Sec. 2-76 et seq.); provided however that a congregare living facility, type 3 shall not obtain potable water from a private well; and~~
- (c) Not obtain potable water from a private well (Type 3 only).

(3) In addition, a Congregate Living Facility, Type 3 shall be contiguous and have a primary access to a paved collector or arterial street; provided however that a CLF Type 3 having a maximum of twenty-five (25) residents may be located on a paved local street.

b. **Qualitative guidelines.** Each application for a special exception for a Congregate Living Facility, Type 2 or Type 3 shall also be evaluated based on the following qualitative guidelines. No special exception shall be approved unless it is demonstrated that, to the greatest extent possible, each Facility shall:

(1) Be physically designed to conform to and be compatible with the general architectural character of the neighborhood in which it will be established; and

(2) Be so located in proximity to other Congregate Living Facilities in the vicinity and to other nearby land uses that the provisions of Sec. 402.2, "Authority, Functions, Powers and Duties," or any other standards established by the Zoning Code are met. In order to provide information necessary to satisfy this guideline, each application for a special exception shall be accompanied by a mapped inventory of all approved, all existing licensed Facilities, and all proposed Facilities applications for which have been filed with the department within a one-mile radius of the proposed Facility. The inventory shall be in the form of a map suitable for reduction to eight and one-half (8.5") by fourteen inches (14") which identifies the location of the proposed Facility, the location of other approved, licensed or proposed Congregate Living Facilities, the general nature of each Facility, and the maximum permitted number of residents in each.

(3) Comply with all regulations regarding handicapped access pursuant to State law.

F. **Conversion to other uses.** Congregate Living Facilities which are converted to other uses, including other residential uses, shall comply with all regulations in effect at the time of application for building permits for the new use.

G. **Violation of code requirements.** Violation of any or all of the requirements of this section, noncompliance with other applicable county codes and regulations, or noncompliance with any conditions of special exception approval shall be considered a violation of the Zoning Code, and shall be subject to the sanctions of the Palm Beach County Code Enforcement Board, including revocation of the Certificate of Occupancy or Certificate of Completion.

H. **Effect on previous approvals.**

1. **No automatic retroactive application.** Except as provided herein, this section shall not apply to any adult Congregate Living Facility approved or for which an application was certified prior to its effective date. An adult Congregate Living Facility approved pursuant to Sec. 500.32, "Adult Congregate Living Facilities," shall be considered a nonconforming land use. It may be constructed according to its approved plan of development but except as provided herein, the development approval may not be modified to apply the development regulations established in this section.

2. **Conversion options for prior approvals.** This section shall not prevent a nonconforming adult Congregate Living Facility from being converted to a conforming Congregate Living Facility, as follows:

a. **Conversion option 1.** A special exception for a nonconforming adult Congregate Living Facility pursuant to Sec. 401, "Application Procedure for All Petitions," above and this section. If approved, the new special exception shall entirely supersede the previous approval.

b. **Conversion option 2.** A special exception for a nonconforming adult Congregate Living Facility may be converted to a special exception for a planned unit development which includes a nonconforming adult Congregate Living Facility and one (1) or more Congregate Living Facilities, pursuant to Sec. 401, "Application Procedure for all Petitions," and Sec. 500.21, "Planned Unit Developments," above. In this case, the two (2) land uses shall be established in separate pods or tracts. Each use shall be developed according to the development regulations in effect at the time of its approval. The minimum land area of the nonconforming ACLF pod shall be determined by multiplying the number of permitted residents (excluding resident staff) times one thousand eight hundred (1800) square feet. This conversion option shall be available only in planned unit developments. Unless it is converted to a planned unit development, this option shall not be available to a freestanding special exception for an adult Congregate Living Facility approved under Sec. 500.32.

~~c. **Conversion option 3.** A special exception for an adult Congregate Living Facility may be converted to a special exception for a Congregate Living Facility by administrative action of Site Plan Review Committee provided that all of the following conditions are satisfied:~~

~~(1) The development was approved after May 14, 1981, the effective date of Zoning Code Sec. 500.16.A, "Traffic Performance Standards" (Ord. 8106); and~~

~~(2) The development has been approved but no building construction has commenced on the site; and~~

~~(3) The resulting conversion shall otherwise comply with the provisions of Sec. 402.7, "Site Plan Review Committee," Sec. 402.7.E, "Powers and Standards of review"; provided however that in applying this provision, the project shall be reviewed as if it were a nonresidential development for the purpose of determining the maximum increases or changes in lot coverage and total floor area permitted by administrative action pursuant to Sec. 402.7.E.2.b and~~

~~(4) The resulting conversion shall not result in an increase in the number of residents above that approved by the board of county commissioners; and~~

~~(5) All of the provisions of this section are met, with the exception of Sec. 500.87.D.1, "Maximum Occupancy," and subsection F, "Location, Concentration and Neighborhood Compatibility"; and~~

~~(6) The provisions of the Congregate Facilities construction code are met; and~~

~~(7) All other provisions of law or regulation are satisfied; and~~

- (8) ~~Application for conversion is made to the department and certification of a revised site development plan is completed within one (1) year of the effective date of this section; and~~
- (9) ~~Prior to certification of a master or site land development plan, the applicants record a deed restriction in a form approved by the county attorney which shall run with the land records maintained by the Clerk of the Circuit Court in and for Palm Beach County. This deed restriction shall provide that conversion of the Congregate Living Facility to a conventional residential development shall be prohibited except in strict conformity with the requirements of the Palm Beach county Comprehensive plan and Zoning Code, and in particular those provisions of these ordinances which establish a limit on the density of residential development; [and]~~
- (10) ~~Projects converted by administrative action pursuant to conversion option 3 shall be considered to have a new approval date for the purpose of applying Sec. 402.9, "Mandatory Review of Development Approvals." The new approval date shall be the date on which the master or site development plan is certified by Site Plan Review Committee. Notwithstanding any other provision of the Zoning Code, a project so converted shall have twelve (12) months to commence development. Any conditions of prior approvals which are unexecuted at the time of the new approval date shall be extended for the same twelve (12) month period. Upon the expiration of twelve (12) months, the project shall be subject to review as provided in Sec. 402.9.E; "Mandatory Review of Development Approvals."; No administrative time extensions as provided in Sec. 402.6, "Time Extensions," or Sec. 402.9 shall be granted to the project.~~

1. ~~Effect on pending applications. Applications for special exceptions for adult Congregate Living Facilities accepted prior to the adoption date of this section may, at the option of the petitioner, be certified and reviewed either under the provisions of this section or under the provisions of section 500.32, "Adult Congregate Living Facilities" (Ord. 79-10).~~

(Ord. No. 87-32, § 6, 12-8-87)

#### **500.41 Water and wastewater treatment facilities**

A new Sec. 500.41 is added to regulate the placement of water and wastewater treatment facilities.

**A. Purpose and intent.** The purposes and intent of this section are to:

1. Ensure the availability of adequate lands to accommodate the Water and Wastewater Treatment Facility needs of current and future residents and businesses;
2. Regulate the siting of Water and Wastewater Treatment Facilities in a manner which protects the public health, safety and welfare;
3. Implement the Goals, Objectives and Policies of the Palm Beach County Comprehensive Plan;

4. Preserve the value of land, buildings and resources;
5. Protect the character and stability of neighborhoods located near Water and Wastewater Treatment Facilities; and
6. Maintain and enhance the environment of Palm Beach County.

B. Applicability. This section shall apply to the development of all public and private Water and Wastewater Treatment Facilities in unincorporated Palm Beach County, except those proposed to be located within the boundaries of a Planned Unit Development's designated Utility Pod or within the PO, Public Ownership District, and those located underground. Water and Wastewater Treatment Facilities proposed to be located within the boundaries of a Planned Unit Development's designated Utility Pod or within the PO, Public Ownership District shall be subject to the Compatibility landscape buffer strip requirements of Sec. 500.35.G.3.b.

C. Application procedure. An application for a Water and Wastewater Treatment Facility shall be reviewed by the Planning Commission and Board of County Commissioners in accordance with the procedures, standards and limitations of this section and Sec. 401.2.

D. Application requirements. An application for a Water or Wastewater Treatment Facility shall include the following applications contents.

1. The application requirements for Sec. 401.2 for Special Exceptions;
2. A narrative describing the type of Water or Wastewater Treatment Facility proposed to be constructed, including a description of the proposed service area, method of treatment, type of gas and odor control devices and quantity (mgd) of water or wastewater to be treated;
3. A graphic illustrating the proposed location of all structures and facilities proposed on the site of the Water or Wastewater Treatment Facility, including percolation ponds and outfalls;

E. Standards applicable to review of water and wastewater treatment facilities. When considering a Development Application for a Water or Wastewater Treatment Facility under this section, the Planning Commission and Board of County Commissioners shall consider and ensure that all of the following standards are met.

1. The proposed Water or Wastewater Treatment Facility is consistent with the Goals, Objectives and Policies of the Palm Beach County Comprehensive Plan.
2. The location of the proposed Water or Wastewater Treatment Facility is within reasonable proximity of the area to be served by the facility.
3. The proposed Water or Wastewater Treatment Facility is properly located and buffered to ensure compatibility with surrounding land uses.
4. If deemed necessary to ensure land use compatibility with surrounding uses, adequate setbacks, screening and buffering around the perimeter of the proposed Water and/or Wastewater Facility site shall be required at the time the Facility is constructed or when surrounding development occurs. Required setbacks, screening and buffering may include, but shall not be limited to, the following:
  - a. Minimum building and accessory structure setbacks of at least fifty feet (50');

- b. Perimeter landscape buffer strips with a minimum width of twenty five feet (25');
- c. Double rows of trees planted within landscape buffers at a ratio of one (1) twelve foot (12') tall tree per thirty linear feet (30') of abutting property line or fraction thereof;
- d. Screening around the perimeter of the site, consisting of a hedge, earthen berm, fence or wall which will present a solid visual screen at least six feet (6') in height within one (1) year of installation

**58.** The proposed Water or Wastewater Treatment Facility meets all requirements of this Zoning Code and all other relevant state and federal laws.

**F.** Additional standards applicable to review of package (on-site) water and/or wastewater treatment facilities. When considering a Development Application for a Package Water or Wastewater Treatment Facility under this section, the Planning Commission and Board of County Commissioners shall consider and ensure that all of the following standards, in addition to those of Sec. 500.41 E, are met.

- 1. Package Treatment Facilities are permitted in the designated Urban Service Area (USA) only if confirmation is provided from the appropriate public utility that central wastewater service is not available at the time that the Development Application is submitted, and that service is projected to be available within four (4) years of the date that the Development Application is submitted;
- 2. The use of Package Treatment Facilities in the USA shall be permitted only until such time as central wastewater service is available from the appropriate public utility;
- 3. Package treatment facilities are permitted in the designated Limited Service Area (LSA) only when:
  - a. Confirmation is provided from the Palm Beach County Public Health Unit that use of a package treatment plant is necessary to protect water quality; and
  - b. A certificate is provided by the Palm Beach County Public Health Unit that the uses proposed can be adequately served with a package treatment plant.
- 4. Package Treatment Facilities are permitted in the County's designated Rural Service Area (RSA) only when used to provide wastewater service to Bona Fide Agricultural Uses, Public Recreational Uses, Public Educational Uses and Industrial Uses, and if it is consistent with the Palm Beach County Comprehensive Plan.
- 5. Package Treatment Facilities, where permitted, shall be designed and installed in accordance with all relevant state, federal and local utility standards.

**G.** Effect on previous approvals. Public Water and Wastewater Treatment Facilities and Private Water and Wastewater Treatment Facilities approved prior to February 1, 1990, shall not be considered non-conforming uses.

**500.42 Electrical power facilities**

A new Sec. 500.42 is added to regulate the placement of Electrical Power Facilities.

**A.** Purpose and intent. The purposes and intent of this section are to:

Underlined language (e.g., the) indicates proposed new language.  
Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

1. Ensure the availability of adequate lands to accommodate the Electrical Power needs of current and future residents and businesses;
  2. Regulate the siting of Electrical Power Facilities in a manner which protects the public health, safety and welfare;
  3. Preserve the value of land, buildings and resources;
  4. Protect the character and stability of areas and neighborhoods located near Electrical Power Facilities;
  5. Maintain and enhance the environment of the County; and
  6. Implement the Goals, Objectives and Policies of the Palm Beach County Comprehensive Plan.
- B.** Applicability. This section shall apply to the development of all Electrical Power Facilities in unincorporated Palm Beach County, except those proposed to be located within the boundaries of a Planned Unit Development's designated Utility Pod or within the PO, Public Ownership District. Electrical Power Facilities proposed to be located within the boundaries of a Planned Unit Development's designated Utility Pod or within the PO, Public Ownership District shall be subject to the compatibility landscape buffer strip requirements of Sec. 500.35.G.3.b.
- C.** Application procedure. An application for an Electrical Power Facility shall be reviewed by the Planning Commission and Board of County Commissioners in accordance with the procedures, standards and limitations of this section and Sec. 401.2.
- D.** Application requirements. An application for an Electrical Power Facility shall include the following application contents.
1. The application requirements of Sec. 401.2, for Special Exceptions;
  2. A narrative describing the type of Electrical Power Facility proposed to be constructed, including a description of the proposed service area;
  3. A graphic illustrating the proposed location of all structures and facilities on the site of the Electrical Power Facility; and
  4. A graphic illustrating the proposed location of any existing or proposed Fire and Rescue Facilities within one (1) mile of the proposed Electrical Power Facility.
- E.** Standards applicable to review of Electrical Power Facilities. When considering an application for an Electrical Power Facility under this section, the Planning Commission and Board of County Commissioners shall consider and ensure that all of the following standards are met.
1. The proposed Electrical Power Facility is consistent with the Goals, Objectives and Policies of the Palm Beach County Comprehensive Plan.
  2. The location of the proposed Electrical Power Facility is within reasonable proximity of the area to be served by the Facility.
  3. The proposed Electrical Power Facility is properly located and buffered to ensure compatibility with surrounding land uses.

4. ~~If deemed necessary to ensure land use compatibility with surrounding uses, adequate setbacks, screening and buffering around the perimeter of the proposed Electrical Power Facility site, shall be required at the time the Facility is constructed or when surrounding development occurs. Required setbacks, screening and buffering may include, but shall not be limited to, the following:~~
- a. ~~Minimum building and accessory structure setbacks from abutting property lines of at least fifty feet (50');~~
  - b. ~~Perimeter landscape buffer strips with a minimum width of twenty five feet (25');~~
  - c. ~~Double rows of trees planted within landscape buffers at a ration of one (1) fourteen foot (14') tall tree per thirty linear feet (30') of abutting property line or fraction thereof; and~~
  - d. ~~Screening around the perimeter of the site, consisting of a hedge, earthen berm, fence or wall which will present a solid visual screen at least six feet (6') in height within one (1) year of installation.~~
5. ~~The proposed Electrical Power Facility meets all other requirements of this Zoning Code and all other relevant state and federal laws~~

E. ~~Effect on previous approvals. Electrical Power Facilities approved prior to February 1, 1990, shall not be considered non-conforming uses.~~

**500.43 Outdoor lighting standards**

~~A new Sec. 500.43 is added to regulate outdoor lighting.~~

- A. ~~Purpose and intent. The purpose and intent of this section is to reduce the hazard and nuisance caused by the spillover of light and glare on to drivers, pedestrians and land uses near artificial lights. By allowing safe and efficient lighting of outdoor areas and by reducing the negative effects of exterior lighting, the regulations contained in this section are intended to promote land use compatibility, traffic and pedestrian safety, energy efficiency and community appearance. Outdoor lighting shall also be consistent with the Palm Beach County Security Code and the Sea Turtle Protection Ordinance.~~
- B. ~~Applicability. This section shall apply to all exterior lighting in unincorporated Palm Beach County, except street lights that meet the requirements of the appropriate public utility.~~
- C. ~~Outdoor lighting standards. Outdoor lighting shall meet the following standards.~~
- 1. ~~Light confinement. All outdoor lights shall, to the greatest extent possible, confine emitted light to the property on which the light is located.~~
    - a. ~~Spillover light on to residential property shall not exceed three-tenths (0.3) of one footcandle when measured six inches (6") above grade at the residential property line.~~
- D. ~~Prohibited lights. The following types of lights are prohibited in unincorporated Palm Beach County:~~
- 1. ~~Any unshielded light source in a luminaire with no light cutoff which is visible within the normal range of vision from any residential property;~~

2. Any light which creates glare observable within the normal range of vision of any public right of way or glare that creates a safety hazard;
  3. Any light which resembles an authorized traffic sign, signal or device, or which interferes with, misleads or confuses vehicular traffic as determined by the Department; and
  4. Beacon or search lights except for temporary grand openings or as required by state or federal law.
- E. Certification. For all developments that include free-standing luminaires exceeding sixty feet (60') in height, written certification of compliance with this section, bearing the seal of an engineer registered to practice in Florida, shall be required prior to the issuance of a building permit.
- F. Measurement. Illumination levels shall be measured in footcandles with a direct-reading, portable light meter. The light meter shall be placed not more than six inches (6") above ground level at the property line of the subject tract. Measurements shall be made after dark with the lights in question on, then with the same lights off. The difference between the two (2) readings shall be compared to the maximum permitted illumination in order to determine compliance with this section.
- G. Effect on previous approvals. Exterior lights installed prior to February 1, 1990, shall not be considered non-conforming.

**500.44 Amateur and citizen's band radio and television antennas and antenna support structures.**

**A new Sec. 500.44 is added as follows.**

- A. Purpose and intent. The purpose and intent of this section is to provide for the safe and effective installation and operation of amateur radio, citizens band radio, and television antenna support structures and the beam antennas installed on those support structures. It is also the purpose and intent of this section to provide for a reasonable accommodation of amateur radio communications, in accordance with Parts 95 and 97 of Chapter 1 of Title 47 of the Code of Federal Regulations, while reflecting the County's legitimate interest of protecting and promoting the health, safety, welfare, neighborhood aesthetics, and morals of its citizens. The regulations in this section are intended to place reasonable safety and aesthetic precautions on the installation and erection of such antennas and antenna support structures, and to represent the minimum practicable regulation necessary to protect and promote the health, safety and welfare of the public. The regulations are not, however, intended to unduly restrict or preclude amateur radio communications.
- B. Application. All amateur and citizens band radio and television transmission and receiving antennas, excluding satellite earth stations, shall be governed by the following requirements:
1. Approval of antennas and antenna support structures. All antenna support structures and the beam antenna installed on those antenna support structures, shall be considered accessory uses, and shall comply with the provisions of this section, and Sec. 5-23 (Airport Zones and Airspace Height Limitations) of the Palm Beach County Code of Laws and Ordinances.
    - a. Special exception. In addition to the requirements of this section, all antenna support structures and the beam antennas installed on those

support structures, extending greater than seventy (70) feet above grade level or fifteen (15) feet above building height, whichever is greater, shall also comply with all applicable provisions in Sec. 401.2 (Special Exceptions).

- b. Approval and Permits. Zoning Division approval shall be required for the installation of those antenna support structures and the beam antenna installed on these support structures, extending more than thirty five feet (35') above ground. A permit shall be obtained from the Building Division prior to the erection or installation of any system requiring Zoning approval or extending more than ten feet (10') above the last anchorage.

If the proposed antenna support structure and the beam antennas installed on these support structures are to be utilized as a citizens band radio station, such permit application shall also evidence compliance with the height limitations set forth in Sec. 95.48 of Part 95 of Chapter 1 of Title 47 of the Code of Federal Regulations.

- c. Exemption for certain antennas and antenna support structures.

- (1) All antenna support structures and the beam antennas installed on these support structures which do not extend greater than seventy (70) feet above grade, shall be exempt from special exception approval. However, such systems must comply with all other provisions contained in this section and other applicable laws.
- (2) All antenna support structures and the beam antennas installed on these support structures which have been constructed, installed, and are operational as of February 1, 1990 shall be considered legal, non-conforming uses.
- (3) By February 1, 1992, all legal non-conforming antenna support structures and the beam antennas installed on these support structures which extend greater than seventy (70) feet above grade level or fifteen (15) feet above building height, whichever is greater, shall acquire written certification from the Zoning Division. Such registration shall reflect the height and location of the antenna support structure and the beam antennas installed on the support structure, and the date of the installation, and documentation of installation.

2. Location on property.

- a. Setbacks. All antenna support structures and the beam antennas installed on those support structures, including all elements or parts thereof, shall conform to the minimum yard setback requirements for the District in which it is to be located.
- b. Support structure location. In addition to the requirements of Sec. 500.44.B.2.a, antenna support structures shall be located on the property so as to provide a minimum distance equal to fifty percent (50%) of the height of the tower from above-ground utility power lines other than applicants' service lines, or a break point certified by a professional engineer or as evidenced by the manufacturers' specifications. In addition, no antenna support structure shall be located in the front yard.

- c. Beam array antennas. In addition to the requirements in Sec. 500.44.B.2.a., beam array antennas shall be mounted so as to provide for removal at approach of hurricanes, if necessary, or provide for the lowering of such beam, and in no event shall the beam or any element thereof extend closer than ten feet (10') to an official right-of-way line and/or easement, or property under different ownership.
- d. Anchor location. All antenna support structure supports and peripheral anchors shall be located entirely within the boundaries of the property, and if closer than five feet (5') to property under different ownership and if such support or anchor extends greater than three feet (3') above ground, it shall be effectively screened against direct view from abutting properties and shall extend no greater than six (6) feet above ground.
- e. Limitation. No more than one (1) antenna support structure which exceeds forty feet (40') in height, shall be allowed on any lot.

**500.45 Stands for Sale of Agricultural Products**

**A new Sec. 500.45 is added as follows.**

Any roadside stand used for the sale of agricultural products, not necessarily grown on site, shall be subject to the following standards:

- A. No stand shall exceed three hundred (300) square feet of gross floor area;
- B. The stand shall maintain mobility of some type, such as wheels or skids;
- C. No stand shall be any closer than six hundred (600') to any other stand, and there shall be only one (1) stand for each parcel of land.
- D. The stand is set back fifty feet (50') or more from the pavement or zero feet (0') from the base building line, whichever distance is greater; and
- E. The stand shall not be located within one hundred feet (100') of the intersection of the right-of-way lines of any two dedicated roads.

**500.46. Accessory apartments for elderly and handicapped**

**A new Sec. 500.46 is added as follows.**

All accessory apartments for the elderly and handicapped shall be subject to the following standards:

- A. One (1) accessory apartment may be attached to the principal dwelling unit or may be freestanding, but shall not exceed eight hundred (800) square feet gross floor area, except when located on a lot that is at least one acre in size, in which case the apartment shall not exceed one-thousand (1000) square feet gross floor area. No accessory apartment shall contain more than one (1) bedroom;
- B. The accessory apartment shall be constructed on materials substantially equivalent to either the principal dwelling unit or other permanent accessory structure on the lot, provided that such materials comply with all other applicable building and development regulations;

- C. ~~The accessory apartment shall be of a design compatible in character with the principal residential structure, shall be subordinate to the principal residential structure, and shall comply with the minimum yard setbacks of the AR District; and~~
- D. ~~The accessory apartment shall remain accessory to and under the same ownership as the principal dwelling unit, and shall not be subdivided nor sold as a condominium.~~
- E. ~~If a variance is requested, the Board of Adjustment may require reasonable assurance that accessory apartments be used as intended by this section.~~

**500.47. Temporary amusements rides, carnivals, circus, and revival tents**

**A new Sec. 500.47 is added as follows.**

All temporary amusements rides, carnivals, circus, and revival tents shall be subject to the following standards:

- A. **Duration:** ~~The temporary facility shall not be permitted for a period exceeding seven (7) consecutive calendar days. One administrative extension of time not to exceed and additional seven (7) days may be provided by the Zoning Director. If the use is proposed to exceed (14) consecutive calendar days, the applications shall be treated as a special exception subject to Commission approval.~~
- B. **Application:** ~~The applicant shall obtain a special permit as required in Sec. 501 of the Building Code and provide the Department with a letter from the property owner stating his consent and shall also provide an agreement to return the property to an orderly and sanitary condition.~~
- C. **Setbacks:** ~~No building, mobile home, trailer, vehicle, tents, mechanical device, or animal shall be located closer than two hundred feet (200') from any property line.~~
- D. **Frontage:** ~~The minimum frontage shall be five hundred feet (500') on a public road.~~
- E. **Access:** ~~The primary access shall be from a major street or arterial and shall not cause traffic to flow through nearby residential areas. Backout parking directly onto a public street is prohibited.~~
- F. **Parking:** ~~The following parking spaces shall be provided. One (1) space per four (4) seats if the activity is primarily enclosed, or ten (10) spaces per acre of ground occupied by amusements, or fifty (50) spaces whichever is greater.~~
- G. **Lighting:** ~~Lighting to illuminate the premises of any advertisement, direction sign or amusement shall be so designed as to shine only on the subject use and shall be extinguished no later than twelve (12) midnight.~~
- H. **Sounds:** ~~Sounds emanating from the temporary use shall not adversely affect surrounding residential property.~~
- I. ~~There shall be only two (2) such temporary events per property per year.~~

Underlined language (e.g., the) indicates proposed new language.

Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

ORDINANCE NO. **90 - 11**

August 31, 1989

ADOPTED

CHAPTER VI. ZONING DISTRICTS.

601. AGR-Agricultural Reserve District.

A new Sec. 601, AGR-Agricultural Reserve District has been prepared. The old Sec. 601, AP-Agricultural Preservation District has been amended and moved to Sec. 602. The old Sec. 602 AR-Agricultural Residential has been amended and moved to Sec. 604.

A. Purpose and intent. The AGR District is established to identify lands presently used for predominately agricultural production as an ecologically and economically valued resource. The purpose and intent of the AGR District is to assure that these lands have the opportunity to remain in agricultural production as long as economically feasible, particularly where soil and water conditions favor continued agricultural production. The AGR District corresponds to the Agricultural Reserve (AGR) land use designation of the Land Use Element of the Comprehensive Plan and recognizes the study of the long term viability of agriculture in the agricultural reserve area to be conducted during 1990. The results of the study will require the revision of policies and regulations related to the agricultural reserve area in both the Palm Beach County Comprehensive Plan and the Zoning Code. Unit such time as the study is completed, certain uses which are recognized in the AGR District may not be developed pursuant to the requirements of the Comprehensive Plan.

B. Permitted uses. In the AGR District, no building, structure or land and water use shall be permitted except for one (1) or more of the following uses:

Agricultural research and development facilities.

Bona fide farm residences, accessory garages and swimming pools may also be permitted as accessory uses to bona fide farm residences.

Heliports and helipads. (subject to Sec. 500.7 and subject to moratorium until the Palm Beach County Comprehensive Plan has been amended to reflect findings of the study described in 601.A, Purpose and Intent).

Home occupations. (subject to Sec. 500.2).

Tenant quarters and dwellings accessory to bona fide farm operations consisting of one (1) self-contained dwelling unit for each twenty-five (25) acres in addition to the area required for the principal residence.

Agricultural accessory uses that are customary and incidental to general farming uses, including, but not limited to the following:

- Baling stations.
- Citrus packing and grading plants.
- Corrals.
- Dipping vats.
- Equipment storage sheds.
- Forage drying facilities.
- Pre-cooling and packing plant.
- Pumping and drainage structures.
- Railway tracks.

General farming, including:

- Apiculture.
- Crop raising.

Dairying.  
Forestry.  
Greenhouses and nurseries.  
Groves.  
Horticulture.  
Livestock raising.  
Mushroom raising.  
Pisciculture.  
Poultry and egg production.

Stand for the sale of agricultural products, not necessarily grown on site. (subject to Sec. 500.45).

Single family residences on a minimum lot size of five acres. (subject to moratorium until the Comprehensive Plan has been amended to reflect findings of study described in 601.A, Purpose and intent).

Single family residences on a minimum of ten (10) acres with no moratorium.

**C. Uses subject to special permit regulations. In the AGR District, the following buildings, structures, and uses shall be permitted pursuant to Sec. 401.6, after compliance with the following special regulations:**

Radio towers, accessory to an agricultural use, not exceeding one hundred fifty feet (150') in height from ground level if:

(1) Setbacks measured from the base of the tower to the property line shall equal a distance of not less than one hundred and ten percent (110%) of the height of the tower; and 2) The towers are located in such a manner that they will not fall on any power lines or adjacent property.

Accessory apartments for elderly and handicapped. (subject to Sec. 500.46.).

Caretaker quarters. (subject to 500.40).

**D. Special exceptions subject to Commission approval. When the Board of County Commission determines as a fact, after the review of the application and plans submitted therewith, that the conditions and provisions of Chapter I, Sec. 102, Chapter IV, Sections 400, 400.1, 401, and other regulations as set forth and defined in the Zoning Code have been met, and when the proposed use or uses are consistent with good zoning practice and are not contrary to the policies of the Palm Beach County Comprehensive Plan, the following uses shall be allowed as special exception uses:**

Airplane landing strips, accessory to agricultural uses. (subject to Sec. 500.7 and subject to moratorium until the Palm Beach County Comprehensive Plan has been amended to reflect findings of the study described in 601.A, Purpose and intent).

Airplane hangars, accessory to agricultural uses. (subject to moratorium until the Palm Beach County Comprehensive Plan has been amended to reflect findings of the study described in 601.A., Purpose and intent).

Excavation, Type III. (subject to moratorium until the Palm Beach County Comprehensive Plan has been amended to reflect findings of the study described in 601.A., Purpose and intent).

Governmental services, and accessory buildings and uses.

Migrant and transient farm labor quarters and camps, and accessory buildings and structures.

Passive parks and recreation areas of twenty (20) acres or more, public and private, limited to:

- Nature trails.
- Canoe trails.
- Bicycle trails.
- Game and wildlife preserves.
- Horse trail.
- Forest and other reservations.

Planned unit development. (subject to moratorium until the Palm Beach County Comprehensive Plan has been amended to reflect findings of the study described in 601.A, Purpose and intent). The land may be developed at a density of one (1) dwelling unit per acre, provided the following standards are met:

The minimum size of the PUD shall be forty (40) acres;

The development shall meet all level of service standards and other requirements of the Palm Beach County Comprehensive Plan;

The development shall meet all standards of Sec. 500.21, Planned unit development;

Buildable area of the PUD shall be clustered in one contiguous part of the parcel and shall not exceed twenty percent (20%) of the gross acreage, (subject to Sec. 601.F.2). The twenty percent (20%) shall be net usable land, excluding streets; and

The remaining eighty percent (80%) shall be maintained in agriculture, passive recreation or other open space use.

Public and private utility services and accessory buildings and structures, including, but not limited to the following: (Subject to moratorium until the Comprehensive Plan has been amended to reflect findings of study described in 601.A Purpose and intent, (unless agriculturally related)):

Electrical power facilities. (subject to Sec. 500.42).

