ORDINANCE 2017 - 007

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCES 2003-067, AS AMENDED, AS FOLLOWS: **ARTICLE 1 – GENERAL PROVISIONS:** CHAPTER B, INTERPRETATION OF CODE; CHAPTER C, RULES OF CONSTRUCTION AND MEASUREMENT; CHAPTER F, NONCONFORMITIES; CHAPTER I, DEFINITIONS & ACRONYMS; **ARTICLE 2 – DEVELOPMENT REVIEW PROCEDURES:** CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCESS; CHAPTER D, ADMINISTRATIVE PROCESS; CHAPTER E, PRIOR APPROVALS; CHAPTER G, EMINENT DOMAIN; **ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS:** CHAPTER A, GENERAL; CHAPTER B, OVERLAYS; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS (PDRs); CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS (TDD's); **ARTICLE 4 – USE REGULATIONS:** CHAPTER A, USE CLASSIFICATION; CHAPTER B, SUPPLEMENTARY USE STANDARDS; CHAPTER C, COMMERCIAL COMMUNICATION TOWER; CHAPTER D, EXCAVATION; **ARTICLE 5 – SUPPLEMENTARY STANDARDS:** CHAPTER B, ACCESSORY AND TEMPORARY USES; CHAPTER C, DESIGN STANDARDS; CHAPTER E, PERFORMANCE STANDARDS; CHAPTER H, MASS-TRANSIT STANDARDS; **ARTICLE 6 – PARKING:** CHAPTER A, PARKING; **ARTICLE 7 – LANDSCAPING:** CHAPTER A, GENERAL; CHAPTER F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS; **ARTICLE 8 – SIGNAGE:** CHAPTER F, GENERAL PROVISIONS FOR ALL SIGN TYPES; **ARTICLE 9 – ARCHAEOLOGICAL AND HISTORICAL PRESERVATION:** CHAPTER A, ARCHAEOLOGICAL RESOURCES PROTECTION; **ARTICLE 10 – ENFORCEMENT:** CHAPTER C, GROUNDWATER AND NATURAL RESOURCES PROTECTION BOARD; CHAPTER E, REMEDIES; **ARTICLE 11 – SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS:** CHAPTER B, SUBDIVISION REQUIREMENTS; CHAPTER E, REQUIRED IMPROVEMENTS; **ARTICLE 12:** TRAFFIC PERFORMANCE STANDARDS: CHAPTER J, TRANSPORTATION CONCURRENCY MANAGEMENT AREAS (TCMA); CHAPTER L, TRANSPORTATION CONCURRENCY EXEMPTION FOR PROJECTS THAT PROMOTE PUBLIC TRANSPORTATION; CHAPTER Q, PROPORTIONATE FAIR-SHARE PROGRAM; **PROVIDING FOR:** INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

WHEREAS, Section 163.3202, Florida Statutes, mandates the County compile Land Development Regulations consistent with its Comprehensive Plan into a single Land Development Code; and

WHEREAS, pursuant to this statute the Palm Beach County Board of County Commissioners (BCC) adopted the Unified Land Development Code (ULDC), Ordinance 2003-067, as amended from time to time; and

WHEREAS, the BCC has determined that the proposed amendments further a legitimate public purpose; and

WHEREAS, the Land Development Regulation Commission has found these amendments to the ULDC to be consistent with the Palm Beach County Comprehensive Plan; and

WHEREAS, the BCC hereby elects to conduct its public hearings on this Ordinance at 9:30 a.m.; and

WHEREAS, the BCC has conducted public hearings to consider these amendments to the ULDC in a manner consistent with the requirements set forth in Section 125.66, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. Adoption

The amendments set forth in Exhibits listed below, attached hereto and made a part hereof, are hereby adopted.

- Ordinance Title
- Exhibit A - Article 1, General Provisions
- Exhibit B - Article 2, Development Review Process
- Exhibit C - Article 3, Overlays and Zoning Districts
- Exhibit D - Article 4, Use Regulations
- Exhibit E - Article 5, Supplementary Standards
- Exhibit F - Article 6, Parking
- Exhibit G - Article 7, Landscaping
- Exhibit H - Article 8, Signage
- Exhibit I - Article 9, Archaeological and Historical Preservation
- Exhibit J - Article 10, Enforcement
- Exhibit K - Article 11, Subdivision, Platting, and Required Improvements
- Exhibit L - Article 12, Traffic Performance Standards

Section 2. Interpretation of Captions

All headings of articles, sections, paragraphs, and sub-paragraphs used in this Ordinance are intended for the convenience of usage only and have no effect on interpretation.

Section 3. Repeal of Laws in Conflict

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 4. Severability

If any section, paragraph, sentence, clause, phrase, word, map, diagram, or any other item contained in this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, void, or otherwise invalid, such holding shall not affect the remainder of this Ordinance.

Section 5. Savings Clause

All development orders, permits, enforcement orders, ongoing enforcement actions, and all other actions of the Board of County Commissioners, the Zoning Commission, the Development Review Officer, Enforcement Boards, all other County decision-making and advisory boards, Special Masters, Hearing Officers, and all other County officials, issued pursuant to the regulations and procedures established prior to the effective date of this Ordinance shall remain in full force and effect.