Gas and water regulation station.

Incinerator. (subject to Sec. 500.5).

Water and wastewater treatment facilities. (subject to Sec. 500.41).

Refuse and trash dumps.

Sanitary landfill. (subject to Sec. 500.5).

Telephone and exchange building and substation

Transfer station. (subject to Sec. 500.4)

**E. Property development regulations.**

1. Minimum lot size: 10 acres.

2. Minimum yard setback requirements.

Front: 100 feet  
Side (interior): 50 feet  
Side (corner): 80 feet  
Rear: 100 feet

3. Maximum building height, total floor area and lot coverage.

Maximum Building Height: 35 feet

All agricultural processing and research buildings and accessory uses requiring a height greater than thirty five feet (35') shall be permitted, provided the minimum yard setback requirements of Chapter 601 E.1. are met, in addition to a three foot (3') setback for all yards for each ten feet (10') of fraction thereof above thirty five feet (35').

Maximum Total Floor Area 10% of the total lot area.

Maximum Lot Coverage 10% of the total lot area.

**F. Special Regulations.**

1. Transfer Development Rights for sending purposes: property may be transferred as a density bonus to PUD's in the Urban Service Area at the density of four (4) dwelling units/five (5) acres. Such transfer will be subject to County acceptance that adequate public are provided for the development.

2. "Clustered" development as intended within the Agricultural Reserve Area, shall mean a land development pattern in which all developed portions of a PUD are grouped, or clustered, in one (1) contiguous part of a parcel to allow the remaining land to be maintained as permanent agricultural, recreation or other open space uses.

a. "Contiguous" shall mean that the residential buildable area of a PUD (including residential accessory uses), extends without interruption except to provide for the open space system consistent with the intent of the Agricultural Reserve Area.

b. No more than twenty percent (20%) of the total land area shall be developed, excluding roadways.

c. The buildable area shall mean that the proposed cluster development will be reasonably compact and arranged as a unified whole so as not to damage or interfere with the intent of the open space system for the project, consistent with Agricultural Reserve Area.

d. Isolated enclaves of agricultural uses, which are not contiguous with the open space system and which to not further the intent of the Agricultural Reserve Area, shall not be permitted.

e. All recreation or other open space uses shall be accessible to all residents of a PUD.

- f. Reasonably compact finger areas which demonstrate preservation of agriculture uses, existing natural resources or existing natural systems, may be allowed.
- g. No road, canal, utility, path, bikeway, trail or like right-of-way or easement, shall be constructed to allow a corridor to gain contiguity unless it demonstrates the preservation of agricultural uses, existing natural resources, or existing natural systems.
- 3. Access. (subject to Sec. 500.20).
- 4. Off-street parking. (subject to Sec. 500.17).
- 5. Off-street loading. (subject to Sec. 500.19).
- 6. Landscaping. (subject to Sec. 500.35).
- 7. Fences and walls. (subject to Sec. 500.15).
- 8. Performance standards. (subject to Sec. 500.16).
- 9. Signs. (subject to Chapter 24-1 through 24-123).

**601602. AP - Agricultural Preservation Production District.**

**The old Sec. 602., AR-Agricultural Residential District, is amended and moved to Sec. 604. The old Sec. 604., Residential Transitional District has been amended and moved to Sec. 608.**

**A. Purpose and intent.** The purpose and intent of the AP District is to conserve and protect areas for exclusive, bona fide agricultural and farming related operations. ~~This district is established to conserve and protect agricultural lands as an ecologically and economically valued resource by preventing the encroachment of urban land uses in predominantly agricultural areas, particularly where soil and water conditions favor continued agricultural production. The AP District corresponds to the Agricultural Production (AP) land use designation in the Land Use Element of the Palm Beach County Comprehensive Plan.~~ A wide range of agricultural activities and their accessory uses shall be permitted in the AP District in order to maintain ~~continuation of agriculture as a major~~ the vitality of the agricultural industry in Palm Beach County.

**B. Permitted uses.** In the AP ~~Agricultural Preservation Production~~ District, no building, structure or land and water use shall be permitted except for one (1) or more of the following uses:

Agricultural research and development facilities, public and private (excluding manufacture and sale of products).

Bona fide farm residences (1 per farm operation), ~~on a minimum lot of one hundred sixty acres (160).~~ A residence may be constructed on a lot of less than one hundred and sixty (160) acres if that residence is determined to be a bona fide farm residence by the Board of Adjustment and it is constructed on a lot of not less than ten (10) acres. Accessory Garages and swimming pools may be permitted as accessory uses to bona fide farm residences.

Heliports and helipads. (subject to Sec. 500.7).

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Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

Home occupations. (subject to Sec. 500.2).

~~Public-operated~~ Passive parks and recreation areas, public and private, including but not limited to:

Nature trails.  
Canoe trails.  
Bicycle trails.  
Game and wildlife preserves.  
Horse trails.  
Forest and other reservations.

Sugar mills and refinery.

Tenant quarters and dwellings accessory to bona fide farm operations consisting of one (1) self-contained dwelling unit for each twenty-five (25) acres in addition to the area required for the principal residence.

Agricultural accessory uses that are customary and incidental to principal general farming uses, including, but not limited to the following:

Bailing stations.  
Citrus packing and grading plants.  
Corrals.  
Dipping vats.  
Equipment storage sheds.  
Forage drying facilities.  
Migrant and farm labor quarters and camps and accessory equipment and buildings.  
Pre-cooling and packing plant.  
Pumping and drainage structures.  
Railway tracks.  
~~Remie decortication plants.~~

General farming, including:

Apiculture.  
Crop raising.  
Dairying.  
Forestry.  
Greenhouses and nurseries.  
Groves.  
Horticulture.  
Livestock raising.  
Mushroom raising.  
Pisciculture.  
Poultry and egg production.

Stand for the sale of agricultural products, not necessarily grown on site. (subject to Sec. 500.45). ~~provided:~~

~~That no building or structure other than a stand not exceeding three hundred (300) square feet of gross floor area to be provided;~~

~~Such structure maintain mobility of some type such as wheels or skids;~~

~~That one (1) stand be allowed for each six hundred lineal feet (600) of road frontage;~~

~~That such structure be set back twenty five (25) feet fifty feet (50) from the pavement or zero feet (0) from the base building line, whichever distance is greater; and~~

~~That such stand not be located within one hundred feet (100) of the intersection of the right of way lines of any two dedicated roads.~~

- C. **Uses subject to special permit regulations.** In ~~an~~ the AP District, the following buildings, structures, and uses shall be permitted pursuant to Sec. 401.6, after compliance with the following special regulations:

Caretakers quarters. (Subject to 500.40).

Radio towers, ~~incidental~~ accessory to an agricultural use, not exceeding one hundred fifty feet (150) in height from ~~ground~~ grade level if:

1. Setbacks measured from the base of the tower to the property lines shall equal a distance of not less than one hundred and ten percent (110%) of the height of the tower; and
2. ~~Location~~ The towers are located in such a manner that ~~the tower~~ they will not fall on any power lines or adjacent property.

- D. **Special exceptions subject to Commission approval.** When the Commission determines as a fact, after the review of the application and plans submitted therewith, that the conditions and provisions of Chapter 1, Sec. 102, Chapter IV, Sections 400, 400.1, 401, and other regulations as set forth and defined in this Zoning Code have been met, and when the proposed use or uses are consistent with good zoning practice and are not contrary to the policies of the Palm Beach County Comprehensive ~~Land Use~~ Plan, the following uses shall be permitted:

Agricultural Transshipment operations, as a principal use.

Governmental services, and accessory buildings and uses.

Airplane landing strips, accessory to agricultural uses. (see subject to Sec. 500.7).

Churches or places of worship, rectory, convent and accessory buildings and structures.

Commercial radio, television, microwave transmission and relay stations and towers and accessory equipment. buildings. (subject to Sec. 500.10).

Commercial sales and service enterprises providing products and services of an agricultural nature customarily needed, utilized and consumed in rural areas devoted to agricultural land uses, such as feed and grain stores, farm implement sales and service, and the like.

Excavation, type III. (subject to Sec. 500.3).

Horse training and breeding farms, allowing one (1) groom's quarters per five (5) stalls.

Institutional uses designed to serve the needs of residents of the Agricultural Production area, such as: medical clinics, schools and public and private day care

~~Migrant and transient farm labor quarters and camps and accessory structures.~~

Publicly operated parks and recreation.

Veterinary offices, related to livestock and other farm animals.

Public and private utility services and accessory buildings and structures, including, but not limited to the following:

Electrical power and light substation facilities. (subject to Sec. 500.42).

Gas and water regulation station.

Incinerator. (subject to Sec. 500.5).

Refuse and trash dumps.

Sanitary landfill. (subject to Sec. 500.5).

Water and wastewater treatment facility. (subject to Sec. 500.41)

Telephone exchange building and substation.

Transfer station. (~~See Section 500.4~~ subject to Sec. 500.42).

**E. Property development regulations.**

1. ~~Minimum Yard Setback Requirements~~ lot area and dimensions.

<u>Area:</u>	<u>10 acres</u>
Front:	100 feet
Side (interior):	50 feet
Side (corner):	80 feet
Rear:	100 feet.

2. Maximum building height, total floor area and lot coverage.

Maximum Building Height:	35 feet.
Maximum Total Floor Area:	10% of the total lot area.
Maximum Lot Coverage:	10% of the total lot area.

Exception: All agricultural processing and research buildings and accessory uses requiring a height greater than thirty five (35) feet shall be permitted, provided the minimum yard setback, Sec. 601 E.1., are met in addition to a three foot (3) setback for all yards for each ten feet (10) or fraction thereof above thirty-five feet (35).

**F. Special regulations.**

1. Access. (~~see~~ subject to Sec. 500.20).
2. Off-street parking. (~~see~~ subject to Sec. 500.17).
3. Off-street loading. (~~see~~ subject to Sec. 500.19).

- ~~4. Parking, storing, keeping of commercial and recreational vehicles. (see subject to Sec. 500.10).~~
- ~~6.4. Landscaping. (See Palm Beach County Landscape Ordinance subject to Sec. 500.35).~~
- ~~6.5. Fences and walls. (see subject to Sec. 500.15).~~
- ~~7.6. Performance Standards. (see subject to Sec. 500.16).~~
- ~~8.7. Signs (See Palm beach County Sign Ordinance subject to Chapter 24-1 through 24-123).~~

**603. SA-Special Agricultural District.**

A new SA-Special Agricultural District has been prepared as Sec. 603. The old Sec 603, Residential Estate District has been amended and has become Sec 607.

- A. Purpose and intent.** The purpose and intent of the SA District is to provoke a transitional district which allows for more intensive agricultural uses and related services, and for limited commercial activities that provide a convenience to the rural community. The SA District corresponds to the Special Agricultural (SA) and Agricultural Production (AP) land use designations of the Land Use Element of the Palm Beach County Comprehensive Plan.
- B. Permitted uses.** In the SA District, no building, structure or land and water uses shall be permitted except for one (1) or more of the following uses:
- Agricultural research and development facilities.
  - Bona fide farm residences. Accessory garages and swimming pools may also be permitted as accessory uses to bona fide farm residences.
  - Horse training and breeding farm.
  - Kennel, non-commercial.
  - Stables, commercial.
  - Sugar mills.
  - Tenant quarters and dwellings accessory to bona fide farm operations consisting of one (1) self-contained dwelling unit for each twenty-five (25) acres in addition to the area required for the principal residence.
  - Agricultural accessory uses that are customary and incidental to principal agricultural uses, including, but not limited to the following:
    - Packing and shipping.
    - Baling stations.
    - Caretaker's quarters. (subject to Sec. 500.40).
    - Citrus packing and grading plants.
    - Corrals.
    - Dipping vats.
    - Equipment storage sheds.
    - Forage drying facilities.

Pre-cooling and packing plant.  
Pumping and drainage structures.  
Railway tracks.

General farming, including:

Apiculture.  
Crop raising.  
Dairying.  
Forestry.  
Groves.  
Horticulture.  
Livestock raising.  
Mushroom raising.  
Nurseries and greenhouses.  
Pisciculture.  
Poultry and egg production.  
Tree farms, field grown.

One stand for the sale of agricultural products, not necessarily grown on site. (subject to Sec. 500.44).

Passive parks and recreational facilities, public and private, including the following:

Game and wildlife preserves.  
Nature trails.  
Horse trails.  
Canoe trails.  
Bicycle trails.  
Forest and other reservations.

C. Uses subject to special permit regulations. In an SA District, the following buildings, structures, and uses shall be permitted after compliance with the following special regulations:

Grooms quarters accessory to horse breeding and training farms allowing one (1) groom's quarters per five (5) stalls.

Radio towers, accessory to an agricultural use, not exceeding one hundred fifty feet (150') in height from ground level if:

Setbacks measured from the base of the tower to the property lines shall equal a distance of not less than one hundred ten percent (110%) of the height of the tower.

The towers are located in such a manner that they will not fall on any power lines or adjacent property.

Auction, temporary open, provided that:

- a. Duration: The temporary activity and facility shall not be permitted for a period exceeding seven (7) consecutive calendar days. If the time request exceeds seven (7) consecutive days, the application shall be treated as a special exception, subject to Commission approval.
- b. Application: The applicant shall provide the Department with a letter from the property owner stating his consent and shall also provide an agreement to return the property to an orderly and sanitary condition.

- c. Setbacks: No building, mobile home, trailer, vehicle, tent, mechanical device, or animal shall be located closer than two hundred (200) feet from any property line.
- d. Access: The primary access shall be from a major street or arterial and shall not cause traffic to flow through nearby residential areas. Back-out parking directly onto a public street is prohibited.
- e. Parking: One (1) space per four (4) seats if activity is primarily enclosed, or fifty (50) spaces whichever is greater.
- f. Lighting: Lighting to illuminate the premises or any advertisement, or directional sign shall be so designed as to shine only on the subject use and shall be extinguished no later than twelve (12) midnight.
- g. Noise: Sounds emanating from the temporary use shall not adversely affect surrounding residential property.

Temporary amusement rides, carnivals, circus, and revival tents. (subject to Sec. 500.46).

Caretaker Quarters (subject to 500.40).

D. Special exceptions subject to Commission approval. When the Board of County Commissioners determines as a fact, after the review of the application and plans submitted therewith, that the conditions and provisions of Chapter 1, Sec. 102, Chapter IV, Sections 400, 400.1, 401, and other regulations as set forth and defined in this Zoning Code have been met, and when the proposed use or uses are consistent with good zoning practice and are not contrary to the policies of the Palm Beach County Palm Beach County Comprehensive Plan, the following uses shall be allowed as special exception uses:

Airplane landing strips, accessory to agricultural uses. (subject to Sec. 500.7).

Medical centers.

Migrant farm labor quarters and camps, and accessory buildings and structures.

Churches or places of worship, rectory, convent and accessory buildings and structures.

Commercial sales and service enterprises providing products and services of an agricultural nature customarily needed, utilized and consumed in rural areas devoted to agricultural land uses, such as feed and grain stores, farm implement sales and service, and the like.

Agricultural transshipment operations as a principal use.

Potting soil manufacturing, chipping and mulching, incineration.

Governmental services and accessory buildings and structures.

Institutional and public facilities including medical clinics and educational facilities.

Excavation, type III. (subject to Sec. 500.3).

Publicly operated parks and recreation.

Underlined language (e.g., the) indicates proposed new language.  
 Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

Public and private utility services and accessory building and structures, including, but not limited to the following:

- Electrical power facilities (subject to Sec. 500.42).
- Gas and water regulation station.
- Incinerator (subject to Sec. 500.5).
- Sanitary landfill (subject to Sec. 500.5).
- Water and wastewater treatment facility (subject to Sec. 500.41).
- Telephone exchange building and substation.
- Transfer station (subject to Sec. 500.4).

**E. Property development regulations.**

**1. Minimum lot area and dimensions.**

Area: 10 acres  
Width: 300 feet  
Depth: 300 feet  
Frontage: 300 feet

**2. Minimum yard setback requirements.**

Front: 100 feet  
Side (interior): 50 feet  
Side (corner): 80 feet  
Rear: 100 feet

**3. Maximum building height, total floor area and lot coverage.**

Maximum Building Height: 35 feet  
Maximum Total Floor Area: 15% of the total lot area  
Maximum Lot Coverage: 10% of the total lot area.

**Exceptions:**

All agricultural processing and research buildings and accessory uses requiring a height greater than thirty-five feet (35') shall be permitted, provided the minimum yard setback requirements of Sec. 601 E.2, are met in addition to a three foot (3') setback for all yards for each story above thirty-five feet (35').

For Medical Centers as described in Sec. 603.D., maximum total floor area shall not exceed twenty five percent (25%) of the total lot area, maximum lot coverage shall not exceed fifteen percent (15%) of the total lot area and maximum building height shall be fifty five feet (55'), provided however the minimum yard setbacks, listed in Sec. 602 E.2, above are increased an additional one foot (1'), for each additional one foot (1') in height above thirty five feet (35').

**E. Special regulations.**

1. Access (subject to Sec. 500.20).
2. Offstreet parking (subject to Sec. 500.17).
3. Offstreet loading (subject to Sec. 500.19).

Underlined language (e.g., the) indicates proposed new language.  
Language crossed out (e.g., the) indicates language proposed to be deleted.

4. Landscaping (subject to Sec. 500.35).
5. Fences and walls (subject to Sec. 500.15).
6. Performance Standards (subject to Sec. 500.16).
7. Signs, subject to Chapter 24-1 through 24-123.

**602-604. AR - Agricultural Residential District.**

The existing Sec 602. Agricultural Residential District is amended and becomes Sec. 604. The old Sec. 604. Residential Transitional District has been amended and becomes Sec. 608.

A. **Purpose and intent.** The purpose and intent of the AR District is to provide for the protection of Agriculture as a major industry on the county by preventing encroachment on agricultural lands by incompatible uses; to encourage a broad range of agricultural activities and their accessory operations; including the processing and sale of agricultural products raised on the premises; 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, and conservation and wildlife areas; and to permit a variety of activities which require non-urban locations but which do not operate to the detriment of adjoining lands devoted to rural and residential purposes. The AR District corresponds with the Rural Residential 10 (RR 10) and Rural Residential 20 (RR 20) land use designations of the Land Use Element of the Palm Beach County Comprehensive Plan.

B. **Permitted uses.** In the AR-Agricultural Residential District, no building, structure or land and water use shall be permitted except for one or more of the following uses:

Congregate living facilities, type I, as a permitted use on any single family residential lot; subject to the provisions of Sec. 500.37, "Congregate Living Facilities," above, and other applicable laws. (subject to Sec. 500.3437).

Home occupations. (subject to Sec. 500.2).

Horse training and breeding farms.

Nurseries and greenhouses, not-retail, on lots of ten (10) acres or less.

Public operated Passive parks and recreation areas, public and private, including but not limited to:

Nature trails.

Canoe trails.

Bicycle trails.

Game and wildlife preserves.

Horse trail.

Forest and other reservations.

Private garage accessory to a principal residence:

Private kennels, provided that animals are not kept for sale or resale nor for commercial breeding, boarding, or veterinary care.

Private stables.

~~Private swimming pool accessory to a principal residence. (subject to Sec. 500.14).~~

Residential accessory uses. (subject to Sec. 500.1 and Sec. 500.28).

~~Sugar mill and refinery~~

~~Agricultural research and development facilities, public and private (excluding manufacture and sale of products)~~

~~Tenant dwellings consisting of one (1) self contained dwelling unit for each twenty five (25) acres in addition to the area required for the principal residence.~~

~~Single family dwelling on a minimum lot area of five (5) acres~~

Single family residence on a minimum lot area of ten (10) acres in the RR 10 land use designation, and a minimum of twenty (20) acres in the RR 20 land use designation.

Single family residence on a lot less than ten (10) acres in the RR 10 land use designation, and on a lot less than twenty (20) acres in the RR 20 land use designation, if the property meets the criteria for a density exemption in the Palm Beach County Comprehensive Plan.

Agricultural accessory uses that are customary and incidental to principal agricultural uses, including, but not limited to the following:

- Corrals.
- Equipment storage sheds.
- ~~Baling stations.~~
- ~~Citrus packing and grading plants~~
- ~~Dipping vats~~
- ~~Forage drying facilities~~
- ~~Pre-cooling and packing plant~~
- ~~Pumping and drainage structures~~
- ~~Railway tracks~~
- ~~Ramie decortication plants~~

General farming, including:

- Apiculture.
- Crop raising.
- Dairying.
- Forestry.
- ~~Greenhouses and nurseries~~
- Groves.
- Horticulture.
- Livestock raising.
- Mushroom raising.
- Pisciculture.
- Poultry and egg production.
- Tree farms, field grown.

One Stand stand for the sale of agricultural products, not necessarily grown on site. (subject to Sec. 500.45)

No stand shall exceed three hundred square feet (300) of gross floor area;

The stand maintains mobility of some type, such as wheels or skids;

The stand is set back fifty feet (50') or more from the pavement or zero feet (0') from the base building line, whichever distance is greater; and

The stand shall not be located within one hundred feet (100') of the intersection of the right-of-way lines of any two dedicated roads.

Sign, off-premises . . . Palm Beach County sign code:

C. **Uses subject to special permit regulations.** In an AR District, the following buildings, structures, and uses shall be permitted pursuant to Sec. 401.6, after compliance with the following special regulations:

Accessory apartments for elderly and handicapped. (subject to the following Sec. 500.46)

Caretaker Quarters. (subject to 500.40).

Greenhouse or nursery, non-retail, on lots greater than ten (10) acres, subject to receipt of water use permit from South Florida Management District. The special permit application for the Greenhouses and nurseries shall include:

Site plan, drawn to scale, showing all structures including shade houses and irrigation system (plan may be sketched to scale on survey submitted);

Survey, no more than one (1) year old;

Copy of last recorded warranty deed;

Copy of water use permit from SEWMD;

Permit fee - see current schedule;

Name, address, phone number of property owner;

Name, address, phone number of business manager;

Name, address, phone number of applicant;

Statement of uses on property;

Legal description, including section/township/range;

Zoning District;

Date;

Fee receipt number;

Signature of applicant

Written consent from the owner of record, and

Any other documents deemed necessary by the Zoning Director.

Conditions of Operation of the nursery shall be:

All lights associated with the nursery shall be extinguished no later than 11:00 p.m.;

Sounds emanating from the nursery use shall not adversely affect surrounding residential property;

All parking and loading associated with any nursery related use shall occur on nursery acreage, and not on access easements, or public or private rights-of-way, or through streets; and

Loading or operation of heavy machinery shall not occur between the hours of 11:00 p.m. and 6:00 a.m.

Grooms quarter's accessory to horse training and breeding farms allowing one (1) groom's quarters per five (5) stalls.

Radio towers, ~~incidental~~ accessory to an agricultural use on not less than five (5) acres, not exceeding one hundred fifty feet (150') in height from ground level if:

Setbacks measured from the base of the tower to the property lines shall be equal to a distance of not less than one hundred ten percent (110%) of the height of the tower; and

The towers are located in such a manner that they will not fall on any power lines or adjacent property.

Temporary Christmas tree sales accessory to a nursery, valid for thirty (30) days, located within required yard setbacks.

Mobile home parking as a temporary residence on a minimum of ten (10) acres in the RR 10 land use designation and twenty (20) acres in the RR 20 land use designation, subject to the following requirements:

~~To retain mobility, suspension system and axle must remain attached; undercarriage may be bolted to a permanent foundation subject to issuance of a valid building permit;~~

~~There shall be no more than one (1) mobile home or house trailer per each ten (10) acres of land;~~

~~Where more than one (1) mobile home is authorized in an area; they shall be separated by a minimum distance of twenty feet (20 feet);~~

Sanitary facilities must have approval of all governmental agencies having appropriate jurisdiction; and permits and inspections for ~~necessary electric, water supply, sewage, and tie-down~~ the installation must be obtained from the Department;

Minimum setbacks from public road rights-of-way shall not be less than one hundred feet (100 feet);

Setbacks from property lines other than public road rights-of-way shall not be less than one hundred feet (100 feet);

No additions or adjuncts shall be permitted which restrict the mobility of the mobile home;

~~Submission of a plot plan showing the location of the mobile home;~~

In the event the mobile home allowed by Special Permit is replaced or relocated on the subject site, a revised site plan shall be submitted to the Department and a new Special Permit obtained;

Execution of unity of title document;

A statement of the petitioner's interest in the subject property pursuant to the provisions of Sec. 401.1A;

A survey pursuant to Sec. 401B; and

All applications shall be presented on the official forms provided by the department.

Mobile home parking as an accessory use to bona fide agricultural uses on a minimum of ten (10) acres ~~in the RR 10 land use designation and 20 acres in the RR 20 land use designation~~, subject to the following requirements:

The mobility of the vehicle used as a mobile home trailer or house trailer must be maintained;

~~There shall be no more than one (1) mobile home allowed per each ten (10) acres of land under active cultivation;~~

Sanitary facilities must have approval of all governmental agencies having appropriate jurisdiction; and permits, and inspections for ~~necessary electric, and water supply, and sewage disposal facilities from the Palm Beach County Planning, Zoning and Building Department~~ the installation must be obtained from the Department;

Minimum setbacks from public road rights-of-way shall be not less than two hundred feet (200 feet);

Setbacks from property lines other than public road rights-of-way shall not be less than one hundred feet (100 feet);

Approval to be on an annual review basis only, with options to renew for an additional one-year periods available to the petitioner;

No additions or adjuncts shall be permitted to the mobile home, except Department approved awnings and demountable screen panels;

Where more than one (1) mobile home is authorized in an area, they shall be separated by a minimum distance of twenty feet (20 feet);

Minimum separation between an existing single family residence and a mobile home shall be not less than two hundred feet (200 feet);

Execution of unity of title documents;

~~Submission of a plot plan showing the location of the mobile home; and~~

A statement of the petitioners interest in the property, pursuant to Sec. 401.1.A.

A Temporary temporary mobile home parking while constructing a single family residence, subject to the following requirements:

The mobility of the vehicle used as a mobile home or house trailer must be maintained;

Sanitary facilities must have approval of all governmental agencies having appropriate jurisdiction; and permits, and inspections for ~~necessary electric and water supply and sewage disposal facilities from the Palm Beach County Planning, Zoning and Building Department~~ the installation must be obtained from the Department.

The issuance of a valid building permit for a single family dwelling on the subject site;

The temporary permit shall be valid for a period of one (1) year;

Requests for extensions of time beyond the initial one (1) year approval shall be made to the Commission on forms prescribed by the Department. In no case shall the total time exceed a maximum of two (2) years for the initial approval and subsequent extension(s);

Execution of notarized Mobile Home Removal Agreements;

No additions or adjuncts shall be permitted to the mobile home, except Department approved awnings and demountable screen panels; and

A statement of the petitioner's interest in the property, pursuant to Sec. 401.1 A.

~~Mobile Home Parking as a temporary residence on a minimum of five (5) acres subject to the following requirements:~~

- ~~1. To retain mobility, suspension system and axle must remain attached; undercarriage may be bolted to a permanent foundation subject to issuance of a valid building permit;~~
- ~~2. There shall be no more than one (1) mobile home or house trailer per each five (5) acres of land owned by any applicant;~~
- ~~3. The property on which the mobile home is located must be held in single ownership with regard to adjacent properties;~~
- ~~4. Sanitary facilities must have approval of all governmental agencies having appropriate jurisdiction; and permits and inspections for necessary electric, water supply, sewage, and tiedown installation must be obtained from the Department;~~
- ~~5. The temporary permit shall be valid for a period of five (5) years, or until thirty (30) days after a certificate of occupancy is issued for a permanent residence, which first occurs;~~
- ~~6. An extension of time up to five (5) years beyond the initial five year approval may~~

~~be requested from the Planning, Zoning and Building Department. If the extension request is administratively denied, the applicant may apply to the Planning, Zoning and Building Department for and appeal before the zoning commission. In no case shall the total time exceed ten (10) years for the initial approval and subsequent extension.~~

- ~~7. Minimum setbacks from public road rights of way and all other properties shall not be less than one hundred feet (100 feet);~~
- ~~8. No additions or adjuncts shall be permitted which restrict the mobility of the mobile home;~~
- ~~9. In the event the mobile home allowed by Special Permit is replaced or relocated on the subject site, a revised site plan shall be submitted to the Department and a new Special Permit obtained;~~
- ~~10. A notarized mobile home removal agreement;~~
- ~~11. A statement of the petitioner's interest in the subject property must be submitted pursuant to the provisions of Sec. 401.1A;~~
- ~~12. A survey must be submitted pursuant to Sec. 401.1B;~~
- ~~13. All applications shall be presented on the official forms provided by the department; and~~
- ~~14. Mobile homes must be on a legal lot.~~

~~Temporary amusement rides, carnivals, circuses, amusements, bazaars, and revival tents, subject to the following: Section 500.47,~~

~~Duration: The temporary facility shall not be permitted for a period exceeding seven (7) consecutive calendar days. Permit can be renewed one (1) time subject to review by the Zoning Director.~~

~~Application: The applicant shall provide the Department with a letter from the property owner stating his consent and shall also provide an agreement to return the property to an orderly and sanitary condition.~~

~~Setbacks: No building, mobile home, trailer, vehicle, tent, mechanical device, or animal shall be located closer than two hundred feet (200') from any property line.~~

~~Frontage: The minimum frontage shall be five hundred feet (500') on a public road.~~

~~Access: The primary access shall be from a major street or arterial and shall not cause traffic to flow through nearby residential areas. Backout parking directly onto a public street is prohibited.~~

~~Parking: One (1) space per four (4) seats in activity is primarily enclosed, or ten (10) spaces per acre of ground occupied by amusements, or fifty (50) spaces, whichever is greater.~~

~~Lighting: Lighting to illuminate the premises of any advertisement, directional sign or amusement shall be so designed as to shine only on the subject use and shall be extinguished no later than twelve (12) midnight.~~

Commission determines as a fact, after the review of the application and plans submitted therewith, that the conditions and provisions of Chapter 1, Sec. 102, Chapter IV, Sections 400, 400.1, 401, and other regulations as set forth and defined in this Zoning Code have been met, and when the proposed use or uses are consistent with good zoning practice and are not contrary to the policies of the Palm Beach County Comprehensive Land-Use Plan, the following uses shall be permitted allowed as special exception uses:

~~Agricultural research and development facilities.~~

~~Dipping vats.~~

~~Airports and heliports, public and private (see section 500.7)~~

~~Churches or places of worship, rectory, convent, and accessory buildings and structures.~~

~~Commercial sales and service enterprises providing products and services of an agricultural nature customarily needed, utilized and consumed in rural areas devoted to agricultural land uses, such as feed and grain stores, farm implement sales and service, and the like.~~

~~Commercial radio, television, microwave transmission and relay stations and towers and accessory equipment buildings on a minimum of five (5) acres. (see subject to Sec. 500.11-500.10).~~

~~Adult Congregate living facilities, type II. (subject to Sec. 500.37)~~

~~Congregate living facility, type 2...applicable law.~~

~~Congregate living facility, type 3...applicable law.~~

~~Day care centers, and other pre-school facilities and child care facilities. (see subject to Sec. 500.12).~~

~~Fraternal organizations and community meeting halls on a County or State road (excluding shooting facilities).~~

~~Heliports and helipads, accessory to residential farm use on minimum of five (5) acres. (subject to Sec. 500.7).~~

~~Horse training and breeding farms.~~

~~Landscape installation services located on an arterial only.~~

~~Lawn maintenance service.~~

~~Retail nurseries and greenhouses, located on arterial streets.~~

~~Planned unit developments. (see subject to Sec. 500.21). permitted only... section 500.21E.4.~~

~~MHRP, Mobile Home Rental Park. (subject to Sec. 500.22).~~

~~MHCP, Mobile Home Condominium Park. (subject to Sec. 500.24).~~

Public parks and recreation areas limited to the following:

Athletic fields.

Swimming pools and clubs. (subject to Sec. 500.14).

Tennis courts and clubs.

~~Swimming pool and club.~~

~~Recreational facilities, amusements and attractions, and exhibits, public and private, including but not limited to the following (See section 500.9):~~

~~Athletic fields.~~

~~Camps.~~

~~Motorcycle and motocross tracks.~~

~~Outdoor wildlife attractions~~

~~Privately operated recreation areas or structures for public and private uses.~~

~~Cemeteries and mausoleums and accessory funeral home and crematory facilities.~~

~~Migrant and transient farm labor quarters and camps and accessory buildings and structures.~~

~~Commercial kennels and stables and accessory buildings and structures (see Section 500.11)~~

~~Recreational vehicle park (see section 500.23)~~

~~Excavation and removal of muck, sand, rock, shell, soil, or other extractive materials. (see section 500.3)~~

~~Medical centers which must include a hospital (subject to section 500.26) as the principal use and may include the following customary complimentary uses:~~

~~1. Nursing and convalescent facilities (subject to section 500.25).~~

~~2. Adult congregate living facilities (subject to section 500.32).~~

~~3. Staff dormitories.~~

~~4. Office buildings limited to a maximum of eight hundred fifty (850) square feet of office building floor area per one thousand (1,000) square of hospital floor area as specified in the approved certificate of need. Professional business medical and dental offices, laboratories and clinics shall be permitted in the office buildings. Fifteen (15) percent of the floor area within such an office building may be used for customary retail restaurant lounge and financial use provided such uses are contained within the office buildings and are consistent with a medical center development.~~

~~Building configuration, allocation of floor area to specific types of uses and signage information shall be specified on the proposed site plan and shall be reviewed for compatibility with the intent of a medical center and with surrounding properties at the time of the original approval.~~

Rural airplane landing strips, accessory to agricultural uses on a minimum of 20 acres.  
(subject to Sec. 500.7)

Tenant quarters and dwellings accessory to bona fide farm operations consisting of one (1) self-contained dwelling unit for each twenty five (25) acres in addition to the area required

for the principal residence.

Veterinary clinics for livestock only on a minimum of five (5) acres.

Educational institutions ~~including but not~~ limited to the following:

Colleges and universities.  
Schools, public and private.  
~~Vocational schools and training centers and seminaries.~~  
~~Museums.~~

Public and private utility services and accessory buildings and structures, ~~including but not~~ limited to the following:

Electrical power and light substation facilities  
Gas and water regulation station  
Telephone exchange building and substation.  
~~Incinerators.~~  
~~Refuse and trash dumps (see section 500.5)~~  
~~Sanitary landfill (see section 500.5)~~  
~~Sewage treatment plant~~  
~~Water tower, storage tank, reservoir, treatment plant.~~  
~~Transfer station (see section 500.4)~~

Governmental services and accessory buildings and structures including, but not limited to, the following:

Fire stations.  
Police stations.  
Libraries.

**E. Property development regulations.**

1. Minimum lot area and dimensions.

Area: 10 acres (in areas designated RR 10  
20 acres (in areas designated RR 20)  
~~Area:~~ ~~5 acres~~  
Width: 300 feet  
Depth: 300 feet  
Frontage: 300 feet

2. Minimum yard setback requirements.

Front: 100 feet  
Side (interior): 50 feet  
Side (corner): 80 feet  
Rear: 100 feet

3. Maximum building height, total floor area and lot coverage.

Maximum Building Height 35 feet  
Maximum Total Floor Area 15% of the total lot area

Maximum Lot Coverage 10% of the total lot area

Exceptions:

All agricultural processing and research building and Accessory uses requiring a height greater than thirty-five (35) feet shall be permitted, provided the minimum yard setback requirements of Chapter 601 E.2. above are met in addition to a 3-foot setback for all yards for each story above thirty-five (35) feet.

For medical centers as described in section 602.D, maximum total floor area shall not exceed twenty-five (25) percent of the total lot area, maximum lot coverage shall not exceed fifteen (15) percent of the total lot area and maximum building height shall be fifty-five (55) feet, provided however the minimum yard setbacks listed in section 602 E.2 above area increased an additional foot in height above thirty-five (35) feet:

4. Minimum Floor Area requirements:

Efficiency	400 square feet
One bedroom	525 square feet
Two bedrooms	800 square feet
Three bedrooms	800 square feet
More than three bed-rooms	800 square feet
	100 square feet
	for each additional bed- room:

F. Special regulations.

1. Access. (see subject to Sec. 500.20)
2. Offstreet parking. (see subject to Sec. 500.17)
3. Offstreet loading. (see subject to Sec. 500.19)
4. Parking, storing, keeping of commercial and recreational vehicles. (see subject to Sec. 500.18)
- 5.4. Landscaping. see Palm Beach County Land Ordinance. (subject to Sec. 500.35)
- 6.5. Fences and walls. (see subject to Sec. 500.15)
- 7.6. Performance Standards. (see subject to Sec. 500.16)
- 8.7. Signs, see Palm Beach County Sign Ordinance. (subject to Chapter 24-1 through 24-123)

605. CRS-Country Residential District.

A new CRS-Country Residential District has been prepared as Sec. 605. The old Sec. 605, RTS-Residential Transitional Suburban District has been amended and moved to Sec. 609.

- A. Purpose and intent. The purpose and intent of the CRS District is to provide for a primarily rural residential environment that is also conducive to the keeping of horses and livestock; to protect watersheds and water supplies, wilderness and scenic areas, and conservation and wildlife areas; and to permit a limited number of activities which require non-urban locations but which do not operate to the detriment of adjoining lands devoted to rural and residential purposes. The CRS District corresponds with the Rural Residential 10 (RR 10) and Rural Residential 20 (RR 20) and may apply in existing low density neighborhoods within the Low Residential 1 (LR1) land use designations of the Land Use Element of the Palm Beach County Comprehensive Plan.
- B. Permitted uses. In the CRS District, no building, structure or land and water use shall be permitted except for one or more of the following uses:

Underlined language (e.g., the) indicates proposed new language.  
Language crossed out (e.g., the) indicates language proposed to be deleted.

Congregate living facilities, type I (subject to Sec. 500.37).

Home occupations (subject to Sec. 500.2).

Horse training and breeding farms under ten (10) acres, subject to livestock limits of 605.F., Special Regulations.

Passive parks and recreation areas, public and private, limited to:

- Nature trails.
- Canoe trails.
- Bicycle trails.
- Game and wildlife preserves.
- Horse trail.
- Forest and other reservations.

Private kennels, provided that animals are not kept for sale or resale nor for commercial breeding, boarding, or veterinary care.

Residential accessory use (subject to Sec. 500.1 and Sec. 500.28).

Single family residence on a minimum lot area of ten (10) acres in the RR 10 land use designation, and a minimum of twenty (20) acres in the RR 20 land use designation.

Single family residence on a lot less than ten (10) acres in the RR 10 land use designation, and on a lot less than twenty (20) acres in the RR 20 land use designation, if the property meets the criteria for a density exemption in the Palm Beach County Comprehensive Plan.

One Stand stand for the sale of agricultural products (subject to Sec. 500.44).

The keeping and raising of livestock (subject to Sec. 605.F).

**C. Uses subject to special permit regulations. In a CRS District, the following buildings, structures, and uses shall be permitted pursuant to Sec. 401.6, after compliance with the following special regulations:**

Accessory apartments for elderly and handicapped (subject to Sec. 500.46).

Caretaker quarters (subject to Sec. 500.40).

Groom quarters accessory to horse breeding and training farms, and one (1) groom's quarters per five (5) stalls.

One (1) mobile home as a residence on a minimum of ten (10) acres.

Temporary amusements, bazaars and revival tents (subject to Sec. 500.47).

**D. Special exceptions subject to Commission approval. When the Commission determines as a fact, after the review of the application and plans submitted therewith, that the conditions and provisions of Chapter 1, Sec. 102, Chapter IV, Sec.s 400, 400.1, 401, and other regulations as set forth and defined in this Zoning Code have been met, and when the proposed use or uses are consistent with good zoning practice and are not contrary to the policies of the Palm Beach County Comprehensive Plan, the following uses may be allowed as Special Exceptions:**

Congregate living facilities, type II, (subject to Sec. 500.37).

Churches or places of worship, rectory, convent, and accessory buildings and structures.

Day care centers, pre-school facilities and child care facilities.

Educational institutions limited to the following:

Colleges and universities.

Schools, public and private.

Horse breeding, and training farms including groom's quarters on lots greater than ten (10) acres or on lots less than ten (10) acres exceed the animal limitations. (Sec. 605(F)).

Mobile home rental park (MHRP). (subject to Sec. 500.22).

Mobile home condominium park (MHCP). (subject to Sec 500.24).

Planned unit development which preserves the rural character. (subject to Sec. 500.21).

Governmental services and accessory buildings and structures.

Public and private utility services and accessory buildings and structures, serving the area, limited to the following:

Electrical power facilities. (subject to Sec. 500.42).

Gas and water regulation station.

Telephone exchange building and substation.

Active public parks and recreation areas not including golf courses and provided that there are no lights for nighttime activities

Radio towers, commercial, on a lot of not less than five (5) acres.

**E. Property development regulations.**

**1. Minimum lot area and dimensions.**

Area\*: 10 acres (in areas designated RR 10)

20 acres (in areas designated RR 20)

Width: 300 feet

Depth: 300 feet

Frontage: 300 feet.

: No minimum density in LR1. Minimum lot area for LR1 shall be governed by the minimum lot size and property development regulations of the RE District.

**2. Minimum yard setback requirements.**

Front: 100 feet

Side (interior): 50 feet

Side (corner): 80 feet

Rear: 100 feet.

3. Maximum building height, total floor area and lot coverage.

Maximum Building Height: 35 feet  
Maximum Total Floor Area: 15% of the total lot area  
Maximum Lot Coverage 10% of the total lot area.

F. Special regulations.

1. Livestock and farm animal limitations.

a. Maximum number of large animals permitted per one (1) acre shall not exceed five (5).

1) Definition of one (1) acre: One (1) acre shall include all utility easements but shall exclude any road and drainage easements.

2) Definition of large animals: Large animals shall include horses, swine, cattle, goats, and sheep.

3) Definition of small animals: Small animals shall include fowl and rabbits.

b. Specific numbers as per the type of large animals permitted per one (1) acre shall be as follows:

<u>Horses</u>	<u>Five (5).</u>
<u>Swine</u>	<u>One (1)</u>
<u>Cattle</u>	<u>Two (2).</u>
<u>Goats/sheep</u>	<u>Two (2) each.</u>

Any combination of the above numbers, not exceeding five (5) per one (1) acre shall be permitted.

c. An enclosed structure is required for each animal when the total number of animals being kept exceeds three (3).

d. The maximum number of small animals permitted per one (1) acre shall be as follows:

<u>Fowl, excluding Pea Fowl</u>	<u>Fifty (50).</u>
<u>Rabbits</u>	<u>One Hundred (100).</u>

These numbers are permitted in addition to the five (5) large animals per one (1) acre permitted above.

e. Exclusion of any two (2) large animals will permit an additional fifty (50) small animals, not to exceed one hundred (100) additional small animals.

2. Access. (subject to Sec. 500.20.

3. Offstreet parking. (subject to Sec. 500.17).

4. Offstreet loading. (subject to Sec. 500.19).

5. Parking, storing, keeping of commercial and recreational vehicles. (subject to Sec. 500.18).

6. Landscaping. (subject to Sec. 500.35).

7. Fences and walls. (subject to Sec. 500.15).

8. Performance Standards. (subject to Sec. 500.16).

9. Signs. (subject to Chapter 24-1 through 24-123).

606. RSER-Rural Services District.

A new RSER-Rural Services District has been prepared as Sec. 606. The old Sec. 606, RS-Single Family Residential, has been amended and becomes Sec. 611.

A. Purpose and intent. The purpose and intent of the RSER District is to provide for the clustering of service activities intended to serve predominantly rural residential communities, subject to the provision of adequate public facilities and services. To receive the RSER Zoning District designation a property must lie within one-half mile of the intersection of two existing arterials, excluding easement type roads in the Rural Service Area. The RSER District corresponds to the Rural Residential 10 (RR-10) land use designation of the Land Use Element of the Palm Beach County Comprehensive Plan.

B. Permitted uses.

Horse training and breeding farm.

Markets, limited to fruits and vegetables.

Nurseries and greenhouses.

Stables, commercial and private.

Veterinary offices.

C. Uses subject to special permit regulations. In the RSER District, the following buildings, structures, and uses shall be permitted pursuant to Sec. 401.6, after compliance with the following special regulations:

Caretaker quarters. (subject to Sec. 500.40).

Groom quarter's accessory to horse breeding and training farms, one (1) groom's quarters per five (5) stalls.

D. Special exceptions subject to Commission approval. When the Commission determines as a fact, after the review of the application and plans submitted therewith, that the conditions and provisions of Chapter 1, Sec. 102, Chapter IV, Sections 400, 400.1, 401, and other regulations as set forth and defined in this Zoning Code have been met, and when the proposed use or uses are consistent with good zoning practice and are not contrary to the policies of the Palm Beach County Comprehensive Plan, the following uses shall be allowed as special exception uses:

Cemeteries and mausoleums not subject to locational requirements and must be on public water and sewer.

Churches or places of worship, rectory, convent, and accessory buildings and structures.

Clinics, medical, chiropractic, dental, outpatient only.

Commercial kennels.

Congregate living facilities, type II. (subject to Sec. 500.34).

Day care centers, pre-school facilities and child care facilities. (subject to Sec. 500.12).

Farm tools (small implements), feed and grain, tack, animal care products, farm supplies

and small tools, excluding large implements. The facility must be located on an arterial roads, and all outdoor storage areas must be enclosed or completely screened from view. Up to five percent (5%) or five hundred (500) square feet, whichever is less, of the merchandise sales area may be devoted to retail grocery sales, provided that the grocery display space is limited to one discrete area of the establishment. Shelves, floor area, counter space and overhead display areas shall be included in the calculation of the five percent (5%) limit. There shall be no exterior signage and no external evidence of the availability of grocery products for sale. Service of small implements shall only be permitted in enclosed areas which are completely screened from the roadway and adjacent properties. Repair activities shall occur only between the hours of 7:00 a.m. and 9:00 p.m.

Funeral homes, not subject to locational requirements and must be on public water and sewer.

Fraternal organizations and clubs.

Landscape installation and maintenance services.

Medical centers.

Nursing homes.

Publicly operated parks and recreation areas (not including golf courses).

Sale of large farm implements, farm supplies (excluding stock piling) on a road maintained by the State at the effective date of this section.

Educational institutions, including:

Vocational schools.  
Colleges and universities.  
Seminaries.  
Elementary and secondary schools, public and private.

Governmental services and accessory buildings and structures.

Radio towers, commercial, on a lot of no less than five (5) acres.

Public and private utility services and accessory buildings and structures serving the area, including, but not limited to the following:

Electrical power facilities, (subject to Sec. 500.42).  
Gas and water regulation station.  
Telephone exchange building and substation.

E. Property development regulations.

1. Lot area and dimensions:

Minimum area: 10 acres  
Minimum frontage: 300 feet  
Maximum depth: 600 feet.

2. Minimum yard setback requirements:

Front: 25 feet

Side (interior):            15 feet  
Side (corner):         20 feet  
Rear:                        100 feet.

4.     Maximum floor area:            35 percent of the total lot area.  
5.     Maximum building height:        35 feet.

F.     Special regulations.

1.     Access. (subject to Sec. 500.20).
2.     Offstreet parking. (subject to Sec. 500.17).
3.     Offstreet loading. (subject to Sec. 500.19).
4.     Landscaping. (subject to Sec. 500.35).
5.     Fences and walls. (subject to Sec. 500.15).
6.     Performance Standards. (subject to Sec. 500.16).
7.     Signs, subject to Chapter 24-1 through 24-123.

603.607. RE - Residential Estate District.

The old Sec. 603. RE-Residential Estate District has been amended and moved to Sec. 607. The old Sec. 607, Rm-Multiple Family Residential (Medium Density), has been amended and has become Sec. 612.

- A.     Purpose and intent. The purpose and intent of the RE District is to provide a transition between the agricultural and conservation areas and the more urban residential communities; and to create a ~~rural~~ residential environment wherein natural constraints applicable to development can be recognized and protected in a manner compatible with the needs of the future resident. The RE District corresponds with the Low Residential 1 (LR1) land use designation in the Future Land use Element of the Palm Beach County Comprehensive Plan.
- B.     Permitted uses. In the RE District, no building, structure or land and water shall be permitted except for one or more of the following uses:

Congregate living facilities, type I, as a permitted use on any single family residential lot subject to the provisions of Sec. 500.37, Congregate Living Facilities, and other applicable law.

Home occupation. (~~see~~ subject to Sec. 500.2)

~~Residential accessory.~~ (~~see~~ Sec. 500.1)

Passive parks and recreation areas, public and private, limited to:

- Nature trails.
- Canoe trails.
- Bicycle trails.
- Game and wildlife preserves.

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Underlined language (e.g., the) indicates proposed new language.

Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

Horse trail.  
Forest and other reservations.

Private kennels or stable facilities or other uses customarily accessory to the principal residential use provided that animals are not kept for sale or resale nor for commercial purposes, including breeding, boarding or veterinary care.

~~Noncommercial keeping or raising of horses without stable facilities or other customary incidental accessory uses or buildings:~~

~~Private swimming pool accessory to a principal residence. (see subject to Sec. 500.14)~~

~~Single family dwelling and its customary accessory uses. (subject to Sec. 500.1 and Sec. 500.28)~~

~~Private garage accessory to a principal residence:~~

**C. Uses subject to special permit regulations.** In an RT District, the following buildings, structures, and uses shall be permitted pursuant to Sec. 401.6, after compliance with the following special regulations:

Accessory apartments for elderly and handicapped. (subject to Sec. 500.45).

Caretaker Quarters. (subject to 500.40).

**G.D. Special exceptions subject to commission approval.** When the Commission determines as a fact, after the review of the application and plans submitted therewith, that the conditions and provisions of Chapter I, Sec. 102, Chapter IV, Sec.s 400, 400.1, 401, and other regulations as set forth and defined in the Zoning Code have been met, and when the proposed use or uses are consistent with good zoning practice and are not contrary to the policies of the Palm Beach County Comprehensive Plan, the following uses shall be allowed:

Airplane landing strips. (see subject to Sec. 500.7)

Cemeteries and mausoleums and accessory funeral home and crematory facilities.

Churches or places of worship, rectory, convent and accessory buildings and structures.

Commercial radio, television, microwave transmission and relay stations and towers. (see subject to Sec. 500.10)

Day care centers, and other pre-school facilities and child care facilities. (see subject to Sec. 500.12)

Educational institutions, (excluding colleges and universities, seminaries and vocational schools and training centers) public and private, limited to elementary and secondary.

Government services and accessory buildings and structures.

Excavation and removal of muck, sand, rock, shell, soil, or other extractive materials. (see Sec. 500.3)

Heliports and helipads. (see subject to Sec. 500.7)

Mobile home rental park (MHRP). (subject to Sec. 500.22)

Mobile home condominium park (MHCP). (subject to Sec. 500.24)

Planned residential development. (~~see~~ subject to Sec. 500.33)

Planned unit development. (~~see~~ subject to Sec. 500.21)

Publicly operated parks and recreation.

Public and private utility services and accessory buildings and structures, including, (excluding sanitary landfills, incinerator, refuse and trash dumps) but not limited to the following:

Electrical power facilities. (subject to Sec. 500.42)

Gas and water regulation station.

Water and wastewater treatment facilities. (subject to Sec. 500.41)

Telephone exchange building and substation.

Transfer station. (subject to Sec. 500.4)

**D.E. Property development regulations.**

**1. Density standards.**

Minimum density: Not applicable

Maximum density without PUD: 0.4 dwelling unit/acre

Maximum density with PUD\*: 1.0 dwelling unit/acre

\* For subdivisions and PUDs, density shall be measured and based upon gross acreage of the proposed development.

**~~1.2.~~ Minimum lot dimensions.**

<u>Area:</u>	<del>1/2-acre</del>	<u>2.5 acres**</u>
<u>Width:</u>	<del>100-foot</del>	<u>180 feet</u>
<u>Depth:</u>	<del>125-foot</del>	<u>200 feet</u>
<u>Front:</u>	<del>100-foot</del>	<u>180 feet</u>

\*\* This minimum lot size is a general guideline for the development of single lots of record. For subdivisions and PUDs, density shall be measured and based upon gross acreage of proposed development.

**~~2.3.~~ Minimum yard setback requirements.**

<u>Front:</u>	<u>50 feet</u>
<u>Side (interior):</u>	<u>40 feet</u>
<u>Side (corner):</u>	<u>60 feet</u>
<u>Rear:</u>	<u>50 feet</u>

~~3-4.~~ Maximum building height, total floor area and lot coverage.

Maximum Building Height: 35 feet  
Maximum Total Floor Area: 25% of the total lot area  
Maximum Lot Coverage: 20% of the total lot area

~~4.~~ Minimum Floor Area Requirements:

One bedroom: 600 square feet  
Two bedrooms: 800 square feet  
Three bedrooms: 1000 square feet  
More than three Bedrooms: 100 square feet for each additional bedroom

E.E. Special regulations.

1. Access. (see subject to Sec. 500.20).
2. Offstreet parking. (see subject to Sec. 500.17).
3. Offstreet loading. (see subject to Sec. 500.19).
4. Parking, storing, keeping of commercial and recreational vehicles. (see subject to Sec. 500.18).
5. Landscaping. (see subject to Sec. 500.35).
6. Fences and walls. (see subject to Sec. 500.35).
7. Performance Standards. (see subject to Sec. 500.16).
8. Signs, (See Palm Beach County Sign Ordinance) subject to Chapter 24-1 through 24-123.

604-608 RT - Residential Transitional District.

The old Sec. 604 RT-Residential Transitional District has been amended and moved to Sec. 608. The old Sec. 608, RH-Multiple Family Residential (high density), has been amended and has become Sec. 613.

- A. **Purpose and intent.** The purpose and intent of the RT District is to provide a transition between the traditional a suburban single family atmosphere and that which is provided by estate development. The promotion of active recreational facilities within the privacy of an individual lot area, along with attention to natural environmental considerations, will create an atmosphere compatible with residential needs. The RT District corresponds with the Low Residential 1 (LR1) and Low Residential 2 (LR2) land use designation in the Future Land use Element of the Palm Beach County Comprehensive Plan.
- B. **Permitted uses.** In the RT - Residential Transitional District, no building, structure or land and water use shall be permitted except for one (1) or more of the following uses:

Congregate living facilities, type I, as a permitted use on any single family residential lot subject to the provisions of Sec. 500.37.

Home occupation. (see subject to Sec. 500.2)

~~Noncommercial keeping or raising of horses without stable facilities or other customary incidental accessory uses or buildings:~~

~~Private swimming pool accessory to a principal residence. (see subject to Sec. 500.14)~~

~~Passive parks and recreation areas, public and private, limited to:~~

Nature trails.  
Canoe trails.  
Bicycle trails.  
Game and wildlife preserves.  
Horse trail.  
Forest and other reservations.

Single family dwelling and its customary accessory uses. (subject to Sec. 500.1 and Sec. 500.28)

~~Private garage accessory to a principal residence.~~

~~Residence accessory use. (see Sec. 500.1)~~

**C.** Uses subject to special permit regulations. In an RT District, the following buildings, structures, and uses shall be permitted pursuant to Sec. 401.6, after compliance with the following special regulations:

Accessory apartments for elderly and handicapped, subject to Sec. 500.45.

Caretaker quarters. (subject to Sec. 500.40).

**G.D.** Special exceptions subject to commission approval. When the Commission determines as a fact, after the review of the application and plans submitted therewith, that the conditions and provisions of Chapter I, Sec. 102, Chapter IV, Sec.s 400, 400.1, 401, and other regulations as set forth and defined in the Zoning Code have been met, and when the proposed use or uses are consistent with good zoning practice and are not contrary to the policies of the Palm Beach County Comprehensive Plan, the following uses shall be permitted:

Cemeteries and mausoleums and accessory funeral home and crematory facilities.

Churches or places of worship, rectory, convent and accessory buildings and structures.

Commercial radio, television, microwave transmission and relay stations and towers. (~~see~~ subject to Sec. 500.10)

Day care centers, ~~and other~~ pre-school facilities and child care facilities. (~~see~~ subject to Sec. 500.12)

Educational institutions, (~~excluding colleges and universities, seminaries and vocational schools and training centers~~) public and private, limited to elementary and secondary.

Heliports and helipads. (~~see~~ subject to Sec. 500.7)

Government services and accessory buildings and structures.

Mobile home rental park (MHRP). (subject to Sec. 500.22)

Mobile home condominium park (MHCP). (subject to Sec. 500.24)

Planned residential development. (~~see~~ subject to Sec. 500.33)

Planned unit development. (~~see~~ subject to Sec. 500.21)

Publicly operated parks and recreation.

Public and private utility services and accessory buildings and structures, including, ~~(excluding sanitary landfills, incinerator, refuse and trash dumps)~~ but not limited to the following:

- Electrical power facilities. (subject to Sec. 500.42)
- Gas and water regulation station.
- Water and wastewater treatment facilities. (subject to Sec. 500.41)
- Telephone exchange building and substation.
- Transfer station. (subject to Sec. 500.42)

~~Excavation and Removal of Muck, sand, rock, shell, soil or other extractive materials (see Section 500.12)~~

**D.E. Property development regulations.**

**1. Density standards.**

Minimum density: 1.0 dwelling unit/acre (in areas designated LR2)

Maximum density without PUD: 1.5 dwelling unit/acre (in areas designated LR2)  
1.0 dwelling unit/acre (in areas designated LR1)

Maximum density with PUD\*: 2.0 dwelling unit/acre (in areas designated LR2)  
1.0 dwelling unit/acre (in areas designated LR1)

\* For subdivisions and PUDs, density shall be measured and based upon gross acreage of the proposed development.

**1-2. Minimum lot and area dimensions.**

~~With Private Well and Septic Tank~~

~~Area: \_\_\_\_\_ 1 acre  
Width: \_\_\_\_\_ 150 feet  
Depth: \_\_\_\_\_ 200 feet  
Frontage: \_\_\_\_\_ 150 feet~~

~~With Public Water Supply and Paved Roads to County Specifications.~~

~~Area: 1/2 acre net 30,000 square feet\*\*  
Width: 100 feet  
Depth: 125 feet  
Frontage: 100 feet~~

\*\* This minimum lot size is a general guideline for the development of single lots of record. For subdivisions and PUDs, density shall be measured and based upon gross acreage of proposed development.

**2-3. Minimum yard setback requirements.**

~~Front: 25 feet  
Side (interior): 15 feet  
Side (corner): 25 feet~~

Underlined language (e.g., the) indicates proposed new language.  
Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

Rear: 25 feet

**3.4. Maximum building height, total floor area and lot coverage.**

Maximum Building Height: 35 feet  
Maximum Total Floor Area: Not applicable  
Maximum Lot Coverage:  
a) one acre lot area: 25% of the total Lot Area  
b) one half acre lot: 35% of the total Lot Area

**4. Minimum area requirements.**

One bedroom 525 square feet  
Two bedrooms 800 square feet  
Three bedrooms 800 square feet  
More than three bedrooms 800 square feet plus 100 square feet for each additional bedroom.

**F. Special regulations.**

1. Access. (see subject to Sec. 500.20).
2. Offstreet parking. (see subject to Sec. 500.17).
3. Offstreet loading. (see subject to Sec. 500.19).
4. Parking, storing, keeping of commercial and recreational vehicles. (see subject to Sec. 500.18).
5. Landscaping. (see subject to Sec. 500.35).
6. Fences and walls. (see subject to Sec. 500.35).
7. Performance Standards. (see subject to Sec. 500.16).
8. Signs, (~~See Palm Beach County Sign Ordinance~~) subject to Chapter 24-1 through 24-123.

**605-609. RTS - Residential Transitional Suburban District.**

The old Sec. 605. RTS-Residential Transitional Suburban District has been amended and moved to Sec. 609. The old Sec. 609, CN-Neighborhood Commercial has been amended and moved to Sec. 614.

**A. Purpose and intent.** The purpose and intent of the RTS District is to provide areas for low intensity single family development at or near the fringe of urban development. The provision of active recreational facilities within the privacy of an individual lot and the preservation of natural site features is encouraged to minimize the impact of such development upon the community. The RTS District corresponds with the Low Residential 3 (LR3) land use designation in the Future Land use Element of the Palm Beach County Comprehensive Plan.

**B. Permitted uses.** In the RTS-Residential Transitional Suburban District, no building, structure or land and water use shall be permitted except for one or more of the following uses:

Congregate living facility, type I, as a permitted use on any single residential lot, subject to the provisions of Sec. 500.37.

Home occupation. (see subject to Sec. 500.2)

Passive parks and recreation areas, public and private, limited to:

Nature trails.

Canoe trails.

Underlined language (e.g., the) indicates proposed new language.  
Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

Bicycle trails.  
Game and wildlife preserves.  
Horse trail.  
Forest and other reservations.

Single family dwelling and customary accessory uses. (subject to Sec. 500.1 and Sec. 500.28)

~~Private garage accessory to its principal residence.~~

~~Residential accessory use. (see Sec. 500.1)~~

~~Private swimming pool accessory to a principal residence. (see Sec. 500.14)~~

**C.** Uses subject to special permit regulations. In an RTS District, the following buildings, structures, and uses shall be permitted pursuant to Sec. 401.6, after compliance with the following special regulations:

Accessory apartments for elderly and handicapped, subject to Sec. 500.46.

Caretaker quarters. (subject to Sec. 500.40).

**C.D.** Special exception uses, subject to commission approval. When the Commission determines as a fact, after the review of the application and plans submitted therewith, that the conditions and provisions of Chapter I, Sec. 102, Chapter IV, Sec.s 400, 400.1, 401, and other regulations as set forth and defined in the Zoning Code have been met, and when the proposed use or uses are consistent with good zoning practice and are not contrary to the policies of the Palm Beach County Comprehensive Plan of Palm Beach County, the following uses shall be permitted:

Cemeteries and mausoleums and accessory funeral home and crematory facilities.

Churches or places of worship, rectory, convent and accessory buildings and structures.

Day care centers, ~~and other~~ pre-school facilities and child care facilities. (~~see~~ subject to Sec. 500.12)

Educational institutions, ~~(excluding colleges and universities, seminaries and vocational schools and training centers)~~ public and private, limited to elementary and secondary.

Heliports and helipads. (~~see~~ subject to Sec. 500.7)

Government services and accessory buildings and structures.

Mobile home rental park (MHRP). (subject to Sec. 500.22)

Mobile home condominium park (MHCP). (subject to Sec. 500.24)

Planned residential development. (~~see~~ subject to Sec. 500.33)

Planned unit development. (~~see~~ subject to Sec. 500.21)

Publicly operated parks and recreation.

Public and private utility services and accessory buildings and structures, including, ~~(excluding sanitary landfills, incinerator, refuse and trash dumps)~~ but not limited to the following:

Electrical power facilities. (subject to Sec. 500.42)  
Gas and water regulation station.  
Water and wastewater treatment facilities. (subject to Sec. 500.41)  
Telephone exchange building and substation.  
Transfer station. (subject to Sec. 500.42)

~~Excavation and Removal of Muck, sand, rock, shell, soil or other extractive materials (see Section 500.12)~~

**D-E. Property development regulations.**

**1. Density standards.**

Minimum density: 1.0 dwelling unit/acre

Maximum density without PUD: 2.0 dwelling unit/acre

Maximum density with PUD\* 3.0 dwelling unit/acre

\* For subdivisions and PUDs, density shall be measured and based upon gross acreage of the proposed development.

**1.2. Minimum lot area and dimensions.**

Minimum lot area: 25,000 square feet\*\*

Area	1/2 acre
Width	100 feet
Depth	125 feet
Front	100 feet

\*\* This minimum lot size is a general guideline for the development of single lots of record. For subdivision and PUDs, density shall be measured and based upon gross acreage of proposed development.

**2.3. Minimum yard setback requirements.**

**a. For Principal Structures:**

Front:	25 feet
Side (interior):	15 feet
Side (corner):	25 feet
Rear:	25 feet

**b. For accessory Structures: No accessory structures shall be located within front or side (corner) setback, nor closer than ten feet (10') from any interior side or rear**

Underlined language (e.g., the) indicates proposed new language.

Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

property line, nor closer to any property line than may be specified for a particular structure by some other provision of the Zoning Code.

~~3-4.~~ Maximum Building Height and Lot Coverage.

Maximum Building Height            35 feet  
Maximum Lot Coverage                25% of the Total Lot Area.

4. Minimum Floor Area Requirements:

One bedroom                            600 square feet  
Two bedrooms                           800 square feet  
Three bedrooms                        1000 square feet  
More than three                       1000 square feet plus 100 square  
bedrooms                                feet for each additional bedroom

F. Special regulations.

1. Access. (see subject to Sec. 500.20).
2. Offstreet parking. (see subject to Sec. 500.17).
3. Offstreet loading. (see subject to Sec. 500.19).
4. Parking, storing, keeping of commercial and recreational vehicles. (see subject to Sec. 500.18).
5. Landscaping. (see subject to Sec. 500.35).
6. Fences and walls. (see subject to Sec. 500.35).
7. Performance Standards. (see subject to Sec. 500.16).
8. Signs, (See Palm Beach County Sign Ordinance) subject to Chapter 24-1 through 24-123.

**610. RTU-Residential Transitional Urban District.**

**A new RTU-Residential Transitional Urban District has been prepared as Sec. 610. The old Sec. 610, CG-General Commercial District, has been amended and moved to Sec. 616.**

**A. Purpose and intent.** The purpose and intent of the RTU District is to provide areas for single family residences at a moderate density. The RTU District corresponds to the Medium Residential 5 (MR5) land use designation in the Future Land Use Element of the Palm Beach County Comprehensive Plan.

**B. Permitted uses.** In the RTU District, no building, structure, or land and water use shall be permitted except for one or more of the following uses:

Congregate living facilities, type I, as a permitted use on any single family residential lot subject to the provisions of Sec. 500.37, Congregate Living Facilities, and other applicable law.

Home occupation. (subject to Sec. 500.2)

Passive parks and recreation areas, public and private, limited to:

Nature trails.  
Canoe trails.  
Bicycle trails.  
Game and wildlife preserves.  
Horse trail.  
Forest and other reservations.

Single family dwelling and customary accessory uses. (subject to Sec. 500.1 and Sec. 500.28)

Townhouse cluster. (subject to Sec. 402.7, Site Plan Review)

C. Uses subject to special permit regulations. In an RTU District, the following buildings, structures, and uses shall be permitted pursuant to Sec. 401.6, after compliance with the following special regulations:

Accessory apartments for elderly and handicapped. (subject to Sec. 500.46.)

Caretaker quarters. (subject to Sec. 500.40)

D. Special exceptions subject to Commission approval. When the Commission determines as a fact, after the review of the application and plans submitted therewith, that the conditions and provisions of Chapter I, Sec. 102, Chapter IV, Sections 400, 400.1, 401, and other regulations as set forth and defined in the Zoning Code have been met, and when the proposed use or uses are consistent with good zoning practice and are not contrary to the policies of the Palm Beach County Comprehensive Plan, the following uses shall be permitted:

Cemeteries and mausoleums and accessory funeral home and crematory facilities.

Churches or places of worship, rectory, convent and accessory buildings and structures.

Day care centers, pre-school facilities and child care facilities. (subject to Sec. 500.12)

Educational institutions, public and private, limited to elementary and secondary.

Government services and accessory buildings and structures.

Mobile home rental park (MHRP). (subject to Sec. 500.22)

Mobile home condominium park (MHCP). (subject to Sec. 500.24)

Nursing and convalescent facilities.

Planned residential development. (subject to Sec. 500.33)

Planned unit development. (subject to Sec. 500.21)

Park and recreation facilities and clubs, serving a local area limited to the following:

Fraternal organizations and club facilities.

Golf courses and country clubs.

Swimming pool and club. (subject to Sec. 500.14)

Tennis courts and club.

Public parks and recreation areas.

Public and private utility services and accessory buildings and structures, including, but not limited to the following:

Electrical power facilities. (subject to Sec. 500.42)

Gas and water regulation station.

Water and wastewater treatment facilities. (subject to Sec. 500.41)

Telephone exchange building and substation.  
Transfer station. (subject to Sec. 500.4)

E. Property development regulations.

1. Density standards.

Minimum density: 3.0 dwelling unit/acre

Maximum density without PUD: 4.0 dwelling unit/acre

Maximum density with PUD\* 5.0 dwelling unit/acre

\* For subdivisions and PUDs, density shall be measured on based upon gross acreage of the proposed development.

2. Minimum lot dimensions.

Minimum lot area: 12,000 square feet\*\*

Width: 85 feet

Depth: 90 feet

Front: 115 feet

\*\* This minimum lot size is a general guideline for the development of single lots or record. For subdivisions and PUDs, density shall be measured and based upon gross acreage of proposed the development.

3. Minimum Yard Setback Requirements.

a. For Principal Structures:

Front: 25 feet

Side (interior): 10.5 feet

Side (corner): 10.5 feet

Rear 20 feet

b. For accessory Structures: No accessory structures shall be located within front or side (corner) setback, nor closer than ten feet (10') from any interior side or rear property line, nor closer to any property line than may be specified for a particular structure by some other provision of this Code.

4. Maximum building height, total floor area and lot coverage.

Maximum Building Height 35 feet

Maximum Total Floor Area Not applicable

Maximum Lot Coverage 35% of the total lot area

F. Special regulations.

1. Access. (subject to Sec. 500.20).

2. Offstreet parking. (subject to Sec. 500.17).

3. Offstreet loading. (subject to Sec. 500.19).

4. Parking, storing, keeping of commercial and recreational vehicles. (subject to Sec. 500.18)

- 5. Landscaping. (subject to Sec. 500.35).
- 6. Fences and walls. (subject to Sec. 500.15).
- 7. Performance Standards. (subject to Sec. 500.16).
- 8. Signs, subject to Chapter 24-1 through 24-123.

**606.611. RS - Single Family Residential District.**

Old Sec. 606. RS-Single Family Residential District, has been amended and moved to Sec. 611. Old Sec. 611, CS-Specialized Commercial District has been moved to Sec. 617 and its name modified to CSH-Specialized Commercial District.

A. **Purpose and intent.** The purpose and intent of the RS District is to recognize the need to provide areas ~~within which the traditional~~ for moderately high density single family residences ~~can thrive and be protected from the more intense activities of other land use.~~ The RS District corresponds with the High Residential 8 (HR8), High Residential 12 (HR12), and High Residential 18 (HR18) land use designations in the Future Land use Element of the Palm Beach County Comprehensive Plan.

B. **Permitted uses.** In a RS-Single Family Residential District, no building, structure or land and water use shall be permitted except for one (1) or more of the following uses:

Congregate living facility, type I, as a permitted use on any single family residential lot, subject to the provisions of Sec. 500.37, "Congregate Living Facilities," ~~above~~ and other applicable law.

Home occupation. (~~see~~ subject to Sec. 500.2)

~~Private garage accessory to a principal residence.~~

~~Residential accessory use. (see Sec. 500.1)~~

Passive parks and recreation areas, public and private, limited to:

- Nature trails.
- Canoe trails.
- Bicycle trails.
- Game and wildlife preserves.
- Horse trail.
- Forest and other reservations.

Single family dwelling and customary accessory uses. (subject to Sec. 500.1 and Sec. 500.28)

Townhouse cluster. (subject to Sec. 402.7, Site Plan Review Committee Approval, and subject to Sec. 500.30)

Congregate living facilities II, subject to Sec. 402.7, Site Plan Review Committee, and Sec. 500.37.

~~Private swimming pool accessory to a principal residence. (see Sec. 500.14)~~

C. **Uses subject to special permit regulations.** In an RS District, the following buildings, structures, and uses shall be permitted pursuant to Sec. 401.6, after compliance with the following special regulations:

Accessory apartments for elderly and handicapped. (subject to Sec. 500.46.)

Caretaker quarters. (subject to Sec. 500.40).

Underlined language (e.g., the) indicates proposed new language.

Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

**C.D. Special exceptions subject to Commission approval.** When the Commission determines as a fact, after the review of the application and plans submitted therewith, that the conditions and provisions of Chapter I, Sec. 102, Chapter IV, Sections 400, 400.1, 401, and other regulations as set forth and defined in the Zoning Code have been met, and when the proposed use or uses are consistent with good zoning practice and are not contrary to the policies of the Palm Beach County Comprehensive Land Use Plan of Palm Beach County, the following uses shall be permitted:

Cemeteries and mausoleums and accessory funeral home and crematory facilities.

Churches or places of worship, rectory, convent and accessory buildings and structures.

Commercial radio, television, microwave transmission and relay stations and towers. (see subject to Sec. 500.10)

Day care centers, ~~and other~~ pre-school facilities and child care facilities. (see subject to Sec. 500.12)

Educational institutions, ~~(excluding colleges and universities, seminaries and vocational schools and training centers)~~ public and private, limited to elementary and secondary.

Government services and accessory buildings and structures.

Mobile home rental park (MHRP). (see subject to Sec. 500.22)

Mobile home condominium park (MHCP). (see subject to Sec. 500.24)

Planned residential development. (see subject to Sec. 500.33)

Planned unit development. (see subject to Sec. 500.21)

Park and recreation facilities and clubs, public and private.

Public and private utility services and accessory buildings (excluding sanitary landfill, incinerator, refuse and trash dumps) and structures, including, but not limited to the following:

Electrical power facilities. (subject to Sec. 500.42)

Gas and water regulation station.

Water and wastewater treatment facilities. (subject to Sec. 500.41)

Telephone exchange building and substation.

Transfer station. (subject to Sec. 500.47)

~~Zero Lot Line. On any two (2) or more lots which meet the minimum area and dimensions stated herein, the residential structures may be placed thereon contiguous to the interior property line common to their ownership provided however, that the sum of the two (2) required side yards for each lot exists on the opposite side of the common interior property line. No openings of any kind shall be permitted on the interior property line wall, which wall shall be of firewall construction as defined in the applicable Palm Beach County Building and Fire Code.~~

~~Excavation and removal of muck, sand, rock shell, soil, or other extractive materials. (see Sec. 500.3)~~

**D.E. Property development regulations.**

1. Density standards.

Minimum density 5.0 dwelling unit/acre

Maximum density without PUD 6.0 dwelling unit/acre

Maximum density with PUD\* 8.0 dwelling unit/acre

\* For subdivisions and PUDs, density shall be measured and based upon gross acreage of the proposed development.

**1-2. Minimum lot area and dimensions.**

Minimum lot area 8500 square feet\*\*

Area 7500 sq ft

Width (interior) 65 feet

Width (corner) 75 feet

Depth 10075 feet

Frontage 65 feet

\*\* This minimum lot size is a general guideline for the development of single lots of record. For subdivisions and PUDs, density shall be measured and based upon gross acreage of proposed development.

**2-3. Minimum Yard Setback Requirements.**

Front 25 feet

Side (interior) 7.5 feet

Side (corner) 15 feet

Rear 15 feet

**3-4. Maximum building height, total floor area and lot coverage.**

Maximum Building Height 35 feet

Maximum Total Floor Area Not applicable

Maximum Lot Coverage 40% of the total lot area

**4. Minimum Floor Area Requirements:**

One bedroom 600 square feet

Two bedrooms 800 square feet

Three bedrooms 800 square feet

More than three  
Bedrooms 800 square feet for  
each additional bedroom

**F. Special regulations.**

1. Access. (see subject to Sec. 500.20)
2. Offstreet parking. (see subject to Sec. 500.17)

3. Offstreet loading. (~~see subject to~~ Sec. 500.19)
4. Parking, storing, keeping of commercial and recreational vehicles. (~~see subject to~~ Sec. 500.18)
5. Landscaping. (~~see subject to~~ Sec. 500.35)
6. Fences and walls. (~~see subject to~~ Sec. 500.35)
7. Performance Standards. (~~see subject to~~ Sec. 500.16)
8. Signs, (~~See Palm Beach County Sign Ordinance~~) subject to Chapter 24-1 through 24-123.

**607-612, RM - Multiple Family Residential District (medium density).**

Old Sec. 607, RM-Multiple Family Residential District (medium density) has been amended and moved to Sec. 612.

- A. **Purpose and intent.** The purpose and intent of the RM District is intended primarily for the development of multiple family residential structures and affordable housing ~~and should be applied within the medium density designated area of the comprehensive land use plan. The RM District corresponds with the High Residential 12 (HR12) and the High Residential 18 (HR18) land use designations in the Future Land Use Element of the Palm Beach County Comprehensive Plan.~~
- B. **Permitted uses.** In a RM-Multiple Family Residential District, no building, structure, or land and water use shall be permitted except for one or more of the following uses:
- Congregate living facility, type I, as a permitted use on any single family residential lot subject to the provisions of Sec. 500.37, Congregate Living Facilities and other applicable law.
  - Single family dwelling and its customary accessory uses. (subject to Sec. 500.1)
  - Home occupation. (~~see subject to~~ Sec 500.2)
  - Multiple family dwellings and customary accessory uses ~~and buildings.~~ (subject to Sec. 500.1)
  - Passive parks and recreation areas, public and private, limited to:
    - Nature trails.
    - Canoe trails.
    - Bicycle trails.
    - Game and wildlife preserves.
    - Horse trail.
    - Forest and other reservations.
  - Townhouse cluster. ( subject to Sec. 402.7, Site plan review committee approval and see subject to Sec. 500.30)
  - ~~Residential accessory use. (see Sec 500.1)~~
  - ~~Private garage accessory to a principal residence.~~
  - ~~Private swimming pool accessory to a principal residence. (see Sec. 500.14)~~
  - ~~Zero Lot Line. On any two (2) or more lots which may be placed thereon contiguous to the interior property line common to their ownership provided however, that the sum of the two (2) required side yards for each lot exists on the opposite side of the common interior property line. No openings of any kind shall be permitted on the interior property line wall, which wall shall be of firewall construction as defined in the applicable Palm Beach County Building and Fire Codes.~~

Underlined language (e.g., the) indicates proposed new language.  
 Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

Congregate living facility, Type I and II, subject to Sec. 402.7, Site Plan Review Committee and Sec. 500.37.

C. Uses subject to special permit regulations. In an RM District, the following buildings, structures, and uses shall be permitted pursuant to Sec. 401.6, after compliance with the following special regulations:

Accessory apartments for elderly and handicapped. (subject to Sec. 500.46.)

Caretaker quarters. (subject to Sec. 500.40).

D. Special exceptions subject to Commission approval. When the Commission determines as a fact, after the review of the application and plans submitted therewith, that the conditions and provisions of Chapter I, Sec. 102, Chapter IV, Sections 400, 400.1, 401, and other regulations as set forth and defined in the Zoning Code have been met, and when the proposed use or uses are consistent with good zoning practice and are not contrary to the policies of the Palm Beach County Comprehensive Land Use Plan of Palm Beach County, the following uses shall be permitted:

Cemeteries and mausoleums and accessory funeral home and crematory facilities.

Churches or places of worship, rectory, convent and accessory buildings and structures.

Commercial uses contained within a residential structure limited to a total floor area not to exceed ten percent (10%) of the gross residential floor area contained herein, exclusive of vehicular parking and service areas, and limited to such uses as restaurants, delicatessens, and such personal services as beauty shops, barber shops, drug stores and professional offices.

Congregate living facilities type III, subject to the provisions of Section 500.37, "Congregate Living Facilities" and other applicable laws.

Day care centers, ~~and other~~ pre-school facilities and child care facilities. (~~see~~ subject to Sec. 500.12)

Educational institutions, ~~(excluding colleges and universities, seminaries, and vocational schools and training centers)~~ public and private, limited to elementary and secondary.

Government services and accessory buildings and structures.

Heliports and helipads. (~~see~~ subject to Sec. 500.7)

Mobile home rental parks (MHRP). (~~see~~ subject to Sec. 500.22)

Mobile home condominium parks (MHCP). (~~see~~ subject to Sec. 500.24)

Nursing and convalescent facilities. (~~see~~ subject to Sec. 500.25)

Planned residential development. (~~see~~ subject to Sec. 500.33)

Planned unit development. (~~see~~ subject to Sec. 500.21)

Park and recreation facilities and clubs.

Public and private utility services and accessory buildings and structures, ~~(excluding sanitary landfill, incinerators, refuse, and trash dumps)~~ including, but not limited to the following:

In addition to the setbacks above, three (3) additional feet of setback shall be required for each story above eight (8) stories twelve feet (12') above one hundred feet (100') shall be required.

The maximum ~~number of residential stories~~ building height of all multiple family structures permitted and described in this District shall be ~~eight (8) stories~~ one hundred feet (100'). Any proposed structure ~~beyond eight (8) stories~~ having a height above one hundred feet (100') shall be a Special Exception under the Zoning Code and, therefore, shall comply with Sec. 401.2.

5. Maximum lot coverage: 35% of the total lot area.

~~6. Minimum Floor Area Requirements.~~

Efficiency	400 square feet
One bedroom	525 square feet
Two bedrooms	800 square feet
Three bedrooms	800 square feet
More than three bedrooms	800 square feet plus 100 square feet for each additional bedroom

E.F. Special regulations.

1. Access. (see subject to Sec. 500.20)
2. Offstreet parking. (see subject to Sec. 500.17)
3. Offstreet loading. (see subject to Sec. 500.19)
4. Parking, storing, keeping of commercial and recreational vehicles. (see subject to Sec. 500.18)
5. Landscaping. (see subject to Sec. 500.35)
6. Fences and walls. (see subject to Sec. 500.35)
7. Performance Standards. (see subject to Sec. 500.16)
8. Signs, ~~(See Palm Beach County Sign Ordinance)~~ subject to Chapter 24-1 through 24-123.

609-614. CN - Neighborhood Commercial District.

Old Sec. 609, CN-Neighborhood Commercial District has been amended and moved to Sec. 614. Old Sec. 614, IG-General Industrial District has been amended and moved to Sec. 621.

- A. **Purpose and intent.** The purpose and intent of the CN District is to provide a limited commercial facility of a convenience nature, serving residential neighborhoods within one-half (1/2) mile radius, located on a local, neighborhood collector or an arterial street as classified by the County Engineer, with a total lot area not less than one (1) acre nor larger than three (3) acres, planned and developed as an integral unit. The CN District corresponds to the Commercial High intensity (CH) and the Commercial Low intensity (CL) land use designations of the Palm Beach County Palm Beach County Comprehensive Plan. All development in this District will be provided with adequate public facilities and services when located in the Urban Service Area as designated in the Palm Beach County Comprehensive Plan.
- B. **Permitted uses.** In a CN-Neighborhood Commercial District, no building, structure, or land and water use shall be permitted except for one or more of the following uses:

Bakeries, Retail-limited preparation of products for on-premises sale.

Restaurant, take out only.

Underlined language (e.g., the) indicates proposed new language.

Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

August 31, 1989

ORDINANCE NO. 90 - 11

ADOPTED

Confectionery, retail-limited preparation of products for on-premises sale.

Contract post office.

Dry-cleaning pickup and laundry pick-up stations.

Florists.

Newsstands.

Personal services ~~(including but not limited to barbershops, beauty salons, masseuses).~~

Pharmacy.

Self-service laundry and dry-cleaning facilities.

Shoe, appliance and other repair services.

Hardware, paint and garden supplies.

Office for Utility Bill Collection.

~~Convenience food and beverage store (excluding liquor and distilled spirits).~~

~~Financial institutions occupying five thousand (5000) square feet or less of total floor area with no more than two (2) drive-up teller units.~~

- C. **Special exceptions subject to Commission approval.** When the Commission determines as a fact, after the review of the application and plans submitted therewith, that the conditions and provisions of Chapter I, Sec. 102, Chapter IV, Sections 400, 400.1, 401, and other regulations as set forth and defined in the Zoning Code have been met, and when the proposed use or uses are consistent with good zoning practice and are not contrary to the policies of the Palm Beach County Comprehensive Land Use Plan, the following uses may be allowed as special exceptions:

~~Auto service station (no major repairs).~~

Churches, places of worship, rectories, convents and accessory buildings and structures. (not subject to Sec. 614.D.4, Maximum Floor Area for Permitted and Special Exception Uses)

Clinics, medical, ~~veterinary,~~ dental and chiropractic (out-patient only).

Congregate living facilities, type III (subject to the provisions of Sec 500.37).

Food and beverage stores.

Day care centers and other pre-school facilities and child care facilities. (see Sec. 500.12) (subject to Sec. 500.12)

Financial institution occupying three thousand (3,000) square feet or less of total floor area with no drive-up teller units.

Government services and accessory buildings and structures.

Mixed residential/commercial planned developments. (subject to Sec. 500.33.1)

Offices: business, professional, and administrative, less than two thousand (2,000) square feet per use with total area of all uses devoted to office in the structure not to exceed eight thousand (8,000) square feet.

Restaurants and lounges with no drive-through facilities.

Veterinary offices, no outdoor use.

Planned neighborhood commercial developments.

Public and private utility services and accessory buildings and structures, ~~(excluding sanitary landfill, incinerators, and refuse and trash dumps)~~ including, but not limited to the following:

Electrical power facilities. (subject to Sec. 500.42)

Gas and water regulation station.

Water and wastewater treatment facilities. (subject to Sec. 500.41)

Telephone exchange building and substation.

Transfer station. (subject to Sec. 500.42)

Recreational facilities serving the local area including but not limited to the following:

Swimming pools.

Tennis courts.

D. **Property development regulations.**

1. Lot area and dimensions.

Minimum area	one (1) acre
Maximum area	three (3) acres
Minimum width	100 feet
Minimum depth	100 feet
Minimum frontage	100 feet
Maximum frontage	130 feet

2. Minimum yard setback requirements.

Front	30 feet
Side (interior)	30 feet
Side (corner)	30 feet
Rear	30 feet

3. Maximum building height, total floor area.

Maximum building height	35 feet
Maximum Total Floor Area	35% of the total lot area

4. Maximum floor area for permitted and special exceptions uses.

1500 square feet, except where otherwise provided.

E. **Special regulations.**

1. Architectural character. Building design of uses allowed in this District shall conform to and be compatible with the general architectural character of the neighborhood in which they will be established.

2. Screening of Dumpsters. All garbage dumpsters shall be screened from view from the front and side yards by an enclosure made of the same material as the principal building.
- ~~4.3.~~ Enclosed Uses. All uses shall be operated entirely within enclosed buildings.
- 2.4. Operating Hours. No commercial use shall commence business activities (including delivery and stock operations) prior to 6:00 a.m. nor continue activities later than 11:00 p.m. except as otherwise provided in the Zoning Code.
- ~~3.5.~~ Lighting. Artificial lighting used to illuminate the premises and/or advertising copy shall be directed away from adjacent properties and shall be extinguished no later than 11:00 p.m.
- ~~5.6.~~ Access. (see subject to Sec. 500.20)
- ~~6.7.~~ Offstreet parking. (see subject to Sec. 500.17)
- ~~7.8.~~ Offstreet loading. (see subject to Sec. 500.19)
- ~~8.9.~~ Parking, storing, keeping of commercial and recreational vehicles. (see subject to Sec. 500.18)
- 9.10. Landscaping. (see subject to Sec. 500.35) (see Palm Beach County Landscape Ordinance)
- ~~10.11.~~ Fences and walls. (see subject to Sec. 500.15)
- ~~11.12.~~ Performance Standards. (see subject to Sec. 500.16)
- ~~12.13.~~ Signs, (~~see Palm Beach County Sign Ordinance~~) subject to Sec. 24-1 through 24-123, except that no sign other than one on-site ground sign shall be allowed for each use and such sign shall not exceed one-half (1/2) square foot in area for every one (1) linear foot of lot frontage.
14. Outdoors activities and storage. Outdoor sales and storage shall be prohibited.

615. CC - Community Commercial District.

A new CC-Community Commercial District has been prepared and incorporated into Sec. 615. Old Sec. 615 PIPD-Planned Industrial Park District has been amended and moved to Sec. 622.

- A. Purpose and intent. The purpose and intent of the CC District is to provide a commercial facility of a community nature, servicing residential neighborhoods within three (3) to five (5) mile radius, located on a collector or an arterial as classified by the County Engineer, with a total lot area not less than one (1) acre nor larger than twenty (20) acres, planned and developed as an integral unit. The CC District corresponds to the Commercial Low Intensity (CL) and Commercial High Intensity (CH) land use designation of the Palm Beach County Comprehensive Plan. All development in this District will be provided with adequate public facilities and services when located within the Urban Service Area. When located in the CL land use designation, certain uses must be located at the intersection of two major arterials, pursuant to the Palm Beach County Comprehensive Plan.
- B. Permitted uses. In a CC-Community Commercial District, no building, structure, or land and water use shall be permitted except for one or more of the following uses, for which the total combined floor area shall not be greater than 30,000 square feet:

Auctions, enclosed.  
Bakeries, retail-limited preparation of products for on-premises sale.  
Confectionery, retail-limited preparation of preparation for on-premises sale.  
Contract post office.  
Dry-cleaning pickup and laundry pick-up stations.  
Food and beverage stores.  
Fraternal organizations.  
Hardware, paint, and garden supplies.  
General retail.  
Newsstands.  
Office; business, professional, and administrative.

Personal services (including but not limited to Barbershops, Beauty Salons, Masseuses),  
Restaurants and lounges.  
Self-service laundries.  
Upholstery shop.

- C. Uses subject to special permit regulations. In the CC District, the following buildings, structures, and uses shall be permitted pursuant to Sec. 401.6, after compliance with the following special regulations:

Temporary amusements rides, carnivals, circus, revival tents, subject to Sec. 500.47)

- D. Special exceptions subject to Commission approval. When the Commission determines as a fact, after the review of the application and plans submitted therewith, that the conditions and provisions of Chapter I, Sec. 102, Chapter IV, Sections 400, 400.1, 401, and other regulations as set forth and defined in the Zoning Code have been met, and when the proposed use or uses are consistent with good zoning practice and are not contrary to the policies of the Palm Beach County Comprehensive Plan, the following uses may be allowed as special exceptions:

Appliance and other repair services.  
Automobile service stations, with major repairs.  
Boat sales  
Broadcast studios.  
Churches, places of worship, rectories, convents and accessory buildings and structures.  
Clinics, medical chiropractic, and dental (outpatient only).  
Car wash, self-service or automatic.  
Congregate living facilities Type III. (subject to the provisions of Sec. 500.37)  
Convenience store.  
Commercial parking lots.  
Day care centers and other pre-school facilities and child care facilities. (subject to Sec. 500.12)  
Department store greater than 30,000 square feet.  
Drive-up facilities, including up to two (2) units/windows per use on any permitted use of special exception.  
Financial institution occupying 10,000 square feet or less of total floor area with no more than four (4) drive-up teller units.  
Fast-food restaurants.  
Funeral homes and accessory crematory if contained within primary building.  
Government services and accessory buildings and structures.  
Large scale community or regional shopping centers (30,000 square feet of total floor area or more).  
Mixed residential/commercial planned developments. (subject to Sec. 500.33.1)  
Planned commercial development.  
Printing and publishing services.  
Publicly operated parks and recreation.  
Self-service storage facilities. (subject to the provisions of Section 500.38)  
Vehicle emissions testing center.  
Veterinary offices.  
Public and private utility services and accessory buildings and structures, including, but not limited to the following:

Electrical power facilities. (subject to Sec. 500.42)  
Gas and water regulation station.  
Water and wastewater treatment facilities. (subject to Sec. 500.41)  
Telephone exchange building and substation.  
Transfer station. (subject to Sec. 500.42)

Vehicle sales and service.

**E. Property development regulations.**

**1. Lot area and dimensions.**

<u>Minimum area</u>	<u>one (1) acre</u>
<u>Maximum area</u>	<u>20 acres</u>
<u>Width</u>	<u>100 feet</u>
<u>Depth</u>	<u>150 feet</u>
<u>Frontage</u>	<u>100 feet</u>
<u>Maximum frontage</u>	<u>2000 feet</u>

**2. Minimum yard setback requirements.**

<u>Front</u>	<u>30 feet</u>
<u>Side (interior)</u>	<u>30 feet</u>
<u>Side (corner)</u>	<u>30 feet</u>
<u>Rear</u>	<u>30 feet</u>

**3. Maximum building height, total floor area.**

<u>Maximum building height</u>	<u>35 feet</u>
<u>Maximum Total Floor Area</u>	<u>35% of the total lot area</u>

**F. Special regulations.**

- 1. Enclosed Uses. All uses, except automobile service stations, shall be operated entirely within enclosed buildings.**
- 2. Operating Hours. No commercial use shall commence business activities (including delivery and stocking operations) prior to 6:00 a.m. nor continue activities later than 11:00 p.m. except as otherwise provided in this Code.**
- 3. Lighting. Artificial lighting used to illuminate the premises and/or advertising copy shall be directed away from adjacent properties and shall be extinguished no later than 11:00 p.m.**
- 4. Access. (subject to Sec. 500.20)**
- 5. Offstreet parking. (subject to Sec. 500.17)**
- 6. Offstreet loading. (subject to Sec. 500.19)**
- 7. Parking, storing, keeping of commercial and recreational vehicles. (subject to Sec. 500.18)**
- 8. Landscaping. (subject to Sec. 500.35)**
- 9. Fences and walls. (subject to Sec. 500.15)**
- 10. Performance Standards. (subject to Sec. 500.16)**
- 11. Signs. (subject to Sec. 24-1 through 24-123)**
- 12. Screening of Dumpsters. All garbage dumpsters shall be screened from view from the front and side yards by an enclosure made of the same material as the principal building.**

616. CG-General Commercial District.

Old Sec. 610, CG-General Commercial District has been amended and moved to Sec. 616. The old Sec. 616 PC Preservation/ Conservation District has been amended and moved to Sec. 624.

- A. **Purpose and intent.** The purpose and intent of the CG District is to encourage the development of an intensive commercial facility, providing a wide range of goods and services, located adjoining at least one (1) major collector or arterial and servicing a consumer market of at least a three (3) mile radius. The CG District corresponds to the Commercial High Intensity (CH) land use designation of the Palm Beach County Comprehensive Plan. All development in this District will be provided with adequate public facilities and services.
- B. **Permitted uses.** In a CG-General Commercial District, no building, structure, or land and water use shall be permitted except for one (1) or more of the ~~retail uses such as~~ the following uses:

Appliance stores, retail.  
Auctions, enclosed.  
Bakeries, limited preparation, retail.  
Building supplies, enclosed, retail.  
Butcher shops, retail.  
Car washes, automatic as an accessory use to a service station.  
Clinics, medical, chiropractic, dental and (outpatient).  
Confectioneries, limited preparation retail.  
~~Convenience food and beverage stores.~~  
Contract post offices.  
Convenience store.  
Cosmetic sales, retail.  
Department stores.  
Dry cleaning and laundry pick-up stations.  
Electronic equipment sales, retail.  
Fraternal organizations.  
~~Consumer Services such as the following:~~  
Financial institution occupying 10,000 square feet or less of total floor area with no more than ~~four (4)~~ two (2) drive-up teller units. (subject to Sec. 500.17L)  
Fitness Centers less than 15,000 square feet.  
Flea markets, enclosed.  
Florists.  
Food and beverage stores, retail.  
Funeral homes and accessory crematory if contained within primary building.  
Furniture sales, retail.  
General retail.  
Hardware, paint and garden supplies, retail.  
Laboratories, medical and dental.  
~~Laundry pick-up station.~~  
Leather goods, retail sales.  
Marine supply sales.  
Monument sales, retail.  
Newsstands.  
Nurseries and greenhouses, retail.  
Nurseries and greenhouses, wholesale.  
Office; business, professional, and administrative.  
Passive parks and recreation areas, public and private, limited to:  
Nature trails.

Underlined language (e.g., the) indicates proposed new language.

Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

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ADOPTED

Canoe trails.  
Bicycle trails.  
Game and wildlife preserves.  
Horse trail.  
Forest and other reservations.

Personal services (barber shop, beauty salon, spa).  
Pharmacy.  
Precision instruments and optics, ~~retail sales.~~  
Printing and publishing service.  
Restaurant and lounge ~~with or without drive in windows.~~ (see Sec. 500.17L)  
Self-service laundry and dry cleaning facilities.  
Self-service storage facilities, subject to the provisions of Sec. 500.38.  
Septic tank service (office and dispatch, no dumping).  
Shoe shops, ~~retail.~~  
Shoe, appliance and other repair services.  
~~Sign, off-premise, subject to the supplemental development regulations applicable to off-~~  
~~premise signs established in the Palm Beach County Sign Code:~~  
Taxidermist.  
Upholstery shop.  
Variety stores, ~~retail.~~  
Vehicle emissions testing center.  
Veterinary offices.  
Vocational schools, excluding those involving heavy equipment or machinery, motor vehicle engines, or aircraft.  
Woodworking.

- C. Uses subject to special permit regulations. In an CG District, the following buildings, structures, and uses shall be permitted pursuant to Sec. 401.6, after compliance with the following special regulations:

Temporary amusements rides, carnivals, circus, revival tents (subject to Sec. 500.47).

- C.D. Special Exception subject to commission approval. When the Commission determines as a fact, after the review of the application and plans submitted therewith that the conditions and provisions of Chapter I, Sec. 102, Chapter IV, Sections 400, 400.1, 401 and other regulations as set forth and defined in this Code have been met, and when the proposed use or uses are consistent with good zoning practice and are not contrary to the policies of the Comprehensive Land Use Plan of Palm Beach County, the following uses shall be permitted within a planned general commercial development:

Wholesale uses:

Adult entertainment establishment. (subject to Sec. 500.31)  
Appliances, wholesale.  
Arenas, auditoriums, and stadia and trade expositions. (subject to Sec. 500.8)  
Auctions, open.  
Auto service stations.  
Auto paint and body shops, auto service stations (and accessory mechanical repair) car wash (self-service and automatic) ~~which are conducted indoors.~~  
Bakery  
Boat sales, ~~retail, or rental.~~  
Broadcasting studios, commercial AM/FM radio and television.  
Building supplies, open.  
Car washes, self-service and automatic ~~which are conducted indoors.~~  
Churches, places of worship, rectories, convents, and accessory buildings and structures.  
Commercial am/fm radio, television, microwave transmission, and relay stations and towers and accessory equipment buildings. (subject to Sec. 500.10)

~~Commercial kennel and accessory buildings and structures, (see subject to Sec. 500.11).~~  
~~Commercial parking lots.~~  
~~Convenience stores with gasoline stations.~~  
~~Confectioneries limited preparation.~~  
~~Congregate living facilities, type III. (subject to Sec. 500.37)~~  
~~Crematories.~~  
~~Day care centers, and other pre-school facilities and child care facilities. (subject to Sec. 500-12)~~  
~~Dining facilities, convention and exhibition halls.~~  
~~Drive-in restaurants.~~  
~~Drive-in theater.~~  
~~Dry cleaning and laundry plant.~~  
~~Excavation, type III. (subject to Sec. 500.3)~~  
~~Financial institution with more than four drive-up teller units or containing more than 10,000 square feet of total floor area. (see Sec. 500.17L)~~  
~~Flea markets, open.~~  
~~Furniture, wholesale.~~  
~~Garages, parking and storage.~~  
~~Gas and fuels, wholesale.~~  
~~Government services and accessory buildings and structures.~~  
~~Greenhouses and nurseries, wholesale.~~  
~~Heliports. (see subject to Sec. 500.7)~~  
~~Hospitals.~~  
~~Hotel and motel (having a lot area of at least one (1) acre and an average width of at least one hundred feet (100') and a minimum lot area per sleeping unit of one thousand (1000) square feet.~~  
~~Large scale community or regional shopping centers (50,000 square feet of total floor area or more).~~  
~~Marine facilities.~~  
~~Mixed residential/commercial planned developments. (subject to Sec. 500.331)~~  
~~Moving and storage (enclosed).~~  
~~Nursing and convalescent facilities.~~  
~~Offices; business, professional, and administrative.~~  
~~Office/warehouse combination, subject to the provisions of Sec. 500.39 "Office Warehouses Combination."~~  
~~Planned general commercial developments.~~  
~~Planned office-business parks.~~  
~~Vehicle sales, and rental service. (subject to Sec. 500.13)~~  
~~Vocational schools, involving heavy equipment or machinery, motor vehicle engines, or aircraft.~~  
~~Public and private utility services and accessory buildings and structures, including, (excluding sanitary landfill, incinerators, refuse and trash dumps) but not limited to the following:~~  
~~Electrical power facilities. (subject to Sec. 500.42)~~  
~~Gas and water regulation station.~~  
~~Water and wastewater treatment facilities. (subject to Sec. 500.41)~~  
~~Telephone exchange building and substation.~~  
~~Transfer station. (subject to Sec. 500.42)~~  
~~Recreational facilities amusements and attractions and exhibits, public and private and clubs including but not limited to the following:~~  
~~Fraternal organizations and club facilities.~~  
~~Golf courses and country clubs.~~  
~~Gun clubs, enclosed.~~  
~~Hiding stables and clubs.~~  
~~Swimming pools and clubs.~~  
~~Dance studios.~~

~~Bowling facilities.~~  
~~Batting cages.~~  
~~Fitness centers greater 15,000 square feet or greater.~~  
~~Bingo facilities.~~

~~Day care centers, and other pre-school facilities and child care facilities. (see Sec. 500.12)~~  
~~Large scale repair and heavy equipment repair and service facilities.~~  
~~Commercial, new and used, automobile, truck, boat, motorcycle, mobile home, recreational vehicle sale and rental and repair facilities and lots. (see Sec.500.13)~~  
~~Chemicals.~~  
~~Dairy Processing.~~  
~~Lumber Yard.~~  
~~Meat Cutting.~~  
~~Woodwork and Greenhouses and nurseries.~~

**D.E. Property development regulations.**

**1. Lot area and dimensions**

Minimum Area	one (1) acre
Maximum Area	Unlimited
Width	100 feet
Depth	200 feet
Frontage	100 feet

**2. Minimum yard setback requirements.**

Front	50 feet
Side (interior)	15 feet
Side (corner)	25 feet
Rear	20 feet

**3. Total Floor Area and Building Height.**

Maximum Total Floor Area	35% of the total lot area
Building height	35 feet

Exception: All commercial developments requiring a height greater than thirty-five feet (35') shall be permitted provided the minimum setbacks of Sec. 610, Subsection D.2. are met in addition of a three foot (3') setback for all yards for each story above thirty-five feet (35').

**E.E. Special regulations.** If the commercial use abuts any residential district, the special regulations enumerated in Sec. 614 E.2 through 614 E.4 for CN-Neighborhood Commercial District shall apply. In addition to the above requirements, the following special regulations shall apply:

1. Access. (~~see subject to~~ Sec. 500.20)
2. Offstreet parking. (~~see subject to~~ Sec. 500.17)
3. Offstreet loading. (~~see subject to~~ Sec. 500.19)

4. Parking, storing, keeping of commercial and recreational vehicles. (see subject to Sec. 500.18)
5. Landscaping. (see subject to Sec. 500.35)
6. Fences and walls. (see subject to Sec. 500-15)
7. Performance Standards. (see subject to Sec. 500.16)
8. Signs. (see subject to Sec. 24-1 through 24-123)
9. Screening of Dumpsters. All garbage dumpsters shall be screened from view from the front and side yards by an enclosure made of the same material as the principal building.

**611.617. CSH-Specialized Commercial High District.**

The old Sec. 611 CS-Specialized Commercial District, has been moved to Sec. 617 and retitled as CSH-Specialized Commercial High District.

- A. **Purpose and intent.** The purpose and intent of the CSH District is to encourage development of business office parks and the integration of other complementary uses within the business environment. The CSH District corresponds to the previous Specialized Commercial District and to the Commercial High Intensity-Office Only (CH-O) land use designation of the Palm Beach County Comprehensive Plan. All development in this District will be provided with adequate facilities and services.
- B. **Permitted uses.** In an CSH-Specialized Commercial High District, no building, structure or land and water use shall be permitted except for one or more of the following uses:
  - Art and dance studios.
  - Clinics, medical, dental, and chiropractic ~~and veterinary~~ (out-patient only).
  - Contract post offices.
  - Financial institution occupying 10,000 square feet or less of total area with no more than four drive-up teller units subject to Sec. 500.17L.
  - Fitness centers less than 15,000 square feet.
  - Florists.
  - Laboratories, medical and dental.
  - Newsstands.
  - ~~Business Offices and studios;~~ business, professional, and administrative.
  - Passive parks and recreations areas, public and private, limited to:
    - Nature trails.
    - Canoe trails.
    - Bicycle trails.
    - Game and wildlife preserves.
    - Horse trail.
    - Forest and other reservations.
  - Personal services, including but not limited to barber shops, beauty salons, ~~and the like.~~
  - Printing and publishing services.
  - Veterinary offices.
  - Vocational schools including but not ~~limited to office oriented vocations such as~~ limited to secretarial, business, real estate, or computer programming.
- C. **Special exceptions subject to commission approval.** When the Commission determines as a fact after the review of the application and plans submitted therewith, that the conditions and provisions of Chapter I, Sec. 102, Chapter IV, Sections 400, 400.1, 401, and other regulations as set forth and defined in this Code have been met, and when the proposed use or uses are consistent with good zoning practice and are not contrary to the policies of the Palm Beach County Comprehensive Plan of Palm Beach County, the following uses shall be permitted as special exceptions:

Underlined language (e.g., the) indicates proposed new language.

Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

Arenas, auditoriums, stadia and trade expositions. (~~see~~ subject to Sec. 500.8)  
 Broadcasting studio, commercial am/fm radio and television.  
~~Churches, places of worship, rectories, convents and accessory buildings and structures.~~  
Commercial parking lots.  
Congregate living facilities, type III. (subject to the provisions of Sec. 500.37).  
Day care centers, pre-school facilities and child care facilities.  
 Financial institution ~~with or without~~ occupying 10,000 square feet or more of total floor area with more than four drive-up teller units. (~~see~~ subject to Sec. 500.17)  
 Funeral home and crematory.  
 Government services and accessory buildings and structures.  
 Heliports and helipads. (~~see~~ subject to Sec. 500.7)  
 Hospitals. (~~see~~ subject to Sec. 500.26)  
 Hotel and motel having a lot area of at least one (1) acre and an average width of at least one hundred feet (100') and a minimum lot area per sleeping unit of one thousand (1,000) square feet.  
~~Recreation facility and clubs, including: accessory buildings and structures, personal services.~~  
 Marine facilities (see Sec. 500.6).  
 Planned office-business park.  
 Restaurant and lounge when contained within an office or hotel or motel structure and limited to a total floor area not to exceed thirty (30) percent of the gross floor area contained therein, exclusive of vehicular parking and service areas.  
Union and trade association facilities.  
Recreation facilities, amusements and attractions and exhibits, public and private including but not limited to the following:  
Bowling facilities.  
Batting cages.  
Fraternal organizations and clubs.  
Fitness centers, 15,000 square feet or greater.  
Bingo facilities.  
Public and private utility services and accessory buildings and structures, including, but not limited to the following:  
Electrical power facilities. (subject to Sec. 500.42)  
Gas and water regulation station.  
Water and wastewater treatment facilities. (subject to Sec. 500.41)  
Telephone exchange building and substation.  
Transfer station. (subject to Sec. 500.42)

D. Property development regulations.

1. Lot area and dimensions.

Minimum Area	One (1) acre
<del>Maximum Area</del>	<del>unlimited</del>
Width	100 feet
Depth	200 feet
Frontage	100 feet

2. Minimum yard setback requirements for buildings 35 feet in height or less.

Front	40 feet
Side (interior)	15 feet
Side (corner)	25 feet
Rear	20 feet

Underlined language (e.g., the) indicates proposed new language.  
 Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

3. ~~Total floor area and building height:~~

Maximum Total Floor Area: 35% of the total lot area

Building height 35 60 feet

Exception: All commercial developments requiring a height greater than thirty-five feet (35') but less than 60 feet shall be permitted provided the minimum setbacks of Sec. ~~6-1-1~~ 617.D.2. are met in addition to a three foot (3') setback for all yards for each ~~story~~ ten feet (10') above thirty-five feet (35').

E. Special regulations.

1. Enclosed uses. All uses shall be operated entirely within enclosed buildings.
2. Lighting. Artificial lighting used to illuminate the premises and/or advertising copy shall be directed away from adjacent properties and shall be extinguished no later than 11 p.m. of the regular business day.
- ~~3. Outdoor Storage. Outdoor storage of merchandise shall be permitted only when incidental to the commercial use located on the same premises provided that:
  - a. The storage area shall not be located in any of the rear setbacks or yards.
  - b. The stored merchandise shall not protrude above the height of the enclosing walls or buildings.~~
- ~~4.3.~~ Access. (see subject to Sec. 500.20)
- ~~5.4.~~ Offstreet parking. (see subject to Sec. 500.17)
- ~~6.~~ Offstreet loading. (see section 500.19)
- ~~7.5.~~ Parking, storing, keeping of commercial and recreational vehicles. (see subject to Sec. 500.18)
- ~~8.6.~~ Landscaping. (see subject to Sec. 500.35)
- ~~9.7.~~ Fences and walls. (see subject to Sec. 500.15)
- ~~10.8.~~ Performance Standards. (see subject to Sec. 500.16)
- ~~11.9.~~ Signs. (see subject to Sec. 24-1 through 24-123)
10. Screening of Dumpsters. All garbage dumpsters shall be screened from view from the front and side yards by an enclosure made of the same material as the principal building.

618. LO-Limited Office District.

A new District LO-Limited Office District is placed in Sec. 618. The old Sec. 618, CR-Conservation Restrictive Use, has been amended and moved to Sec. 624.

A. Purpose and intent. The purpose and intent of the LO District is to encourage development of low-intensity business offices and the integration of other complementary uses within the local environment where located on a local, collector, or an arterial street. These Districts shall also serve as a transition between residential areas and intense commercial development. The LO District corresponds to the Commercial Low Intensity-Office Only (CLO) land use designation of the Palm Beach County Comprehensive Plan. All development in this District will be provided with adequate facilities and services.

B. Permitted uses. In a LO-Limited Office District, no building, structure or land and water use shall be permitted except for one or more of the following uses:

Contract post offices  
Dry cleaning and laundry pick-up stations  
Newsstands, occupying 500 square feet or less of total floor area.

Offices: business, professional, and administrative occupying 1500 square feet or less of total floor area for each business operation.

Passive parks and recreation areas, public and private, limited to:

Nature trails.  
Canoe trails.  
Bicycle trails.  
Game and wildlife preserves.  
Horse trail.  
Forest and other reservations.

Personal services, including but not limited to barber shops, beauty salons, and the like, occupying 1500 square feet or less of total floor area  
Printing and publishing services.

6. Special exceptions subject to commission approval. When the Commission determines as a fact after the review of the application and plans submitted therewith, that the conditions and provisions of Chapter I, Sec. 102, Chapter IV, Sections 400, 400.1, 401, and other regulations as set forth and defined in this Code have been met, and when the proposed use or uses are consistent with good zoning practice and are not contrary to the policies of the Palm Beach County Comprehensive Plan, the following uses shall be permitted within a planned specialized commercial development:

Churches, places of worship, rectories, convents and accessory buildings and structures.

Clinics, medical, veterinary, dental and chiropractic (out-patient only).

Congregate living facilities, type III (subject to the provisions of Sec 500.37).

Day care centers, pre-school facilities and child care facilities. (subject to Sec. 500.12)

Financial institution with no drive-up teller units with a total floor area of 3000 square feet or less.

Florists

Government services and accessory buildings and structures.

Planned office-business park.

Union and trade association facilities  
Veterinary offices

Public and private utility services and accessory buildings and structures, including, but not limited to the following:

Electrical power facilities. (subject to Sec. 500.42)

Gas and water regulation station  
Water and wastewater treatment facility. (subject to Sec. 500.41)  
Telephone exchange building and substation

Transfer station. (subject to Sec 500.42)

Recreational facilities and clubs serving the local area including but not limited to the following:

Swimming pools and clubs.  
Tennis courts and clubs.

D. Property development regulations.

1. Lot area and dimensions.

<u>Minimum Area</u>	<u>One (1) acre</u>
<u>Maximum Area</u>	<u>5 acres</u>
<u>Width</u>	<u>100 feet</u>
<u>Depth</u>	<u>200 feet</u>
<u>Frontage</u>	<u>100 feet</u>

2. Minimum yard setback requirements.

<u>Front</u>	<u>40 feet</u>
<u>Side (interior)</u>	<u>15 feet</u>
<u>Side (corner)</u>	<u>25 feet</u>
<u>Rear</u>	<u>20 feet</u>

3. Total Floor Area and Building Height.

<u>Maximum Total Floor Area</u>	<u>35% of the total lot area</u>
<u>Building height</u>	<u>35 feet</u>

Exception: All commercial developments requiring a height greater than thirty-five feet (35') shall be permitted provided the minimum setbacks of Sec. 611, Subsection D.2. are met in addition to a three foot (3') setback for all yards for each story above thirty-five feet (35').

E. Special regulations.

1. Architectural character. Building design of uses allowed in this District shall conform to and be compatible with the general architectural character of the neighborhood in which they will be established.
2. Screening of Dumpsters. All garbage dumpsters shall be screened from view from the front and side yards by an enclosure made of the same material as the principal building.
3. Enclosed Uses. All uses shall be operated entirely within enclosed buildings.
4. Lighting. Artificial lighting used to illuminate the premises and/or advertising copy shall be directed away from adjacent properties and shall be extinguished no later than 11:00 p.m. of the regular business day.
5. Access. (subject to Sec. 500.20)
6. Offstreet parking. (subject to Sec. 500.17)
7. Offstreet loading. (subject to Sec. 500.19)
8. Parking, storing, keeping of commercial and recreational vehicles. (subject to Sec. 500.18)
9. Landscaping. (subject to Sec. 500.35)
10. Fences and walls. (subject to Sec. 500.15)
11. Performance Standards. (subject to Sec. 500.16)
12. Signs, (subject to Sec. 24-1 through 24-123, except that no sign other than one ground sign shall be allowed for each use and such sign shall not exceed one-half (1/2) square foot in area for every one linear foot of lot frontage).

**619. CRE-Commercial Recreation District.**

**A new CRE-Commercial Recreation District is added as Sec. 619**

**A. Purpose and intent.** The purpose and intent of the CRE District is to provide areas for major commercial recreation uses, either publicly or privately operated, that require large amounts of land and have major effects on adjacent land uses. The CRE District corresponds to the Commercial Recreation land use designation in the Palm Beach County Comprehensive Plan, and can be applied only to those area designated Commercial Recreation (CR), Industrial (IND), or Commercial (CL, CH, CL-O, CH-O) by the Palm Beach County Comprehensive Plan. In some cases the CRE District may be applied in the Rural Residential (RR-10) land use designation only for those uses indicated. All development in the CRE District shall be provided with adequate public facilities and services.

**B. Permitted uses.** In the CRE District, no building, structure or land and water use shall be permitted except for one (1) or more of the following uses:

Bicycle trails.

Canoe trails.

Horseback riding.

Nature and foot trails.

Public parks and recreation areas, passive.

Restaurant, when accessory to a permitted principal use.

Gift shop, when accessory to a permitted principal use.

Fitness centers.

Zoos and zoological parks.

**C. Uses subject to special permit regulations. In a CRE District, the following buildings, structures, and uses shall be permitted pursuant to Sec. 401.6, after compliance with the following special regulations:**

Auction, provided that:

Duration: The temporary activity and facility shall not be permitted for a period exceeding seven (7) consecutive calendar days. If the time request exceeds seven (7) consecutive calendar days, the applications shall be treated as a special exception subject to commission approval.

Application: The applicant shall provide the Department with a letter from the property owner stating his consent and shall also provide an agreement to return the property to an orderly and sanitary condition.

Setbacks: No building, mobile home, trailer, vehicle, tents, mechanical device, or animal shall be located closer than two hundred feet (200') from any property line.

Frontage: The minimum frontage shall be five hundred feet (500') on a public road.

Access: The primary access shall be from a major street or arterial and shall not cause traffic to flow through nearby residential areas. Backout parking directly onto a public street is prohibited.

Parking: One (1) space per four (4) seats if activity is primarily enclosed or fifty (50) spaces whichever is greater.

Lighting: Lighting to illuminate the premises of any advertisement, direction sign or amusement shall be so designed as to shine only on the subject use and shall be extinguished no later than twelve (12) midnight.

Noise: Sounds emanating from the temporary use shall not adversely affect surrounding residential property.

Temporary amusement rides, carnivals, circus, revival tents (subject to Sec 500.47).

**D. Special exceptions subject to Board of County Commission approval. When the Commission determines as a fact, after the review of the application and plans submitted**

therewith, that the conditions and provisions of Chapter 1, Sec. 102, Chapter IV, Sections 400, 400.1, 401, and other regulations as set forth and defined in this Code have been met, and when the proposed use or uses are consistent with good zoning practice and are not contrary to the policies of the Palm Beach County Comprehensive Plan, the following uses shall be allowed as special exception uses:

Airplane landing strips, as an accessory use (subject to Sec. 500.7)

Airports

Amusement and sports centers

Amphitheater

Arenas, auditoria, stadia, etc.

Campgrounds (may be allowed in RR 10)

Commercial parking lot

Equestrian activities (may be allowed in RR 10)

Excavation, type III (subject to Sec. 500.3)

Fronton

Governmental services, and accessory buildings and uses

Heliports and helipads

Hotel

Marine facilities (subject to Sec. 500.6)

Miniature Golf Courses

Places of worship

Public and private utility services and accessory buildings and structures, including, but not limited to the following:

Electrical power facilities (subject to Sec. 500.42)

Gas and water regulation station

Incinerator (subject to Sec. 500.5)

Refuse and trash dumps

Sanitary landfill (subject to Sec. 500.5)

Water and wastewater treatment facility (subject to Sec. 500.41)

Telephone exchange building and substation

Transfer station (subject to Sec. 500.42)

Public parks and recreation areas, active, including golf courses and tennis (may be allowed in RR 10)

Race tracks

Radio towers, as an accessory use, not exceeding one hundred fifty feet (150') in height from ground level if:

Setbacks measured from the base of the tower to the property lines shall equal a distance of not less than 110 percent (110%) of the height of the tower;

They are located in such a manner that the tower will not fall on any power lines or adjacent property.

Recreational facilities and clubs, amusements and attractions, public and private, including hunting and gun clubs (may be allowed in RR 10).

Recreational Vehicle Park. (may be allowed in RR 10).

**E. Property development regulations.**

**1. Minimum lot area and dimensions.**

<u>Area</u>	<u>3 acres</u>
<u>Width</u>	<u>300 feet</u>
<u>Depth</u>	<u>300 feet</u>
<u>Frontage</u>	<u>300 feet</u>

**2. Minimum yard setback requirements.**

<u>Front</u>	<u>100 feet</u>
<u>Side (interior)</u>	<u>50 feet</u>
<u>Side (corner)</u>	<u>80 feet</u>
<u>Rear</u>	<u>100 feet</u>

**3. Maximum building height, total floor area and lot coverage.**

Maximum Building Height, not including towers, antennae, or other structures 35 feet

<u>Maximum Total Floor Area</u>	<u>25% of lot area</u>
<u>Maximum Lot Coverage</u>	<u>50% of the total lot area</u>

**F. Special regulations.**

- 1. Access. (subject to Sec. 500.20)**
- 2. Offstreet parking. (subject to Sec. 500.17)**
- 3. Offstreet loading. (subject to Sec. 500.19)**
- 4. Parking, storing, keeping of commercial and recreational vehicles. (subject to Sec. 500.18)**
- 5. Landscaping. (subject to Sec. 500.35)**
- 6. Fences and walls. (subject to Sec. 500.15)**

7. Performance Standards. (subject to Sec. 500.16)

8. Signs. (subject to Sec. 24-1 through 24-123)

620, 613. II - Light Industrial District.

The existing Sec. 613. Light Industrial District is repealed in its entirety and is replaced by the following Sec. 620.

- A. Purpose and intent. The purpose and intent of the IL District is to provide sufficient space in appropriate locations for certain types of business, and light manufacturing, processing, or fabrication of non-objectionable products not involving the use of materials, processes, or machinery likely to cause undesirable effects upon nearby or adjacent residential or commercial property. The IL District corresponds to the Industrial (IND) land use designation in the future Land Use Element of the Palm Beach County Comprehensive Plan. All development within this District shall be provided with adequate public facilities and services.
- B. Permitted uses. In an II-Light Industrial District, no building, structure, or land and water use shall be permitted except for one (1) or more of the following uses.

Business dispatching offices.

Retail operations selling primarily large scale, bulky goods such as large appliances, furniture, heavy equipment, etc.

Passive parks and recreation areas, public and private, limited to:

Nature trails.

Canoe trails.

Bicycle trails.

Game and wildlife preserves.

Horse trail.

Forest and other reservations.

Primary Light Industrial uses, non-risk or hazardous, including those uses whose primary purpose is the assembly, fabrication, or processing of goods and materials into other finished products, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, including, but not necessarily limited to the following:

Accessory industrial uses

Appliance ~~assembly~~ manufacturing

Assembly of computer products

Auto paint and body shop

Bakeries, wholesale, large scale preparation

Beverage, bottling

Boats, manufacturing and repair

Business dispatching offices

Business offices accessory to the primary industrial use

Cabinet making

Carpet cleaning

Cold storage

Confectionery, wholesale, large scale preparation

Contractor's storage yard

Cosmetics manufacturing  
Dairy processing  
Day care center, accessory to manufacturing uses for employee use only.  
Dry cleaning plant  
Dry ice manufacturing  
Electronic equipment manufacturing and assembly  
Engraving  
Food processing except the rendering or refining of fats and oils, poultry and animal slaughtering and dressing, and fish canning  
Furniture manufacturing  
Garage, parking and storage  
Glass manufacturing  
Large scale repair and heavy equipment repair and service facilities  
Laundry plant  
Leather goods, manufacturing of finished goods only  
Lumber yard  
Machinery shop  
Meat cutting and wholesale storage  
~~Metal fabrication~~  
Millwork  
Monument works  
Motion picture studio  
Moving and storage enclosed  
Musical instruments, toys, novelties and jewelry manufacturing  
Pest control operations  
Precision instruments and optics manufacturing  
Printing and publishing  
Taxidermist  
~~Textile and clothing manufacturing~~  
Upholstery shop  
Vehicle emission testing center  
Vocational Schools  
Warehouses  
Welding shop  
Wholesaling ~~accessory to manufacturing~~  
Woodworking  
~~Fish processing~~  
~~Open storage~~  
~~Tobacco products manufacturing~~  
~~Sign, off premise, subject to the supplemental development regulations applicable to off premise signs established in the Palm Beach County Sign Code~~

- C. Uses subject to special permit regulations. In an IL District, the following buildings, structures, and uses shall be permitted pursuant to Sec. 401.6, after compliance with the following special regulations.

The parking of one (1) mobile home parking for security purposes allowing use as a temporary residence and temporary office facilities on a minimum of ten (10) acres subject to the following requirements:

Residence shall be an accessory use to a principal industrial use of the land;

Mobility of mobile home or house trailer must be maintained;

There shall be no more than one (1) mobile home or house trailer per ten (10) acre parcel of land;

Sanitary facilities must have approval of all governmental agencies having appropriate jurisdiction; and permits and inspections for ~~necessary electric, water supply and sewage disposal facilities from the Palm Beach County Planning, Zoning and Building Department~~ the installation must be obtained from the Department.

Minimum setbacks from public road rights-of-way shall not be less than one hundred feet (100');

Minimum setbacks from property lines other than public road rights-of-way shall not be less than one hundred feet (100');

Approval to be on a two (2) year review basis only, with options to renew for additional two (2) year periods available to the petitioner;

No additions or adjuncts shall be permitted to the mobile home except Department approved awnings and demountable screen panels;

~~Submission of a plot plan showing the locations of the mobile home;~~

Execution of Unity of Title documents; and,

A statement of the petitioner's interest in the property pursuant to Sec. 401.1 A.

Temporary amusement rides, carnivals, circus, revival tents subject to the following Sec. 500.46.

- ~~1. Duration: The temporary activity and facility shall not be permitted for a period exceeding seven (7) consecutive calendar days. If the time request exceeds seven (7) consecutive calendar days, the applications shall be treated as a special exception subject to commission approval.~~
- ~~2. Application: The applicant shall provide the Department with a letter from the property owner stating his consent and shall also provide an agreement to return the property to an orderly and sanitary condition.~~
- ~~3. Setbacks: No building, mobile home, trailer, vehicle, tents, mechanical device, or animal shall be located closer than two hundred feet (200) from any property line.~~
- ~~4. Frontage: The minimum frontage shall be five hundred feet (500) on a public road.~~
- ~~5. Access: The primary access shall be from a major street or arterial and shall not cause traffic to flow through nearby residential areas. Backout parking directly onto a public street is prohibited.~~

~~6. Parking. One space per four (4) seats if activity is primarily enclosed or ten (10) spaces per acre of ground occupied by amusements, or fifty (50) spaces, whichever is greater.~~

~~7. Lighting. Lighting to illuminate the premises of any advertisement, directional sign or amusement shall be so designed as to shine only on the subject use and shall be extinguished no later than 11:00 p.m.~~

~~8. Noise. Sounds emanating from the temporary use shall not adversely affect surrounding residential property.~~

**D. C. Special exceptions subject to commission approval.** When the Commission determines as a fact, after the review of the application and plans submitted therewith, that the conditions and provisions of Chapter 1, Sec. 102, Chapter IV, Sections 400, 400.1, 401, and other regulations as set forth and defined in this Code have been met, and when the proposed use or uses are consistent with good zoning practice and are not contrary to the policies of the Palm Beach County Comprehensive Land Use Plan of Palm Beach County, the following uses shall be permitted:

Adult entertainment establishments. (subject to Sec. 500.31)

Auto service station (with or without ~~mechanical~~ major repairs).

Beverage manufacture.

Bottling works.

Bulk storage of gas and oil.

Commercial parking lots.

Commercial radio, television, microwave transmission and relay stations and towers. (subject to Sec. 500.10)

Drive in restaurant.

Economic Activity Centers.

Excavation type III. (subject to Sec. 500.3)

Flea market, Enclosed.

Governmental services and accessory buildings and structures including, but not limited to the following:

Fire stations  
Libraries  
Police stations

Heliports and helipads.

Laboratory industrial research.

Office-warehouse, subject to the provisions of Sec. 500.38 (Office Warehouse Combination).

Outdoor retail sales.

Outdoor storage facilities, excluding salvage yards.

Planned industrial park development

Public and private utility services and accessory buildings and structures including but not limited to the following:

~~Electrical Power and light substations~~ Facilities.

Gas and Water Regulation Station.

Incinerator. (subject to Sec. 500.5)

Refuse and Garbage Transfer Station. (subject to Sec 500.4)

Sanitary Land Fill. (subject to Sec 500.5)

~~Sewage Treatment Plant.~~

~~Sewage Pumping Station.~~

Water and wastewater Treatment Facility.

~~Wartower, Storage Tank, Reservoir, Treatment Plant.~~

~~Telephone Exchange Building and Work Center.~~

Recreational facilities and clubs serving the local area including but not limited to the following:

Swimming pools and clubs.

Tennis courts and clubs.

Restaurant and lounge.

Self-service storage facility.

Transportation and multi-modal terminals.

Union and trade association facilities.

~~Extreminator, warehouse and manufacture of pesticides.~~

~~Salvage and junkyards.~~

~~Excavation and removal of muck, sand, rock, shell, soil, or other extractive materials.  
(See section 500.3)~~

E. Property development regulations.

1. Lot area and dimensions.

Minimum Area	One (1) acre
Maximum Area	Unlimited
Depth	200 feet
Width	100 feet
Frontage	100 feet

2. Minimum yard setback requirements.

Front	40 feet
Side (interior)	15 feet
Side (corner)	25 feet
Rear	20 feet

3. Total floor area and building height.

Maximum total floor area	45% of the total lot area
Building height	35 feet

Exception: All industrial developments requiring a height greater than thirty-five feet (35') shall be permitted provided the minimum setbacks of Sec. 620, Subsection E.2 are met in addition to a three foot (3') setback for all yards for each story above thirty-five feet (35').

F. Special regulations.

1. Access. (subject to Sec. 500.20)
2. Offstreet parking. (subject to Sec. 500.17)
3. Offstreet loading. (subject to Sec. 500.19)
4. Parking, storing, keeping of commercial and recreational vehicles. (subject to Sec. 500.18)
5. Landscaping. (subject to Sec. 500.35)
6. Fences and walls. (subject to Sec. 500.15)
7. Performance Standards. (subject to Sec. 500.16)
8. Signs. (subject to Sec 24-1 through 24-123)
9. Outdoor storage or outdoor industrial operation shall be completely screened from view with a combination of fencing and vegetation to a height of six (6) feet.

**614.621. IG - General Industrial District.**

The old Sec. 614, IG-General Industrial District has been amended and moved to Sec. 621.

- A. **Purpose and intent.** The purpose and intent of the IG District is to provide areas in appropriate locations ~~where various heavy and extensive industrial operations can be conducted without creating hazards or property devaluation to surrounding land uses~~ for those uses with one or more of the following characteristics: intensive use of property; open uses and/or storage; industrial processes that may involve significant amounts of heat, mechanical and chemical processing; large amounts of material transfer; and large scale structures. The IG District provides for those industrial uses that are not located in a planned industrial park, as well as permitting such planned facilities. Such industrial facilities are to be located with convenient access to transportation facilities.

The IG District corresponds to the Industrial (IND) medium to heavy zoning provision in the future Land Use Element of the Palm Beach County Comprehensive Plan. All development within this District shall be provided with adequate public facilities and services.

- B. **Permitted uses.** In an IG-General Industrial District, no building, structure, or land and water use shall be permitted except for one or more of the following uses:

~~Primary industrial uses.~~

~~Secondary industrial uses.~~

Underlined language (e.g., the) indicates proposed new language.

Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

Auto paint and body shop.

Business offices accessory to the ~~primary~~ principal industrial use.

Cold storage.

Contractor's storage yard.

Day care center as an accessory use to a principal industrial use for employees use only.

Dry cleaning plant.

Engraving.

Garage, parking and storage.

Laundry plant.

Lumber yard

Machinery shop.

Meat cutting and wholesale storage.

Motion picture studio.

Outdoor storage facility.

Passive parks and recreation areas, public and private, limited to:

Nature trails.

Canoe trails.

Bicycle trails.

Game and wildlife preserves.

Horse trail.

Forest and other reservations.

Pest control operations.

Manufacturing and processing uses, non-hazardous (unless provided for as a special exception herein).

Printing and publishing.

Retail operations selling primarily large scale, bulky goods such as large appliances, furniture, heavy equipment, etc.

Upholstery shop.

Vocational Schools.

Warehouses ~~accessory to the primary industrial use.~~

Welding shop.

Wholesaling, accessory to manufacturing.

~~Any manufacturing and processing uses (unless provided for as a special exception herein.~~

Restaurant/cafeteria accessory to the primary industrial use.

~~Sign, off premise.~~

- C. Uses subject to special permit regulations. In the IG District, the following buildings, structures, and uses shall be permitted pursuant to Sec. 401.6, after compliance with the following special regulations.

The parking of one (1) mobile home ~~parking~~ for security purposes allowing use as a temporary residence and temporary office facilities on a minimum of ten (10) acres subject to the following requirements:

Residence shall be an accessory use to a principle industrial use of the land;

Mobility of mobile home or house trailer must be maintained;

There shall be no more than (1) mobile home or house trailer per ten (10) acre parcel of land;

Sanitary facilities must have approval of all governmental agencies having appropriate jurisdiction; and permits and inspections for ~~necessary electric, water supply, and sewage disposal facilities from the Palm Beach County Planning, Zoning and Building Department~~ the installation must be obtained from the Department;

Minimum setbacks from public road rights-of-way shall be not less than one hundred feet (100');

Setbacks from property lines other than public road rights-of-way shall not be less than one hundred feet (100');

Approval to be on a two (2) year review basis only, with options to renew for additional two (2) year periods, available to the petitioner;

No additions or adjuncts shall be permitted to the mobile home except Department approved awnings and demountable screen panels;

~~Submission of a plot plan showing the location of the mobile home;~~

Execution of Unity of Title documents: and.

A statement of the petitioner's interest in the property pursuant to Sec. 401.1 A.

Temporary amusement rides, carnivals, circus, revival tents subject to ~~the following~~ Sec. 500.46.

- ~~1. Duration. The temporary facility shall not be permitted for a period exceeding seven (7) consecutive calendar days. If the time request exceeds seven (7) consecutive calendar days, the~~

application shall be treated as a special exception subject to commission approval:

2. ~~Application. The applicant shall provide the department with a letter from the property owner stating his consent and shall also provide an agreement to return the property to an orderly and sanitary condition.~~
3. ~~Setbacks. No building, mobile home, trailer, vehicle, tent, mechanical device, or animal shall be located closer than two hundred (200) feet from any property lines.~~
4. ~~Frontage. The minimum frontage shall be five hundred (500) feet on a public road.~~
5. ~~Access. The primary access shall be from a major street or arterial and shall not cause traffic to flow through nearby residential areas. Backout parking directly onto a public street is prohibited.~~
6. ~~Parking. One space per four (4) seats if activity is primarily enclosed or ten (10) spaces per acre of ground occupied by amusements, or fifty (50) spaces, whichever is greater.~~
7. ~~Lighting. Lighting to illuminate the premises of any advertisement, directional sign or amusement shall be so designed as to shine only on the subject use and shall be extinguished no later than 11:00 p.m.~~
8. ~~Noise. Sounds emanating from the temporary use shall not adversely affect surrounding residential property.~~

D. **Special exceptions subject to commission approval.** When the Commission determines as a fact, after the review of the application and plans submitted therewith, that the conditions and provisions of Chapter 1, Sec. 102, Chapter IV, Sections 400, 400.1, 401, and other regulations as set forth and defined in this Code have been met, and when the proposed use or uses are consistent with good zoning practice and are not contrary to the policies of the Palm Beach County Comprehensive Land Use Plan of Palm Beach County, the following uses shall be permitted:

~~Adult entertainment establishments (subject to Sec. 500.31)~~

~~Airports, landing strips, and heliports. (see subject to Sec. 500.7)~~

~~Asphalt and concrete mixing and product manufacturing.~~

~~Auto service station with or without mechanical repairs.~~

~~Bottling works.~~

~~Bulk storage of gas and oil.~~

~~Commercial AM/FM radio, television, microwave, transmission and relay towers and accessory equipment and buildings. (see subject to Sec. 500.10)~~

Restaurant.

Economic activity centers.

Excavation type III (subject to Sec. 500.3) and ~~removal of muck sand shell rock soil or other extractive material.~~

Flea market, enclosed.

Governmental services and accessory buildings and structures including but not limited to the following:

Fire Stations  
Libraries  
Police Stations

Heliports and helipads. (subject to Sec. 500.7).

High risk or hazardous industrial uses, including those whose primary purpose is the assembly, fabrication, or processing of goods and materials into other finished products whose operation may include the production, storage, or use of radioactive materials, highly toxic chemicals or substances, highly combustible or explosive materials, or other materials or substances of a noxious nature. Such uses include, but shall not be limited to:

Bulk storage, gas and oil  
Chemicals, manufacturing and warehousing  
Engine testing  
Explosives, manufacturing and warehousing  
Exterminator, manufacturing and warehousing  
Fertilizer manufacturing  
Foundry and steel or metal fabricating and manufacturing  
Grain milling or processing  
Metal or metal ore reduction, refining, smelting, or alloying  
Petroleum and coal derivatives or petroleum products manufacturing ~~and storage.~~

Radioactive materials, manufacturing or use of  
Rendering plant  
Salvage and Junk yards  
Slaughtering of animals, dead animal reduction  
~~Smelting~~  
Wood or lumber processing.

Laboratory industrial research.

Planned industrial park developments.

Public and private utility services and accessory buildings and structures including but not limited to the following:

Telephone Exchange Building and Work Center  
Gas and Water Regulation Station  
Electrical Power ~~Substation~~ Facilities  
Water and Wastewater Treatment Facility

Sewage Pumping Station  
Incinerator (subject to Sec. 500.5)  
Sanitary Land Fill (subject to Sec. 500.5)  
Sewage treatment plant.  
Refuse and Garbage Transfer Station (subject to Sec. 500.4)  
Refuse and Garbage Dumps (see subject to Sec. 500.5)  
Water tower, storage tank, reservoir, treatment plant.

Pump Pulp and paper products manufacturing.

Recreational facilities and clubs serving the local area including but not limited to the following:

Swimming pools and clubs.  
Tennis courts and clubs.

Restaurant and lounge.

Transportation and multi-mode terminals.

Excavation Type III and removal of muck, sand, shell, rock, soil, or other extravtive material  
(See section 500.3).

**E. Property development regulations.**

**1. Lot area and dimensions.**

Minimum Area	Two (2) acres
Maximum Area	Unlimited
Depth	200 feet
Width	200 feet
Frontage	200 feet

**2. Minimum yard setback requirements.**

Front	45 feet
Side (interior)	20 feet
Side (corner)	45 feet
Rear	20 feet

**3. Total floor area and building height.**

Maximum total floor area	45% of the total lot area
Building height	35 feet

Exception: All industrial developments requiring a height greater than thirty-five feet (35') shall be permitted provided the minimum setbacks of Sec. ~~614~~ 621, Subsection D.2. are met in addition to a three foot (3') setback for all yards for each story above thirty-five feet (35').

**F. Special regulations.**

1. Access. (~~see subject to~~ Sec. 500.20)
2. Offstreet parking. (~~see subject to~~ Sec. 500.17)
3. Offstreet loading. (~~see subject to~~ Sec. 500.19)
4. Parking, storing, keeping of commercial and recreational vehicles. (~~see subject to~~ Sec. 500.18)
5. Landscaping. (~~see subject to~~ Sec. 500.35)
6. Fences and walls. (~~see subject to~~ Sec. 500.15)
7. Performance Standards. (~~see subject to~~ Sec. 500.16)
8. Signs. (~~see subject to~~ Sec 24-1 through 24-123)
9. All outdoor storage or outdoor industrial operation shall be completely screened from view with a combination of fencing and vegetation to a height of six (6) feet.

**615- 622. PIPD - Planned Industrial Park District/Economic Activity Center.**

The old Sec. 615, PIPD-Planned Industrial Park Development has been amended and moved to Sec. 622.

- A. **Purpose and intent.** The purpose and intent of a Planned Industrial Park District (PIPD) is to provide an alternative to a conventional zoning approach in conformance with the Palm Beach County Comprehensive Plan through the use of flexible land use and design regulations, and the application of enlightened, imaginative and innovative approaches to physical planning for a broad range of land uses.

The PIPD District corresponds to the Industrial (IND) land use designation in the future Land Use Element of the Palm Beach County Comprehensive Plan and implements the Economic Activity Centers (EAC) district designation. All development within this District will be provided with adequate public facilities and services.

All PIPD's shall:

1. Promote efficient and economical industrial land use and urban services layout.
2. Promote industrial linkages by process, product, or service.
3. Provide on-site essential services for industries, employees, and clients to minimize individual vehicular movement.
4. Protect nearby existing and future nonindustrial uses and activities.
5. Preserve and protect natural features, scenic areas and vegetation, so as to prevent ecological damage and/or visual blight.
6. Arrange buildings and land use intensities, as they relate to existing and proposed streets, so as to minimize the impact on and interference with traffic movement, to minimize congestion and provide for public safety.
7. Provide open space and landscaping.
8. Assist the community by attracting new employment opportunities.
9. Be located convenient to transportation facilities such as interstate highways, major trucking routes, shipping and/or railroad lines.
10. Encourage the expansion of the County's economic base through new investment.

- B. Scope.** Although PIPD's are produced in compliance with the provisions and requirements of Chapter I, Sec. 102, Chapter IV, Sections 400, 400.1, 401, this section, and other regulations as set forth and defined in this Code, such developments are to be in compliance with the Palm Beach County Comprehensive Plan, and platted of record in accordance with the procedures for approval of subdivision plats in the Palm Beach County Subdivision and Platting Regulation Ordinance.
- C. Prerequisites for application.** No petition for PIPD approval shall be accepted, certified for public hearings, or considered by the Planning Commission and/or Zoning Board unless the following prerequisites are met:
1. The site to be developed as a PIPD must be located:
    - a. Within the Urban Service Area (U.S.A.) as designated by the Palm Beach County Comprehensive Plan, where the necessary infrastructure is present to serve the development; or,
    - b. Where the Palm Beach County Comprehensive Plan designates Industrial Land Use and where the developer can provide the services as required by State and Local regulation.
  2. The PIPD proposal satisfies all minimum performance standards specified in the Palm Beach County Comprehensive Plan and in Sec. 500.16 of the Zoning Code.
  3. The proposed Master Plan must comply with all applicable requirements and regulations for PIPD's contained in Subsection F.1-11.
- D. Review criteria.** The following review criteria must be evaluated individually with findings to be made by the Planning Commission and/or Zoning Board and shall be considered in approving or denying proposed PIPD's.
1. The proposal is/is not consistent with the purpose and intent of the PIPD Section.
  2. The proposal is/is not consistent with the various elements of the Palm Beach County Comprehensive Plan including mandatory performance standards.
  3. The proposed Master Plan provides/does not provide an adequate primary vehicular traffic system.
  4. The proposed development is/is not located such that accessibility by fire equipment and service vehicles both to and within the site is facilitated.
  5. The proposed Master Plan provides/does not provide for adequate surface water management and soil conservation.
  6. The proposed Master Plan provides/does not provide appropriate relationships between land uses.
  7. The proposal is/is not detrimental to the established land use patterns in the surrounding area.
  8. The proposal meets/does not meet all provisions of Subsection F (general requirements and special regulations).

Underlined language (e.g., the) indicates proposed new language.

Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

August 31, 1989

ORDINANCE NO. 90 - 11

ADOPTED

E. **Special definitions.** All definitions appearing in Chapter II of the Zoning Code shall be applicable to this Section except that any special definitions contained herein, shall prevail for the purposes of this section.

Open space. the total area permanently set aside and designated on the Master Plan as open space for the aesthetic enjoyment and use of employees and visitors, which may include but not be limited to recreation areas, lakes and water bodies, picnic areas, and natural preserves. Such open space shall be landscaped and maintained in a manner appropriate to the park-like character of the PIPD.

Planned industrial park district. a land area under unified control and administration designed and planned to be developed in a single operation or by a series of pre-scheduled development phases according to an officially approved Master Plan. The development shall emphasize integrated, physical land use planning primarily for industrial activity and supporting, accessory and related uses and facilities including commercial development.

F. **General requirements.**

1. **Unified control.** All land for the purpose of development within a PIPD shall be owned or under the control of the petitioner for such zoning designation, whether that petitioner be an individual partnership, or corporation, or a group of individuals, partnerships or corporations. The petitioner shall present firm evidence of the unified control of the entire area within the proposed PIPD and shall agree that, if he proceeds with the proposed development, he will:

- a. Do so in accord with the approved Master Plan of the development and such other conditions or modifications as may be attached to the project approval.
- b. Provide agreements, covenants, contracts, and deed restrictions acceptable to the County for completion of the undertaking in accordance with the Approved Master Plan as well as for the continuing operation and maintenance of such areas, functions, and facilities as are not to be provided, operated or maintained at general public expense; and provide improvements required under this code.
- c. Bind his development successors in title to any commitment made under 1. and 2. preceding.
- d. Provide proper and adequate access to all outparcels within the PIPD boundaries which are not part of the PIPD application.

2. **Conflict with other regulations.** Where conflicts exist between PIPD regulations and provisions of other sections of the Zoning Code, the Subdivision Code and/or other applicable Codes and Ordinances, the PIPD Regulations shall apply.

3. **Site access.** Access to any tract of land for which a PIPD application is made shall be via a publicly dedicated arterial or major collector road.

4. **Minimum site area.** No site shall qualify for a PIPD unless it consists of a contiguous area of at least fifty (50) acres.

5. **Use mixture limitations.**

- a. The following percentages express the maximum land area of the PIPD that the specific land uses may occupy, except within Economic Activity Centers, c., below. These limitations are subject to further restriction by other specific requirements contained herein:

- 1) Light Industrial-100% of Gross Area of the PIPD
- 2) General Industrial-50% of Gross Area of the PIPD
- 3) Commercial:
  - a) Five percent (5%) of Gross Area for PIPD's of fifty (50) to two hundred (200) acres only if approved at a Public Hearing by the Board of County Commissioners after receiving a recommendation from the Planning Commission.
  - b) Ten percent (10%) of Gross Area for PIPD's of two hundred (200) to five hundred (500) acres.
  - c) Fifteen (15%) of Gross Area for PIPD's greater than five hundred (500) acres.
- 4) Residential - Twenty percent (20%) of gross area of PIPD only if approved at a Public Hearing by the Board of County Commissioners after receiving a recommendation from the Planning Commission.

b. The development of the above referenced uses shall be subject to the following phasing controls:

Platting ratios by percent.  
(Total Land Area for all Uses Within the PIPD)

	10%	25%	50%	75%
Commercial Land Area (authorized in Sec F.5.a.3)	10%	40%	70%	100%
Residential land area (authorized in Sec. F.5.a.4)	25%	50%	100%	100%

Note: Percentages are cumulative from left to right.

c. Economic Activity Centers (EAC). The above stated limitations on commercial and residential land uses within PIPDs shall not apply to designated Economic Activity Centers. Economic Activity Centers are PIPDs which are to accommodate and promote industry and other value-added activities, including, but not necessarily limited to: hotels; office facilities; conference centers; and support retail services. All land uses other than the primary industry shall be in support of the primary land use.

6. Open Space.

- a. Standards. PIPD's may be required to provide common open space in accordance with the objectives of this section.
  - 1) All parcels within the PIPD along collector or arterial roads shall provide a continuous fifteen foot (15') wide landscaped strip along their frontage.
- b. Maintenance and Operation. Land designated as open space shall be restricted by legal instrument(s) acceptable to the County Attorney governing use, ownership, maintenance and operation, which must include but not necessarily be limited to the following:

Underlined language (e.g., the) indicates proposed new language.

Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

- 1) Such instrument(s) shall be binding upon the developer(s) successor(s) and assign(s) in perpetuity; shall constitute a covenant running with the land; and shall be in recordable form.
- 2) Establishment of an organization(s) for the ownership, maintenance, operation and use of common space. Such organization(s) shall not be dissolved.
- 3) No open space areas may be eliminated or reduced in size or function, unless approved by the Board of County Commissioners.
- 4) In the event that the organization(s) established to own, maintain and operate the open space area fails to reasonably maintain and operate same, the Zoning Division may serve Notice upon such organizations and/or the occupants of the PIPD and schedule a public or private agency to assume the responsibilities for the organization(s). The cost of operation by such agency shall be proportionately assessed against the properties within the PIPD and shall become a lien on said properties.

**7. Utilities and lighting.**

- a. Utilities shall be installed underground where practicable including telephone lines, television cable, and electrical systems (except high-voltage primary distribution systems). Facilities serving the entire development or substantial portions thereof, such as sub-stations, shall be screened as required by the Palm Beach County Landscape Code.
- b. Shaded light sources shall be used to illuminate signs, facades, buildings, parking and loading areas; and shall be directed away from properties lying outside the district. No intermittent or flashing lights or such lighted signs shall be allowed. Lighting shall be installed pursuant to the Palm Beach County Lighting Ordinance and Palm Beach County Security Code.

**8. Storage/screening.** Outside storage areas shall be effectively screened from collector and arterial roads and adjacent property by walls, fences, and/or landscaping unless waived in writing by the abutting property owner(s). All landscaping used for this purpose must meet the provisions of the Landscape Code as well as the following:

- a. Stored merchandise in light industrial areas shall not protrude above the height of the screening and shall not be visible from streets.
- b. Walls shall be a minimum of six (6) feet in height.
- c. Storage areas shall not be located within required front setbacks.
- d. No motor vehicle or trailer shall be stored in an abandoned or neglected state or used for storage on any lot or parcel in the development unless it is within a completely enclosed building.

**9. Buffers.** All PIPD's shall be required to have a buffer area at least twenty five (25) feet wide adjacent to and completely around the boundary of the PIPD site; with the further provision that:

- a. All setbacks shall be measured from the inside edge of the required buffer area.

- b. **Native vegetation within required buffer areas shall be preserved where possible, (except prohibited species listed in Landscape Code), and the installation of supplemental planting is encouraged.**
  - c. If the boundary of the proposed PIPD abuts an existing canal right-of-way equal to or greater than fifty feet (50') in width, the required buffer area may be omitted.
  - d. In areas where the PIPD is located contiguous to properties having similar land uses, the perimeter buffer may be waived by approval of the Board of County Commissioners during consideration of the approval of the PIPD.
10. **Vehicular and pedestrian circulation.** The design solution for all PIPD's shall comply with the following criteria:
- a. Principal vehicular access points shall be designed to encourage smooth traffic flow and minimize hazards to vehicular or pedestrian traffic. Merging and turning lanes and traffic medians shall be required where existing or anticipated heavy traffic flows indicate needed controls. Minor streets within the PIPD shall not connect with minor streets in adjacent developments in such a way so as to encourage through traffic.
  - b. Access and circulation for fire fighting equipment, tractor trailers, garbage collections, deliveries and other large utility vehicles shall be planned with the appropriate design criteria as determined by the County Engineer.
  - c. Streets shall not create unnecessary fragmentation of development into small blocks, nor shall streets be so laid out or constructed as to interfere with desirable drainage in or adjacent to the development. The block length limitation imposed by the Subdivision Code shall not be applicable to PIPD's.
  - d. All major streets shown on the Master Plan as arterials or external collectors shall be limited access facilities.
  - e. Arterial and collector streets, whether public, or private, shall connect with similarly classified streets in adjacent development. If no streets exist, the County Engineer shall determine whether future connections are likely and desirable and shall require that such connections be shown on the approved Master Plan.
  - f. All rights-of-way and pavement widths, locations and designs shall conform to the standards of the County, as adopted and as may be amended from time to time.
- G. **Permitted uses.** The following uses are permitted providing they are in compliance with the performance standards set forth in Sec. 500.16.
- ~~1. Light industrial uses permitted.~~
  - 1. Primary light industrial uses, non-high risk or hazardous, including those uses whose primary purpose is the assembly, fabrication, or processing of goods and materials into other finished products, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales and distribution of such products, including, but not necessarily limited to the following:

Appliance assembly, manufacturing

Assembly of computer products

Bakeries, wholesale, large scale preparation

Beverage, bottling works

Business dispatching offices

Business offices of an industrial nature including:

Wholesaling and distribution.

Wholesaling and service facilities.

Offices for manufacturers representatives.

Cabinet making

Cold storage

Confectionery, wholesale, large scale preparation

Contractors storage yard (limited to building contractors, subcontractors and the like)

Cosmetics manufacturing

Dairy processing

Dry ice manufacturing

Electronic equipment manufacturing and assembly

Engraving

Exterminator, pesticides warehousing (but not manufacturing)

Food processing except the rendering or refining of fats and oils, poultry and animal slaughtering and dressing, and fish canning.

Furniture manufacturing

Glass manufacturing

Laboratory industrial research

Leather goods, manufacturing of finished goods only (excluding tanneries)

Lumber yard

Machinery shop

Meat cutting and wholesale storage

Millwork

Monument workers

Motion picture production studio

Moving and storage (enclosed).

Musical instruments, toys, novelties and jewelry manufacturing

Precision instruments and optics manufacturing

Pharmaceutical and toiletries manufacturing

Potter, using only pulverized clay and kilns fired only with gas and electricity

Printing and publishing printing, engraving and related reproduction processes as well as the publishing and distribution of books, newspapers, and other printed material

Open storage, outdoor facilities

Septic tank service (No dumping)

Sheet and nonferrous metal fabrication and finishing (except plating)

Textile and clothing manufacturing

Tobacco products manufacturing

Transportation and multi-mode terminals

Upholstery shop

Warehouses

Wholesaling and distribution and service facilities

Woodworking

2. General Industrial Uses Permitted.

Any primary light industrial use permitted under Sec. 622 G.2.

Boats, manufacturing

Brewery  
Chemicals, manufacturing and warehousing (excluding pesticides manufacturing)  
Contractors storage yard (Heavy and Highway Contractor)  
Fertilizer manufacturing  
Large scale repair and heavy equipment repair and service facilities  
~~Paper products manufacturing~~  
Petroleum and coal derivations, manufacturing and storage  
Pulp and paper products  
Steel or metal fabricating and manufacturing (except plating)  
Welding shop

3. Commercial uses permitted.

- a. For PIPD's, including EAC's, of less than two hundred (200) acres. (see subject to Sec. 622 G.5.)
- b. For PIPD's, including EAC's, of two hundred (200) acres or more the following uses are permitted:

Auto service stations (with or without mechanical repairs)  
Building supplies, enclosed  
Business offices  
Clinics, medical, chiropractic, dental and veterinary (outpatient only)  
Convenience food and beverage store  
Day care centers, pre-school facilities and child care facilities. (subject to ~~see~~ Sec. 500.12)  
Dry cleaning and laundry facilities  
Electronic equipment sales  
Financial institutions  
Hardware, paint and garden supply sales  
Hotel and motel (with a minimum lot area per sleeping unit of one-thousand (1,000) s.f.)  
Laboratories, medical and dental  
Newsstand  
Office warehouse combination (subject to ~~the provisions of~~ Sec. 500.39 "Office Warehouse Combination," ~~above.~~)  
Personal services (barber shop, beauty salon, spa, and the like)  
Pharmacy  
Precision instruments and optic sales  
Printing and publishing service (retail)  
Professional offices  
Recreation facilities, amusements and attractions and exhibits, public and private  
Restaurant and lounge (including drive-in facilities)  
Self-service storage facility, subject to ~~the provisions of~~ section 500.38 "Self-Service Storage Facility," ~~above.~~  
Shoe, appliance and other repair services  
Upholstery shop

4. Secondary industrial uses permitted throughout the PIPD and accessory uses:

- a. Customary accessory uses including operations required to maintain or support any use permitted in these developments on the same lot as the permitted use, such as maintenance shops, power plants, and machine shops provided these take place within enclosed buildings and accessory residential use such as security quarters.

- b. Uses, as listed below as a convenience to the occupants thereof, and their customers and employees:
    - 1) dining facilities, convention or exhibition halls.
    - 2) recreation facilities.
  - c. Am/Fm radio, television, microwave transmission and relay towers and accessory equipment buildings subject to Sec. 500.10.
  - d. Governmental services and accessory buildings and structures including but not limited to the following:
    - Fire Stations
    - Libraries
    - Police Stations
  - e. Public and private utility services except sanitary land fills, incinerators and refuse transfer stations.
  - f. Union and trade association facilities.
5. Uses permitted by specific Board of County Commission approval:
- a. Any other use specifically authorized by the Board of County Commissioners following a public hearing where the Board finds that such use is compatible with this Ordinance and the proposed PIPD development, such as, but not limited to:
    - 1) Commercial uses specifically identified within PIPD's of less than two hundred (200) acres.
    - 2) Heliports, helipads, airstrip, and hangars-accessory facilities. (subject to requirements of Sec. 500.7)
    - 3) Excavation type III. (subject to Sec. 500.3)
    - ~~3) Residential meeting the property development regulations of the P.U.D. Ordinance. Residential uses shall meet the intent of the Palm Beach County Comprehensive Plan and regional policies on providing housing opportunities for major new employment centers. No residential uses shall be permitted on properties specifically recommended for industrial development by the Palm Beach County Comprehensive Plan. The property development regulations of the P.U.D. Ordinance (Sec. 500.21.K.) shall be applied with maximum density not to exceed nine (9) units/acre based on the land area designated for residential use.~~

However, an additional bonus of nine (9) units/acre (total maximum of eighteen (18) units/acre) may be approved if the additional units are rental housing. Residential uses shall be limited to twenty percent (20%) of the gross area of the PIPD and must meet all Performance Standards.

Underlined language (e.g., the) indicates proposed new language.  
 Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

**H. Property development regulations.**

**1. Light Industrial Uses.**

**a. Lot area and minimum dimensions.**

Minimum Area	one (1) acre
Depth	200 feet
Width	100 feet
Frontage	100 feet

**b. Minimum setback requirements.**

Front	25 feet
Side (interior)	15 feet
Side (corner)	25 feet
Rear	50 feet

**Exception:**

- 1) No rear is required where the lot abuts an existing or proposed railroad right-of-way or spur.
- 2) No structures or truck parking and loading shall be permitted closer than seventy-five (75) feet to the lot lines abutting a residential district, (inclusive of the twenty-five foot buffer).

**c. Total lot coverage, floor area and building height.**

Maximum Total Lot Coverage:	30% of the total lot area
Maximum Total Floor Area:	45% of the total lot area
Building Height:	35 feet

**Exception:** All industrial developments requiring a height greater than thirty-five (35) feet shall be permitted if an additional three (3) feet is added to all setbacks for each story above thirty-five feet (35').

**2. General Industrial uses.**

**a. Lot area and minimum dimensions.**

Minimum Area	two (2) acres
Depth	200 feet
Width	150 feet
Frontage	150 feet

b. **Minimum yard setback requirements.**

Front	25 feet
Side (interior)	20 feet
Side (corner)	25 feet
Rear	50 feet

Exception:

- 1) No rear setback is required where the lot abuts an existing or proposed railroad right-of-way or spur.
- 2) No structures or truck parking and loading shall be permitted closer than seventy-five (75) feet to the lot lines abutting a residential district, (inclusive of the 25' buffer).

c. **Total lot coverage, floor area and building height.**

Maximum Total Lot Coverage:	30% of total lot area
Maximum Total Floor Area:	45% of the total lot area
Building Height:	35 feet

Exception: All industrial developments requiring a height greater than thirty-five feet (35') shall be permitted if an additional three (3) feet is added to all setbacks for each story above thirty-five feet (35').

3. **Commercial uses.**

a. **Lot area and minimum dimensions.**

Minimum Area	one (1) acre
Width	100 feet
Depth	200 feet
Frontage	100 feet

b. **Minimum setback requirement.**

Front	25 feet
Side (interior)	15 feet
Side (corner)	25 feet
Rear	50 feet

Exception: No structures or truck parking and loading shall be permitted closer than seventy-five (75) feet to the lot lines abutting a residential district, (inclusive of the 25' buffer).

c. **Total Lot Coverage, Floor Area and Building Height.**

Maximum Total Lot Coverage:	20% of total lot area
Maximum Total Floor Area:	35% of the total lot area
Building Height:	35 feet

Exception: All commercial developments requiring a height greater than thirty-five feet (35') shall be permitted if an additional three (3) feet is added to all setbacks for each story above thirty-five feet (35').

4. **Special Regulations.**

- a. Access. (see subject to Sec. 500.20)
- b. Offstreet parking. (see subject to Sec. 500.17)
- c. Offstreet loading. (see subject to Sec. 500.19)
- d. Landscaping. (See Palm Beach County Landscaping Ordinance) (subject to Sec. 500.35)
- e. Fences and walls. (see subject to Sec. 500.15)
- f. Performance standards. (see subject to Sec. 500.16)
- g. Signs. (See Palm Beach County Sign Ordinance) see subject to Chapter 24-1 through 24-123
- h. Lighting. Shielded light sources shall be used to illuminate signs, facades, buildings, parking and loading area; and shall be so turned as to eliminate glare from roadways and streets; and shall be directed away from properties lying outside the district. No intermittent or flashing lights, or such lighted signs shall be allowed.

I. **Application and approval process.**

- 1. **Master Plan.** All PIPD applications shall be accompanied by a Master Plan meeting the requirements of Sec. 401.2 A. and B. and of this Section.
- 2. **Application Fees and Required Copies of Plan.**
  - a. Application Fees. (H: Superseded by 82-4)
  - b. Required Copies of Plans.
    - 1) The applicant shall provide the County with six (6) copies of the Master Plan, and attendant documents and information.
    - 2) The Department may amend the required amount of plan copies from time to time as may be needed.
- 3. **Professional services required.** All applications for PIPD Zoning or PIPD Master Plan approval shall identify that two (2) or more of the following professionals were utilized in the design or planning process:
  - a. A planner who possesses the education and experience to qualify for membership in the American Institute of Certified Planners (AICP); and/or,
  - b. A landscape architect registered by the State of Florida; and/or,
  - c. An architect licensed by the State of Florida, together with:
  - d. A professional engineer registered by the State of Florida and trained in the field of civil engineering and/or.
  - e. A land surveyor registered by the State of Florida.

4. **Preapplication conference.** Prior to submission of preapplication materials, the prospective petitioner shall schedule a meeting with the Planning Division to determine what information will be required for a preapplication submittal.
5. **Preapplication submittal.** Based upon the conclusions of the preapplication meeting, the prospective petitioner shall submit all required materials to the Planning Division, including but not limited to the following:
- a. Proposed Master Plan (Six (6) copies).
  - b. Proposed Phasing Plan (Six (6) copies).
  - c. Statement of Provision for proposed water service.
  - d. Statement of Provision for proposed sewage disposal.
  - e. Statement of area roadway capacities and anticipated traffic generation data.
  - f. Statement of existing site condition and the anticipated environmental impact. This information shall include a copy of an aerial photograph.
  - g. Statement of proposed method(s) of accomplishing site drainage.
  - h. Any additional information deemed necessary by the Planning Division to determine compliance with the provisions of the Palm Beach County Comprehensive Plan.

The preapplication submittal shall be reviewed by the Planning Division, Zoning Division, Engineering Department, Health Department, and other appropriate agencies. Within fifteen (15) days of submittal, each agency shall provide a written evaluation of the proposed PIPD to the Planning Division. Within an additional ten (10) days the Planning Division shall provide a summary report with staff recommendations.

6. **Formal application/submittal.** The Petitioner shall submit an application for a rezoning pursuant to Sec. 401, 401.1, and 401.2 A. and B. of this Code accompanied by a Master Plan and attendant documents and information.
- a. **Pre-hearing Conference.**
    - 1) After official acceptance of the application by the Department, the PIPD application shall be submitted to the Planning and Zoning Divisions for scheduling on the agenda of a Pre-hearing Conference within thirty (30) days of the date of official acceptance by the Department.
    - 2) The purpose of such Pre-hearing Conference is to assist the applicant in bringing the PIPD application and Master Plan as nearly as possible into conformity with regulations, and to define those areas where justifiable deviations from application of these regulations is suggested by the development's Master Plan.
    - 3) All recommendations and requests for change from the Master Plan by either government or the applicant shall be committed to writing and made a part of the official Department file for the subject PIPD.

- 4) Pursuant to Sec. 402.2 C. of this Code, upon completion of the amendments or revisions to the Master Plan as requested by the Department to meet the requirements and regulations of this Code, the application shall be certified for inclusion on the next official Agenda of the Planning Commission.
- b. **Notice and hearing-planning commission.** Pursuant to Sec. 402.4 D., a duly noticed public hearing on the PIPD application shall be held within thirty (30) days of the date of the Department notification for inclusion on an Official Planning Commission Agenda.
- c. **Notice and hearing-board of county commissioners.** Pursuant to Sec. 402.4 D., a duly noticed public hearing on the PIPD application shall be held within thirty (30) days of the date of the Department notification for inclusion on an Official Planning Commission Agenda.
- d. **Site plan review committee.**
- 1) Pursuant to Sec. 402.7, the Master Plan and PIPD application shall be reviewed by the Site Plan Review Committee of the Planning, Zoning and Building Department within thirty (30) days of the receipt of the official decision of the Board of County Commissioners.
  - 2) Within a reasonable time not to exceed thirty (30) days following the date of the Site Plan Review Committee Meeting, the Department shall notify the applicant in writing that the Committee has reviewed the Master Plan, has approved it with or without modifications, and has certified it as the development's approved Master Plan into full compliance with this Code and other applicable County ordinances and regulations.
- e. **Master plan certification and platting.**
- 1) **Certification.** A final plat must be filed in the office of the Clerk of the Circuit Court within one (1) year of the date of approval of the PIPD or within one (1) year from the date upon which the Development Order becomes finally effective, whichever shall last occur; with the option for no more than two (2) one (1) year extensions. The County Engineer shall forward immediately a copy of each plat to the Department. The provisions of this section shall be applicable regardless of the date of issuance of the Development Order.  
  
The provisions of this section shall not be applicable in the event that the developer has entered into a written contract with the Board of County Commissioners to construct the Required Improvements prior to platting and has received a valid Land Development Permit.
  - 2) **Phasing controls.** If the Master Plan is to be developed in phases or stages requiring more than one (1) final plat, successive plats must be filed so that construction and development activity shall be of a reasonably continuous nature; but in no event shall more than three (3) years plus one (1) additional three (3) year extension period elapse between the filing of successive plats.
  - 3) **Platting.** Each plat shall be in compliance with the provision of Chapter 177, Florida Statutes and the Palm Beach County Subdivision and

Platting Regulation Ordinance, as both may be amended from time to time.

- 4) **Site Plan.** The location of areas to be set aside as buffers and open space shall be shown on a site plan for the area to be platted and shall be approved by the Site Plan Review Committee prior to or in conjunction with the submission of each plat in final form. The site plan shall be a timetable reproducible made from the applicable final plat. A key map of the Master Plan for the development shall appear on the site plan, showing the location of said site plan. In addition, a statement from the County Attorney will be required approving the substance of property owners agreements, covenants, grants and easements or other restrictions proposed to be imposed upon the land, buildings and structures, and shall be provided within a reasonable time not to exceed thirty (30) days from the time of the submission of the document.
- 5) **Final plat approval.** When a plat is submitted to the Board of County Commissioners of Palm Beach County, it shall be in conformance with the requirements for filing plats contained in the Palm Beach County Subdivision and Platting Regulation Ordinance, NO.73-4 as amended, and this Code.
- 6) **Modification of Master Plan.** Any modification to a PIPD Master Plan shall comply with the provisions of Sec. 401.5 or 402.7, whichever is applicable.

**616623. PC-Preservation/Conservation District.**

The old Sec. 616, PO-Preservation/Conservation District has been moved to Sec. 623.

**A. Purpose and intent.** The purpose and intent of this district is to establish and protect certain areas which are composed of the habitats of endangered species of wildlife, fish, or flora, or which are important habitats for the production of fish and wildlife, or which are sites of historical or archaeological significance. The PC District corresponds to the Conservation land use designation in the Land Use Element of the Palm Beach County Comprehensive Plan.

**B. Permitted uses.** In a PC-Preservation/Conservation District, no building, structure or land and water use shall be permitted except for one (1) or more of the following uses:

Nature and foot trails.

Canoe trails.

Boating limited to motors of less than ten (10) horsepower.

Wildlife management performed by the Game and Fish Commission.

Hunting and fishing under policies and regulations prescribed by the Game and Fish Commission.

Exploration, observation, and excavation by recognized authorities.

**C. Special exceptions subject to commission approval.** When the Commission determines as a fact, after the review of the application and plans submitted therewith, that the conditions and provisions of Chapter I, section 102, Chapter IV, sections 400, 400.1, 401, and other regulations as set forth and

defined in this Code have been met, and when the proposed use of uses are consistent with good zoning practice and are not contrary to the policies of the Comprehensive Land Use Plan of Palm Beach County, are not detrimental to the health, safety and general welfare of the community, the following uses shall be permitted:

Public operated parks and recreational areas.

Hunting and fishing camps.

D. **Prohibited uses.** Any use which has an adverse impact upon the habitat or archaeological site causing the deterioration of the habitat or physically altering an archaeologically significant environment is prohibited. Intense activity levels of the uses permitted herein without due consideration of the compatibility of the activity with the natural resource is also prohibited. Any alteration of the soils, vegetation, or water levels beyond the minimum required to accommodate the uses permitted is prohibited. Further, wheeled vehicles, tracked vehicles, and airboats are prohibited.

**617-623-624. PO-Public Ownership District.**

The old Sec. 617, PO-Public Ownership District has been amended and moved to Sec. 623624, and revised to show uses in appropriate alphabetical order.

A. **Purpose and intent.** The purpose and intent of the PO District is to provide a coordinated land planning approach to the sale, rent, lease, purchase, management, or alteration of publicly owned or operated property. Notwithstanding those public uses permitted elsewhere in this Code, the PO District is primarily concerned with, although not limited to, the enlightened planning of parks and recreation areas, public buildings and facilities, other capital improvements of a distinctly significant nature, and the coordination with other public agencies in their future land planning efforts. The PO District corresponds to all land use categories of the Land Use Element of the Palm Beach County Comprehensive Plan.

B. **Permitted uses.** In a PO-Public Ownership District, no building, structure or land and water use shall be permitted except for one (1) or more of the following uses:

~~Airports and Heliports and helipads~~, public and private, and accessory buildings and structures. (subject to Sec. 500.7)

Commercial radio, television, microwave transmission and relay stations and towers and accessory equipment buildings. (subject to Sec. 500.10)

Commercial Parking Lots, public or private

Educational institutions including but not limited to the following:

Colleges and universities

Schools, public and private, elementary and secondary

Vocational schools and training centers and seminaries

Government services and accessory buildings and structures including but not limited to the following:

Fire stations

Police stations

Libraries

Military installations

Multi-mode transportation terminals including but not limited to the following:

Bus terminals facilities  
Railroad yards and passenger terminals  
Waterborne transportation facilities

Public and private utility services and accessory buildings and structures, including, but not limited to the following:

~~Electrical power and light substation facilities~~  
Gas and water regulation station  
Incinerator (subject to Sec. 500.5)  
Refuse and garbage transfer station (subject to Sec. 500.4)  
Refuse and trash dumps (subject to Sec. 500.5)  
Sanitary land fill (subject to Sec 500.5)  
Water and wastewater treatment facility  
Telephone exchange building and substation  
~~Water tower, storage tank, reservoir, treatment plant.~~

Publicly owned and operated parks and recreation areas including public fairgrounds, auctions, exhibitions and other recreational activities and attractions

C. Special exceptions subject to commission approval. When the Commission determines as a fact after the review of the application and plans submitted therewith, that the conditions and provisions of Chapter I, Sec. 102, Chapter IV, Sections 400, 400.1, 401, and other regulations as set forth and defined in this Code have been met, and when the proposed use or uses are consistent with good zoning practice and are not contrary to the policies of the Palm Beach County Comprehensive Plan, the following uses shall be permitted within a planned specialized commercial development:

Excavation, type III, (subject to Sec. 500.3)

Public airports and related facilities that serve the needs of airport users or operations

Existing public facilities listed under this subsection which have not secured a special exception shall not be considered non-conforming for the purposes of modification or expansion and no special exception shall be required to expand an existing public facility.

C.D. Special regulations. Any development, redevelopment or increase in the intensity of the land uses permitted herein shall be subject to Chapter IV, Sections 400, 400.1, 401, and other applicable regulations of Palm Beach County including:

1. Access. (~~see subject to~~ Sec. 500.20)
2. Offstreet parking. (~~see subject to~~ Sec. 500.17)
3. Offstreet loading. (~~see subject to~~ Sec. 500.19)
4. Parking, storing, keeping of commercial and recreational vehicles. (~~see subject to~~ Sec. 500.18)
5. Landscaping. (~~See Palm Beach County Landscaping Ordinance~~ subject to Sec. 500.35)
6. Fences and walls. (~~see subject to~~ Sec. 500.15)
7. Performance standards. (~~see subject to~~ Sec. 500.16)
8. Signs. (~~See Palm Beach County Sign Ordinance~~ subject to Chapter 24-1 through 24-123)

**618.625. CR-Conservation Restricted Use District.**

Old Sec. 618, is amended and moved to Sec. -624625.

**A. Purpose and intent.** The purpose and intent of this district is to establish and protect certain areas which are composed of natural habitats, including wildlife, fish, flora, but which permits certain select residential, limited agricultural, and recreational uses of the land while still conserving the environment and natural features within the area. The CR District corresponds to all conservation land use designations in the land use element of the Palm Beach County Comprehensive Plan.

**B. Permitted uses.** In a CR-Conservation Restricted Use District no building, structure or land and water use shall be permitted except for one (1) or more of the following:

Bicycle trails.

Boating limited to motors of less than ten (10) horsepower.

Canoe trails.

Exploration, observation and archeological studies supervised by recognized authorities.

Horseback riding.

Hunting and fishing camps.

Hunting and fishing under policies and regulations prescribed by official game, fish, and wildlife commissions.

Nature and foot trails.

Publicly operated parks and recreation areas.

Wildlife management performed by official games, fish and wildlife commissions.

**C. Uses subject to special permit regulations.** In a CR-Conservation Restricted Use District the following buildings, structures and land and water uses shall be permitted after submission of a site development plan and approval by the planning division (of the Department) prior to application for building permits and certificates of occupancy. The site development plan showing the proposed layout shall contain the following:

1. Proposed setbacks: Front, side, rear and side street
2. Existing vegetation sketch
3. Existing and proposed water areas
4. Existing and proposed accessory buildings and structures
5. Existing and proposed fences, landscaping, driveways, and parking areas

~~Family farming activities and associated sales of agricultural produce including but not limited to the following:~~

~~Apiculture  
Dairying  
Forestry  
Crop raising  
Greenhouses and nurseries  
Groves~~

Horticulture  
Livestock-raising  
Nurseries  
Pisciculture  
Poultry and egg production  
Mushroom-raising

All such family activities and associated sales of agricultural produce are subject to subsection F (special restrictions) of this Section.

Private stables and kennels in conjunction with a single family dwelling.

Residential accessory use, subject to Sec. 500.1.

Single family dwellings and its customary accessory uses:

Private garage accessory to a principal residence

Private swimming pool accessory to a principal residence. (subject to Sec. 500.14)

**D. Property development regulations.**

**1. Minimum Lot Area and Dimensions.**

Area	5 acres
Width	300 feet
Depth	300 feet
Frontage	300 feet

**2. Minimum Yard Setback Requirements.**

Front	100 feet
Side (interior)	50 feet
Side (corner)	80 feet
Rear	100 feet

**3. Maximum Building Height, Total Floor Area, and Lot Coverage.**

Maximum building height:	35 feet
Maximum total floor area:	15% of the total lot area
Maximum lot coverage	10% of the total lot area

**4. Minimum Floor Area Requirements.**

One bedroom	525 square feet
Two bedrooms	800 square feet
Three bedrooms	800 square feet
More than three bedrooms	800 square feet plus 100 square feet for each additional bedroom.

**4.5. Special Setback from PC-Preservation/Conservation District.** No structure within the CR-Conservation Restricted Use District shall be closer than one hundred feet (100') from any PC-Preservation/Conservation boundary lines.

**E. Special regulations.**

1. Access. (~~see subject to~~ Sec. 500.20)
2. Offstreet parking. (~~see subject to~~ Sec. 500.17)
3. Offstreet loading. (~~see subject to~~ Sec. 500.19)
4. Parking, storing, keeping of commercial and recreational vehicles. (~~see subject to~~ Sec. 500.18)
5. Landscaping. (See Palm Beach County Landscaping Ordinance)
6. Fences and walls. (~~see subject to~~ Sec. 500.15)
7. Performance standards. (~~see subject to~~ Sec. 500.16)

**F. Special restrictions.**

1. Any use which has an adverse impact upon the habitat or archeological site causing the deterioration of the habitat or physically altering any archaeologically significant environment is prohibited.
2. Intense activity levels of the uses permitted herein without due consideration of the compatibility of the activity with natural resources is also prohibited.
3. Any alteration of the soils, vegetation, or water levels beyond the minimum required to accommodate the uses permitted herein is prohibited.

**626. 625. NE-O-Native Ecosystem Overlay District.**

- A. Purpose and intent.** The purpose and intent of the Native Ecosystem Overlay (NE-O) District is to ensure the protection of environmentally sensitive lands in unincorporated Palm Beach County, while ensuring development options by permitting flexibility in development regulations.
- B. Applicability.** The provisions of the NE-O District shall apply to all development within the boundaries of the NE-O District.
- C. Boundaries.** The NE-O District shall include within its boundaries, the following lands.
1. Type "A" quality native upland ecosystems. Lands identified as "A" Quality Native Upland Ecosystems in the Environmentally Sensitive Lands Ordinance.
  2. Other "A" quality ecosystems. Lands identified as "A" Quality Ecosystems in the Palm Beach County Comprehensive Plan, Conservation Element, Policy 2-a and Land Use Element, Policy 1-d.
  3. Twenty five percent (25%) set aside. Uplands with native ecosystems to which the twenty five percent (25%) set-aside would be applicable as required by the Palm Beach County Vegetation Preservation and Protection Ordinance.
  4. Water resources protection areas. Lands which have a high potential for water resources protection, such as aquifer recharge areas and present and potential wellfield areas.
- D. Conflict with other applicable regulations.** When the provisions of the NE-O District conflict with other regulations applicable to the District, the provisions of this section shall prevail, except when superseded by State or federal law.
- E. Overlay Uses.** In the NE-O District, no development shall be permitted except for the following uses.

Underlined language (e.g., the) indicates proposed new language.  
 Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

1. Permitted uses. Uses permitted as of right in the underlying Zoning District, are permitted as of right in the NE-O District.
2. Special permit uses. Uses subject to Special Permit Regulations in the underlying Zoning District, shall be permitted in the NE-O District in accordance with the Special Permit Regulations of the underlying Zoning District and the requirements of Sec. 401.6.
3. Special exception subject to Board of County Commission approval. Special exception uses in the underlying Zoning District shall be permitted in the NE-O District, in accordance with the conditions and provisions of Chapter I, Section 102, Chapter IV, Sections 400, 400.1, 401, and other regulations as set forth and defined in this Zoning Code.

F. Property development regulations. The development of lands within the NE-O District shall be subject to the property development regulations of the underlying Zoning District, and the requirements of the environment considerations in the Land Development Ordinance, except that the following property development regulations shall be modified by the Zoning Director upon a written request and if the following standards are met.

1. Off-street parking. Off-Street parking requirements shall be reduced by up to thirty percent (30%) if:
  - a. A development permitted by the underlying Zoning District cannot be feasibly designed with the required off-street parking spaces, because of the locations of "A" Quality Native Uplands Ecosystems, "A" Quality Ecosystems, or the "twenty five percent (25%)" set aside on the subject property.
  - b. An alternative plan of development is prepared for the property that provides the maximum number of off-street parking spaces that are practically feasible, with a total impervious surface area design that does not exceed fifty percent (50%) of the lot coverage requirement, while ensuring the proposed development is not disruptive to Type "A" Quality Native Upland Ecosystems, "A" Quality Ecosystems, or lands set aside pursuant to the "twenty five percent (25%)" set aside requirement; and
  - c. The alternative plan of development is consistent with the purpose and intent of the NE-O District.
2. Density and intensity. The calculation of maximum density or lot coverage shall be based on gross lot area.
3. Off-street loading. Off-Street loading requirements may be eliminated if:
  - a. A development permitted by the underlying Zoning District cannot be feasibly designed with the required off-street loading space because of the location of "A" Quality Native Uplands Ecosystems, "A" Quality Ecosystems, or the "twenty five percent (25%)" set aside on the subject property; and
  - b. An alternative plan of development is prepared for the property with a total impervious surface area not exceeding sixty five percent (65%) of the lot coverage requirements, while ensuring that the proposed development is not disruptive to "A" Quality Native Uplands Ecosystems, "A" Quality Ecosystems, and the "twenty five percent (25%)" set aside requirement; and
  - c. The alternative plan of development is consistent with the purpose and intent of the NE-O District.

Underlined language (e.g., the) indicates proposed new language.

Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

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4. Height. Height restrictions shall be waived if the lot coverage requirement does not exceed sixty percent (60%) of that otherwise allowed by the underlying Zoning District, and the total impervious surface area requirement does not exceed sixty five percent (65%) of the lot coverage requirement.
5. Setbacks. Yard setback requirements shall be modified if:
- a. A development permitted by the underlying Zoning District cannot be feasibly designed with the required setbacks because of the location of "A" Quality Native Upland Ecosystems, "A" Quality Ecosystems, or the "twenty five percent (25%)" set aside on the subject property; and
  - b. An alternative plan of development is prepared for the property that complies to the greatest extent practicable with the setback requirements, while ensuring the proposed development is not disruptive to "A" Quality Native Upland Ecosystems, "A" Quality Ecosystems, or lands set aside pursuant to the "twenty five percent (25%)" set aside requirement; and
  - c. The alternative plan of development is consistent with the purpose and intent of the NE-O District.
6. Lighting. All exterior lighting shall be shielded and directed away from native vegetation.
- G. Performance standards. All development within the NE-O District shall comply with the rules and regulations of all governmental agencies having appropriate jurisdiction, and all other applicable requirements of the Zoning Code.

**627. WCRA-O-Westgate/Belvedere Homes Community Redevelopment Study Area Overlay District.**

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

The use of community redevelopment powers enables the Board of County Commissioners and the Westgate/Belvedere Homes CRA to make public improvements which encourages and enhances private investment and neighborhood stability, prevents continuation of inefficient and incompatible land use patterns, and assists revitalization and rehabilitation of older commercial and residential areas in the Westgate/Belvedere Homes area.

In recognition of the special needs of the Westgate/Belvedere Homes area, the Westgate/Belvedere Homes Community Redevelopment Study Area Overlay (WCRA-O) District is established with the purpose and intent of: encouraging development and redevelopment of the Westgate/Belvedere Homes area through regulatory incentives; arresting deterioration of property values; preserving existing, viable affordable housing and providing opportunity for the future development of affordable housing; and implementing the Westgate/Belvedere Homes Community Redevelopment Plan; and under certain circumstances, providing for increased residential densities and an increase of up to twenty percent (20%) in the amount of land

designated as commercial on the Land Use Atlas Map without amendment to the Palm Beach County Comprehensive Plan.

- B.** Applicability. The provisions of the WCRA-O District shall apply to all development within the boundaries of the WCRA-O District. In addition to the provisions in the WCRA-O District, all development in the District shall comply with all other requirements of this Zoning Code and all other relevant Palm Beach County regulations.
- C.** Boundaries. The WCRA-O District consists of those lands within unincorporated Palm Beach County bounded by Okeechobee Boulevard on the north, Belvedere Road on the south, Florida Mango Road on the east, and Military Trail on the west. This description does not limit the CRA's ability to amend its boundaries. The WCRA-O District shall be amended as appropriate to conform to any boundary changes of the Westgate/Belvedere Homes Community Redevelopment Area.
- D.** Conflict with other applicable regulations. Where the provisions of the WCRA-O District conflict with other regulations applicable to the WCRA-O District, the provisions of this section shall prevail. Where provisions of the WCRA-O District are not in conflict with other relevant regulations, the stricter regulations shall prevail.
- E.** Overlay district uses. In the WCRA-O District, no development shall be permitted except for the following uses:
- 1.** Permitted uses. Uses permitted by right in the underlying Zoning District, except for adult entertainment establishments and day-labor employment centers, are permitted as of right in the WCRA-O District. Additionally, residential land uses will be permitted in the Commercial land use sub-categories as described in the Palm Beach County Comprehensive Plan.
  - 2.** Special permit uses. Uses subject to Special Permit Regulations in the underlying Zoning District, except for adult entertainment establishments and day-labor employment centers, shall be permitted in the WCRA-O District in accordance with the Special Permit Regulations of the underlying Zoning District, and Sec. 401.6.
  - 3.** Special exceptions uses subject to Board of County Commission approval. Special exceptions uses in the underlying Zoning District, except for adult entertainment establishments and day-labor employment centers, shall be permitted in the WCRA-O District in accordance with the special exception regulations imposed by the underlying Zoning District and the conditions and provisions of Chapter 1, Section 102, Chapter IV, Section 400, 400.1, and other regulations as set forth and defined in the Zoning Code.

Additionally, any residential or industrial land uses may be approved as commercial special exceptions, subject to the following:

- a.** The commercial land use designations in the WCRA-O District in the Palm Beach County Comprehensive Plan shall not be exceeded by more than twenty percent (20%), and the request is recommended for approval by the Westgate CRA.
- b.** The proposed special exception commercial development advances the purpose and intent of the Westgate/Belvedere Homes Community Redevelopment Plan, and does not have an adverse impact on surrounding land uses.
- c.** The special exception is recommended by the Westgate CRA in accordance with the standards established in the Westgate/Belvedere Homes Redevelopment Plan.

F. Property development regulations. The development of lands within the WCRA-O District shall be subject to the property development regulations of the underlying Zoning District, except for the following:

1. Residential density bonus. Residential densities permitted by the underlying Land Use Atlas Map designation of the Palm Beach County Comprehensive Plan may be increased by the Board of County Commissioners through the special exception process, provided that:
  - a. The proposed residential development advances the purpose and intent of the WCRA-O District and the Goals, Objectives, and Policies of the Palm Beach County Comprehensive Plan, the Westgate/Belvedere Homes Community Redevelopment Plan, and does not have an adverse effect on any surrounding land uses;
  - b. The increased densities are consistent with the criteria established in the Westgate/Belvedere Homes Community Redevelopment Plan for the increase of residential densities, and does not have an adverse effect on any surrounding land uses;
  - c. The additional residential units permitted do not exceed a cumulative total of three hundred (300) dwelling units, as had been originally allocated to the WCRA-O District by the Palm Beach County Comprehensive Plan. After the pool has been exhausted, requests for density increases may be approved by the Board of County Commissioners through the Comprehensive Plan amendment process.
  - d. The proposed residential density bonus is initially recommended by the Westgate CRA.
2. Special standards for non-residential development. In addition to the development standards contained in the Zoning Code, the following special development standards shall be required of all non-residential development within the WCRA-O District, at or before the time of construction as deemed appropriate by the County.
  - a. Sidewalks. Concrete sidewalks shall be installed along the complete property frontage and in accordance with the design guidelines of Westgate/Belvedere Homes Community Redevelopment Area Plan.
  - b. Buffers. Any proposed non-residential use shall provide upgraded buffer areas of a minimum of ten feet (10') in width on all property boundaries which are contiguous to land designated as residential by the Palm Beach County Comprehensive Plan. These buffer areas will also be required for non-residential land uses abutting Nokomis Avenue and Cherokee Avenue. The upgraded buffer shall include:
    1. Six foot wall. A six foot (6') high opaque concrete block wall, textured or surfaced with stucco or other appropriate materials which coordinate with or echo the design and colors of the principal structure on the property;
    2. Hedge. A hedge of native vegetation twenty-four (24") in height, spaced twenty four (24") inches on center; and

3. Native canopy trees. ~~Native canopy trees, a minimum ten feet (10') in height with a minimum six foot (6') spread, spaced twenty feet (20') on center. For buffers required on Nokomis Avenue and Cherokee Avenue, canopy trees shall be placed on alternative sides of the wall, spaced twenty feet (20') on center.~~
- c. Exterior speaker systems prohibited. ~~Outdoor audio speaker systems that are audible from adjoining residential property lines shall be prohibited.~~
- d. Landscaping. ~~All development shall comply with the landscaping standards of Sec. 500.35. Development with frontage on Wabasso Drive, Congress Avenue, Seminole Boulevard and Westgate Avenue shall comply with the streetscape design guidelines of the Westgate/Belvedere Homes Community Redevelopment Area Plan.~~
- e. Signage. ~~Signage shall comply with the requirements of the Sign Code, with the following exceptions:~~
1. Prohibited signs. ~~In addition to the signs prohibited by the Sign Code, the following types of signs shall also be prohibited in the WCRA-O District.~~
    - Flashing signs.  
~~Any flag where its longest side is greater in length than twenty percent (20%) of the length of the flagpole or standard.~~
    - Advertising flags, foreign flags, pennants, banners, streamers and balloons.
    - Electronic message boards.
    - Bus bench advertising.
    - Rooftop and billboard signs.
  2. Sign face. ~~Signs shall be limited to one (1) square foot per two linear feet (2') of frontage up to a one hundred (100) square foot maximum, with a limit of one (1) sign per frontage., except for properties fronting on Okeechobee Boulevard, Military Trail, Congress Avenue and Belvedere Road.~~
  3. Tenant identification sign. ~~All tenant identification signs shall be unified in design and those not attached to the building shall be located within a single cabinet or frame., except for properties fronting on Okeechobee Boulevard, Military Trail, Congress Avenue and Belvedere Road.~~
  4. Setback. ~~Signs shall be setback at least five feet (5') from any sidewalk. No portion of any sign may be placed so as to overhang the public right-of-way., except for properties fronting on Okeechobee Boulevard, Military Trail, Congress Avenue and Belvedere Road.~~
  5. Pole signs. ~~Pole signs shall be limited to fifteen feet (15') in height, with monument signs used whenever possible., except for properties fronting on Okeechobee Boulevard, Military Trail, Congress Avenue and Belvedere Road.~~
- f. Lighting. ~~All development shall comply with the following lighting standards, in addition to those requirements in Sec. 500.43.~~
1. Casting of illumination. ~~All types of illumination shall be downcast and shall not overflow to adjacent property.~~

2. Wall fixture lights. Attached wall fixture lights shall be mounted no higher than five feet (5') above the first story. They shall not be located on building roofs.
3. Parking lot light fixtures. Parking lot light fixtures shall be a maximum of twenty five feet (25') high, and shall be located a minimum of forty feet (40') apart.
4. Prohibition of roof top lighting. Roof top lighting shall be prohibited.
5. Scaling of light fixtures. Lighting fixtures shall be scaled to pedestrians, and shall be appropriate in design to the building and site.

g. Building design.

1. Materials. The use of imitation rock, imitation wood, corrugated metal, fiberglass siding or other such materials shall be prohibited.
2. Color. Earth or neutral tones should be used as the dominant background color of a structure.
3. Roof, trim, and awnings. Roof, trim, and awnings and canopy accent colors shall be coordinated with building colors.
4. Screening of mechanical equipment, utility structures, and trash receptacles. Materials similar to that of the primary structure shall be used to screen mechanical equipment, utility structures, and trash receptacles.
5. Entrances to buildings. Additional entries to the building from side or rear parking lots are encouraged.
6. Building facade. Detailing of the building facade should be appropriate to the building size.

h. Fences. For nonresidential development fences shall, by January 1, 1995, be set back fifty feet (50') from the front property line.

i. Open space for multiple family development. Forty five percent (45%) of the total site for multiple family development shall be open space. Sixty percent (60%) of the total on-site open space shall be usable open space.

i. Lot frontage and access designated in commercial area. A two lot tier commercial land use strip, depicted by the Land Use Plan Atlas Map along Westgate Avenue is established for the area bounded by Cherokee Avenue on the north, Nokomis Avenue on the south, Congress Avenue on the east and the section line between Section 25, T43S, R42E and Section 30, T43S, R43E on the west. Commercial development within this area shall comply with the following standards.

1. Front footage. A minimum frontage of fifty feet (50') shall be established along Westgate Avenue.
2. Access. Access shall be permitted only to Westgate Avenue, Wabasso Drive, Tallahassee Drive, Seminole Boulevard, Suwanee Drive, Osceola Drive, and Loxahatchee Drive.

3. Integrated site plan. Development of a lot that does not front on Westgate Avenue shall be allowed to rezone for commercial use if it is combined in an integrated site plan with a lot or lots fronting on Westgate Avenue. The Board of County Commissioners may permit secondary access from Cherokee Avenue or Nokomis Avenue as long as such access has no adverse traffic impacts and is compatible with surrounding land uses. The Board of County Commissioners shall permit secondary access from other streets as long as such access has no adverse traffic impact and is compatible with surrounding land uses.

3. Site Plan. All new commercial or industrial and residential development of more than two (2) dwelling units shall be subject to the site plan review process.

G. Amendment of zoning map within WCRA-O District. All amendments to the zoning map within the WCRA-O District shall require an amendment to the underlying Zoning District, pursuant to Chapter IV, Section 401.4. Additionally,

1. Industrial zoning map amendment. Any zoning map amendment to an industrial Zoning District may be made on land located in the Flight Path of the Palm Beach International Airport without an amendment to the Land Use Atlas of the Palm Beach Comprehensive Plan to a industrial land use designation.

2. Commercial zoning map amendment. Any zoning map amendment to a Commercial Zoning District may be made on lands without a Commercial Designation on the Land Use Atlas of the Palm Beach Comprehensive Plan, provided the criteria of Section 627.E.3. are met.

628. R&T-O-Research and Technology Overlay District.

A new Sec. 628 is added as follows.

A. Purpose and intent. The purpose and intent of the Research and Technology Overlay (R&T-O) District is to protect critical manufacturing employers from the encroachment of incompatible land uses and activities; provide opportunities to locate accessory, auxiliary and supporting industrial land uses in close proximity to existing manufacturing facilities; and ensure the location of compatible adjacent land uses and activities in the District that complement manufacturing and high-tech operations that are related to the continuation and future development of the County's manufacturing and industrial base. The R&T-O is specifically included in the Ordinance to meet the Palm Beach County Comprehensive Plan provisions related to the Pratt-Whitney Overlay.

Additionally, all development within the R&T-O District shall: promote efficient and economical industrial land uses and the provision of adequate public facilities to serve proposed development; promote compatible industrial land use linkages by process, production or service; be compatible with surrounding land uses and activities; preserve and protect natural features and native vegetation so as to prevent ecological damage in part through the location of buildings and land use intensities; and encourage the continuation and future development of the County's manufacturing and industrial base.

B. Applicability. The provisions of the R&T-O District shall apply to all development within the boundaries of the R&T-O District.

C. Boundaries. The R&T-O District consists generally, of those lands in unincorporated Palm Beach County lying east and north of the Beeline Highway and the Pratt-Whitney facility, which includes all or portions of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, Township 41

Range 40; Sections 5, 6, 7, 8, 9, 17, 18 Township 41 Range 41; and Section 13, Township 41 Range 39. The precise boundaries of the R&T-O District are identified on the Zoning Atlas.

- D. Conflict with other applicable regulations. Where any provisions of the R&T-O District conflict with other applicable regulations, the provisions of this section shall prevail, except when superseded by State or federal law.
- E. Overlay uses. All permitted uses, special permit uses, and special exception uses in the R&T-O District shall be those of the underlying Zone District, subject to compliance with the following criteria.
1. The proposed development shall promote the Goals, Objectives, and Policies of the Palm Beach County Comprehensive Plan.
  2. The proposed development is consistent with the purpose and intent of the R&T-O District.
  3. The proposed development includes adequate, safe, and appropriate public facilities and services.
  4. The proposed development is not detrimental to existing land uses or the native ecosystems of the R&T-O District.
  5. The proposed development complies with the requirements of the NE-O District, the Environmentally Sensitive Lands Code, the Wetlands Code and other environmental Codes, as applicable.
  6. The proposed development complies with the utility siting criteria for the limited service area.
- F. Property development regulations. All development within the R&T-O District shall be subject to the Property Development Regulations of the underlying Zoning District, except where it is in the NE-O District it shall be subject to the development regulations of the NE-O District.
- G. Performance standards. All development within the R&T-O District shall comply with the rules and regulations of all governmental agencies having appropriate jurisdiction, and with all applicable requirements of the Zoning Code.

**629. GA-O-Glades Area Economic Development Overlay District.**

**A new Sec. 629 is added as follows.**

- A. Purpose and Intent. The Glades Area Economic Development Overlay (GA-O) District is intended to provide flexibility in the range of uses and property development regulations allowed in the underlying Zoning Districts in the Glades area and to accommodate uses which, if deemed appropriate, will increase job opportunities and improve the economic vitality of the area. In addition, the GA-O District will provide a set of regulations that recognize the character of the area.
- B. Applicability. The provisions of the GA-O District shall apply to all development located within the boundaries of the GA-O District. All Development Orders within the GA-O District shall comply with all applicable Joint Planning Area Agreements, pursuant to Florida statutes.
- C. Boundaries. The boundaries of the GA-O District shall be identified on the Zoning Atlas.

- D. Conflict with other applicable regulations. When the provisions of the GA-O District conflict with other regulations applicable to the site, the provisions of this section shall prevail.**
- E. Overlay uses. In the GA-O District, no building, structure or land or water use shall be permitted except for the following uses.**
- 1. Permitted uses. Uses permitted as of right in the underlying Zoning District are permitted as of right in the GA-O.**
  - 2. Special permit uses. Uses Subject to Special Permit Regulations in the underlying Zoning District shall be permitted in the GA-O District after compliance with the special permit regulations. In addition:**
    - a. Any single family dwelling unit required to relocate because of an eminent domain proceeding may relocate to lands in the AP-Agriculture Production Zoning District by receipt of a Special Permit; and**
    - b. Any non-conforming use may be expanded by receipt of a Special Permit.**
  - 3. Special exception uses subject to commission approval. Special Exception Uses Subject to Commission Approval in the underlying Zoning District shall be permitted in the GA-O District after compliance with the special exception regulations. Uses not otherwise permitted in the underlying Zoning Districts may be permitted as Special Exception Uses in the GA-O District after compliance with the special exception regulations and after the Commission determines that the proposed use meets the following criteria.**
    - a. Increases the number of jobs or provides needed housing;**
    - b. Does not adversely affect adjacent land uses;**
    - c. Is consistent with the Goals, Objectives and Policies of the Comprehensive Plan; and**
    - d. Helps to support existing or encourage additional Glades Area economic development.**

**D. Property development regulations.**

- 1. Minimum district area. Same as the underlying Zoning District.**
- 2. Minimum density. The Board of County Commissioners may consider the waiver of the minimum density requirement for proposed development in the Glades area when:**
  - a. The proposed development is consistent with the provisions of any "Joint Planning Area" agreement (Policy 4-d. Intergovernmental Coordination Element), and;**
  - b. An analysis is completed that addresses 1) the impact of a reduced density development on the overall infrastructure system; 2) the compatibility of the proposed development with adjacent land uses; and 3) the effect of the reduced density development of the ability of the County to meet its Goals, Objectives and Policies related to affordable housing. If the development is located in a municipal annexation area, the analysis must be performed by the annexing municipality.**

Underlined language (e.g., the) indicates proposed new language.

Language crossed out (e.g., ~~the~~) indicates language proposed to be deleted.

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3. Maximum density and intensity. Maximum density and intensity of uses within the GA-O District may be allowed to exceed those imposed by the underlying Zoning District and shall be determined by the Board of County Commissioners during the Special Exception review process.
4. Location of structures. Building permits in the GA-O District may be permitted between the one hundred and twenty foot (120') and two hundred and twenty foot (220') right-of-way line within the right-of-way of State Road 700 through Canal Point, from Third Street on the north to Triangle Park on the east, subject to approval of the County Engineer.

**630. Palm Beach International Airport Approach Conversion Area Overlay District (PBIA-O)**

**A new Sec. 630 is added as follows.**

- A. Purpose and intent. The Palm Beach International Airport Approach Path Conversion Area Overlay District (PBIA-O) recognizes that lands surrounding the Palm Beach International Airport are most suitable for campus-style industrial development over the long-term. The purpose of the PBIA-O District, therefore, are as follows: (1) to protect neighborhoods surrounding the Palm Beach International Airport from incompatible land development; (2) to protect airport operations from incompatible land development, and provide development regulations which will assure safe, unobstructed access for all aircraft which enter and exit the airport; (3) to allow property owners to initiate conversion to industrial use where appropriate; and (4) to allow property owner participation in the land use decision-making process.
- B. Applicability. The provisions of the PBIA-O District shall apply to all development located within the boundaries of the PBIA-O. Nothing herein shall require modification of an existing use, except as provided below.
- C. Boundaries. The PBIA-O District consists of those lands in unincorporated Palm Beach County bounded by Belvedere Road on the north, Southern Boulevard on the south, Military Trail on the east, and the Florida Turnpike on the west, except for municipally incorporated areas.
- D. Conflict with Other Applicable Regulations. Where the provisions of the PBIA-O District conflict with other regulations applicable to the District, the provisions of this section shall prevail, or as otherwise provided by the Comprehensive Plan.
- E. General Provisions.
  1. No use may be made of land within the PBIA-O District in such manner as to create electrical interference with radio communication between the airport and aircraft, or to make it difficult for pilots to distinguish between airport lights and others, or result in glare in the eyes of pilots using the airport, or impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off or maneuvering of aircraft.
  2. All development applications shall comply with the Airport Height Zoning Ordinance (78-2).
  3. All development within the PBIA-O District shall be compatible with Airport Operations, as determined by the Board of County Commissioners, using the standards established in the Palm Beach County Comprehensive Plan.
  4. All development must be consistent with FAA standards, guidelines, and regulations for land use compatibility and aviation safety.

**F. Review procedures.** All development requests within the PBIA-O District shall comply with the applicable provisions of Chapter IV, Administration and Procedures, of this Code. In addition to the following:

1. The applicant shall submit elevations of all existing and proposed structures, utility lines, or trees over thirty-five feet (35') in height.
2. Zoning petitions seeking new non-residential uses adjacent to existing residential uses or Zoning Districts shall be reviewed by the PBIA-O Committee, who shall present their recommendation to the Planning Commission.
3. Non-residential Land Use Plan amendments shall be reviewed by the PBIA-O Committee, who shall then present their recommendations to the Local Planning Agency.
4. A review of architectural treatment shall be conducted at prehearing by the Planning Department which will prepare and forward a staff report to the Zoning Division for incorporation into the report to the Board of County Commissioners. The review of architectural treatment will be based on the requirements of this section.

**G. Overlay District Uses**

1. Permitted uses. All residential, commercial and industrial uses permitted by right in the underlying Zoning District shall be permitted in the PBIA-O District. Industrial uses shall be permitted as a Planned Industrial Development approved pursuant to Sec. 401.2 (Special Exception). In no case shall adult entertainment establishments, bulk storage of gas and oil, and outdoor retail sales (other than nurseries) be permitted in the PBIA District.
2. Special permit uses. All residential, commercial and industrial uses classified as "Uses Subject to Special Permit Regulations" in the underlying Zoning District shall be permitted in the PBIA-O District after compliance with the Special Permit Regulations imposed by the underlying Zoning District.
3. Special exception subject to commission approval. All residential, commercial, and light industrial (IL) uses, classified as "Special Exceptions Subject to Commission Approval" in the underlying Zoning District, except for adult entertainment establishments, bulk storage of gas and oil, and outdoor retail sales (other than nurseries) shall be permitted in the PBIA-O District after compliance with the Special Exceptions regulations imposed by the underlying Zoning District.
4. Nonconforming Uses.
  - a. Existing residential uses. All residential uses which exist within the PBIA-O District at the time that the PBIA-O District provisions are adopted, shall not be classified as a nonconforming use.
  - b. Existing nonresidential uses. Commercial uses which exist with the PBIA-O District at the time that the PBIA-O District provisions are adopted and that meet the provisions of this section shall be classified as conforming uses. Commercial uses which exist within the PBIA-O at the time that the PBIA-O provisions are adopted that do not meet the provisions of this section shall be classified as nonconforming uses.

**H. Property development regulations.** The Property Development Regulations imposed by the underlying Zoning Districts shall prevail, except where modified by the following.

1. Unified control. Any development within PBIA-O District shall be developed under common ownership or unity of control as provided in Sec. 622.FI (PIPD).

2. Enclosed activities. All activities, except storage and sales of landscape material, shall be operated within enclosed buildings. Outside storage areas shall be effectively screened from collector and arterial roads and adjacent property by walls, fences, and/or landscaping.
3. Special Regulations for existing commercial and industrial development. Existing commercial and expansion of certain industrial uses in residential Zoning Districts or such uses adjacent to residential uses shall comply with the property development regulations of the PBIA-O District before a Certificate of Completion may be issued when a) a principal structure is redeveloped or b) expanded by more than twenty percent (20%) of more of gross floor area, in any one or more expansions.
4. Industrial rezoning criteria. Any land within the PBIA-O District shall be eligible for rezoning to the IL-Light Industrial District. Every application for industrial rezoning within the boundaries of the PBIA-O District, shall comply with Chapter IV, Section 401.4, District Boundary Changes (Rezoning), and the following:
  - a. Lands within the PBIA-O District that are currently being used for residential development or that have previously been approved for residential development may be rezoned to the Light Industrial Zoning District, regardless of their designation on the Land Use Plan Map if:
    1. The parcel has a minimum contiguous area of at least five (5) acres and abuts a designated thoroughfare right-of-way; or
    2. The parcel has a minimum contiguous area of at least ten (10) acres.
  - b. Lands within the PBIA-O District that are currently vacant and do not have prehearing certification or site plan approval at the time of Comprehensive Plan adoption may be rezoned to the Light Industrial Zoning District regardless of their designation on the Land Use Plan Map only if:
    1. The parcel has a minimum contiguous area of a least five (5) acres, abuts a roadway shown on the County's Thoroughfare Right-of-Way Protection Plan, and is not contiguous on more than two sides (2) to existing residential development.
    2. The parcel has a minimum contiguous area of at least ten (10) acres if the parcel does not abut a roadway shown on the County's Thoroughfare Right-of-Way Protection Plan, and is not contiguous on more than two sides (2) to existing residential development.
5. Minimum dimensions and yard setbacks.
  - a. Commercial development. Setbacks and lot dimensions for commercial development shall be governed by the requirements of Sec. 622.H.3.a. and b. (PIPD).
  - b. Industrial Development. Setbacks and lot dimensions for industrial development shall be governed by the requirement of Sec. 622.H.1.a. and b. (PIPD).

**6. Maximum height for industrial and commercial development.**

Building height: 35 feet maximum when immediately adjacent to an existing residential use. Building height must comply with the provisions of the Airport Height Ordinance (78-2).

Exception: All commercial and industrial developments immediately adjacent to an existing residential use and greater than thirty-five (35) feet shall be permitted if an additional three (3) feet is added to all setbacks for each story above thirty-five (35) feet, except where prohibited by the Airport Height Ordinance (78-2).

**7. Access to industrial uses. Access to industrial uses shall not be from local streets.**

**8. Off-street parking for commercial or industrial developments. For industrial or commercial uses, no parking is permitted in front of buildings. Parking shall be permitted on the sides and rear of buildings only.**

**9. Commercial vehicle parking and loading. No truck, or tractor-trailer parking or loading shall be permitted closer than forty-five (45) feet to the lot lines abutting a residential Zoning District. (Inclusive of the buffer).**

**10. Landscaping. In addition to the provisions of Sec. 500.35 (Landscape Code), the following provisions must be met where a use is proposed, which is incompatible with an adjacent development or Zoning District.**

**a. Minimum dimensions.**

**1. Minimum width. The minimum width of the landscape strip shall be ten feet (10').**

**2. Minimum length. The landscape strip shall extend along the length of the perimeter between the commercial or industrial lot and the abutting lot or Zoning District.**

**b. Mandatory landscape barrier. A landscape barrier shall be constructed within the landscape buffer. The landscape barrier shall consist of a solid (CBS) concrete block and steel wall with a continuous footing or an alternative acceptable to the Department, having a height no less than six feet (6') measured from the highest grade on either side of the abutting lots. The exterior side of the masonry wall shall be given a finished architectural treatment which is compatible and harmonizes with existing development.**

**c. Planting instructions. Trees shall be planted on alternating sides of the wall at intervals of twenty feet (20'). Trees shall have a minimum height of ten feet (10'). An eighteen inch (18") hedge shall be planted on the exterior side of the wall, between the trees and wall, and running the length of the wall.**

**11. Lighting. In addition to the Palm Beach County Lighting Code, lighting, within the PBIA-O District, shall meet the following:**

**a. There shall be no roof top lighting.**

**b. Lighting fixtures should be limited to the minimum needed for essential lighting of the site and building.**

c. Lighting must be scaled to pedestrians for sites and/or buildings adjacent to residential uses.

**12. Noise compatibility and abatement requirements.**

a. Commercial uses shall be consistent with uses and noise reduction construction standards recommended by EPA and FAA, and shall be consistent with the FAA land use compatibility guidelines given in Table 629.I.

b. For any commercial or industrial use, noise abatement measures incorporated into the design and construction of the structure must be used to achieve Noise Level Reduction (NLR) demonstrable to 25 Ldn, for reception, lounge, and office areas.

c. No outdoor speakers shall be allowed which are audible at the property line.

**13. Architectural treatment. Architectural treatment shall be incorporated into all sides of the facade, physical layout, and construction of a proposed use to provide an attractive addition to the neighborhood. It should achieve compatibility of design with adjacent uses. Architectural treatment shall, at a minimum:**

a. Physically identify the type and character of the use.

b. Accommodate the surrounding natural and/or built environment with buildings, their siting, landscaping, lighting, and parking scaled for compatibility with the adjacent land use; and,

c. Be a visual asset to the PBIA-O District.

TABLE 624.1

LAND USE COMPATIBILITY  
WITH YEARLY DAY-NIGHT  
AVERAGE SOUND LEVELS

<u>Land Use</u>	<u>Yearly day-night average sound level (Ldn) in decibels</u>					
	<u>Below 65</u>	<u>65-70</u>	<u>70-75</u>	<u>75-80</u>	<u>80-85</u>	<u>Over 85</u>
<b>Residential</b>						
Residential, other than mobile homes & transient lodgings	Y	N(1)	N(1)	N	N	N
Mobile Home Parks	Y	N	N	N	N	N
Transient lodgings	Y	N(1)	N(1)	N	N	N
<b>Public Use</b>						
Schools	Y	N(1)	N(1)	N	N	N
Hospital and Nursing Homes	Y	25	30	N	N	N
Churches, auditoriums, concert halls	Y	25	30	N	N	N
Governmental services	Y	Y	25	30	N	N
Transportation	Y	Y	Y(2)	Y(3)	Y(4)	Y(4)
Parking	Y	Y	Y(2)	Y(3)	Y(4)	N
<b>Commercial Use</b>						
Offices, businesses and professional	Y	Y	25	30	N	N
Wholesale and retail--building materials, hardware and farm equip.	Y	Y	Y(2)	Y(3)	Y(4)	N
Retail trade--general	Y	Y	25	30	N	N
Utilities	Y	Y	Y(2)	Y(3)	Y(4)	N
Communication	Y	Y	25	30	N	N
<b>Manufacturing and Protection</b>						
Manufacturing, general	Y	Y	Y(2)	Y(3)	Y(4)	N
Photographic and optical	Y	Y	25	30	N	N
Agriculture (except livestock) and forestry	Y	Y(6)	Y(7)	Y(8)	Y(8)	Y(8)
Livestock farming and breeding	Y	Y(6)	Y(7)	N	N	N
Mining and fishing, resource production and extraction	Y	Y	Y	Y	Y	Y
<b>Recreational</b>						
Outdoor sports arenas and spectator sports	Y	Y(5)	Y(5)	N	N	N
Outdoor music shells, amphitheatres	Y	N	N	N	N	N
Nature exhibits and zoos	Y	Y	N	N	N	N
Amusements, parks, resorts and camps	Y	Y	Y	N	N	N
Golf courses, riding stables	Y	Y	25	30	N	N

Numbers in parentheses refer to notes

**KEY**

- SLUCM = Standard Land Use Coding Manual.
- Y(Yes) = Land Use and related structures compatible without restrictions.
- N(No) = Land Use and related structures are not compatible and should be prohibited.
- NLR = Noise Level Reduction (outdoor to indoor) to be achieved through incorporation of noise attenuation into the design and construction of structure.
- 25 30 or 35 = Land Use and related structures generally compatible; measures to achieve NLR of 25, 30, or 35 dB must be incorporated into design and construction of structure.

**NOTES**

- (1) Where the community determines that residential or school uses must be allowed, pressures to achieve outdoor to indoor Noise Level Reduction (NLR) of at least 25 dB and 30 dB should be incorporated into building codes and be considered in individual approvals. Normal residential construction can be expected to provide a NLR of 20 dB, thus, the reduction requirements are often stated as 5, 10 or 15 dB over standard construction and normally assume mechanical ventilation and closed windows year round. However, the use of NLR criteria will not eliminate outdoor noise problems.
- (2) Measures to achieve NLR 25 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise-sensitive areas or where the normal noise level is low.
- (3) Measures to achieve NLR of 30 dB must be incorporated into the design and construction of portions of these buildings where public is received, office areas, noise-sensitive areas or where the normal noise levels is low.
- (4) Measures to achieve NLR 35 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise-sensitive areas or where the normal level is low.
- (5) Land Use compatible provided special sound reinforcement systems are installed.
- (6) Residential buildings require an NLR of 25.
- (7) Residential buildings require an NLR of 30.
- (8) Residential buildings not permitted.

Source: Federal Aviation Regulations 14 CFR Part 150, effective January 18, 1985.

**PART 2. CAPTIONS.**

The Captions, section headings, and section designations used in this Ordinance are intended for convenience of users only and shall have no effect on the interpretation of the provisions of this Ordinance.

**PART 3. REPEAL OF LAWS IN CONFLICT.**

All local laws and Ordinances applying to Palm Beach County in conflict with any provisions of this Ordinance are hereby repealed.

**PART 4. SEVERABILITY.**

Should any section, paragraph, sentence, clause, or word of this Ordinance be held to be unconstitutional, inoperative, or void, such holding shall not effect the validity of the remainder of this Ordinance.

**PART 5. INCLUSION IN CODE.**

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida, and the various sections may be retitled, renumbered, or relettered to accomplish this purpose.

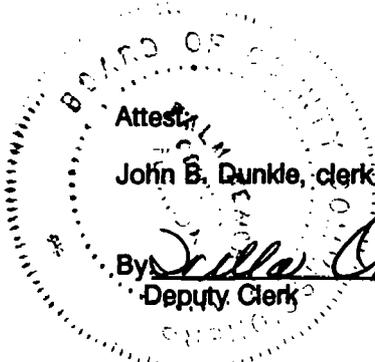
**PART 6. EFFECTIVE DATE.**

The provisions of this Ordinance shall become effective upon receipt of acknowledgement by the Department of State of the State of Florida.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on the 30th day of January, 1990.

**PALM BEACH COUNTY, FLORIDA by its  
BOARD OF COUNTY COMMISSIONERS**

By: Carol E. August  
Chair



Attest:  
John B. Dunkle, clerk

By: Willa Oswalt  
Deputy Clerk

Approved as to form  
and legal sufficiency:

By: [Signature]  
County Attorney

Acknowledgement by the Department of the State of the State of Florida, on this, the 5th day of February, 1990.

**EFFECTIVE DATE:** Acknowledgement from the Department of State received on the 7th day of February, 1990, at 11:29 A.M. and filed in the Office of the Clerk of the Board of County Commissioners of Palm Beach County, Florida.