Section 6. Inclusion in the Unified Land Development Code

The provisions of this Ordinance shall be codified in the Unified Land Development Code and may be reorganized, renumbered or re-lettered to effectuate the codification of this Ordinance.

Section 7. Providing for an Effective Date

The provisions of this Ordinance shall become effective upon filing with the Department of State.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the 23rd day of February, 2017.

SHARON R. BOCK, CLERK & COMPTROLLER

By: _____
Deputy Clerk

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

By: _____
Paulette Burdick, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: _____
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the 2nd day of March, 2017.

EXHIBIT A

ARTICLE 1, GENERAL PROVISIONS
SUMMARY OF AMENDMENTS

Part 1. ULDC Art. 1.B.1.A, Authority, (page 6 of 119), is hereby amended as follows:

CHAPTER B INTERPRETATION OF THE CODE

Section 1 Interpretations

A. Authority

Interpretations to this Code and the Official Zoning Map shall be made by the Executive Director of PZB or designee with the following exceptions: **[Ord. 2011-016]**

....

3. The County Engineer shall have the authority to make all interpretations of Art. 4.B.10.B.7.a 10), Hauling Standards; Art. 4.B.10.B.7.b.2)c), Drainage; 4.B.10.C.5.g.5, Haul Agreement; Art. 6.C, Driveways and Access; Art. 11, Subdivision, Platting, and Required Improvements; and Art. 12, Traffic Performance Standards; **[Ord. 2011-016]**

....

5. The Director of ERM shall have the authority to make all interpretations of ~~ART~~. Art. 14, Environmental Standards and ~~Article 4.D, EXCAVATION~~ to interpret the following parts of Art. 4.B.10, Excavation Uses in consultation with the Executive Director of PZB or designee as appropriate: Art. 4.B.10.B.4.b.8), WCAA Canals, Art. 4.B.10.B.4.b.9); Mitigation Projects, Art. 4.B.10.B.4.b.10), Wetlands; Art. 4.B.10.B.4.b.13), Canals of Conveyance; Art. 4.B.10.B.7.c.1)a)(2), Littoral Planting; Art. 4.B.10.B.7.c.3), Littoral Planting Reclamation Standards; Art. 4.B.10.B.7.c.5), Area of Record; Art. 4.B.10.B.7.d.5)b), Excavated Area; Art. 4.B.10.B.7.d.5)c), Littoral Zones; Art. 4.B.10.B.7.d.6)b), Excavated Area and Litoral Zones; Art. 4.B.10.B.7.d.7)a), Excavated Areas for Type 3 Excavation; Art. 4.B.10.B.7.e, Maintenance and Monitoring; Art. 4.B.10.B.8.a, Administrative Waiver from Construction Criteria for Agricultural, WCAA, Type 2 and Type 3 Excavations; Art. 4.B.10.B.8.b.1), Violations; Art. 4.B.10.B.8.f, Use of Collected Monies; Notice of Intent to Construct in Art. Art. 4.B.10.B.6, Art. 4.B.10.C.1.h; Art. 4.B.10.C.1.i.6); and, Art. 4.B.10.C.5.g.6); Art. 4.B.10.C.1.c, Maximum Depth, Art. 4.B.10.C.4.e, Depth, and, Art. 4.B.10.C.5.e, Depth, **[Ord. 2011-016]**

....

10. The Executive Director of PZB or designee shall have the authority to make interpretations of the following provisions found in Art. 4.B.10, Excavation Uses in consultation with the Director of ERM and the County Engineer as appropriate: Art. 4.B.10.B.4.a, Prohibitions; Art. 4.B.10.B.4.b.12), De Minimis Impact; Art. 4.B.10.B.4.b.14), Excavation by Public Agencies; Art. 4.B.10.B.6.e, Written Approval, Art. 4.B.10.B.7.b.2), Slopes except for Art. 4.B.10.B.7.b.2)c), Drainage; Art. 4.B.10.B.7.d.1), General; Art. 4.B.10.B.7.d.2), Guarantees Required; Art. 4.B.10.B.7.d.4), Form of Guarantee; Art. 4.B.10.B.7.d.6), Submittal and Approval of Guarantee; Art. 4.B.10.B.7.d.7), Duration and Release; Art. 4.B.10.B.7.d.8), PBC Use of Guarantee; and, Art. 4.B.10.B.8.c, Enforcement.

Part 2. ULDC Art. 1.C.1.A.2.x, Use Type [Related to Rules of Construction] (page 8 of 119), is hereby amended as follows:

CHAPTER C RULES OF CONSTRUCTION AND MEASUREMENT

Section 1 Rules of Construction

A. General

2. Interpretation and Application

The interpretation and application of any provision in this Code shall be the minimum required to promote the public health, safety, comfort, convenience and general welfare. Where interpretation and application of any provision in this Code imposes greater restrictions upon the subject matter than a general provision imposed by the Plan or other provision in this Code, the provision imposing the greater restriction shall control.

~~x. **Use Type** - Use of the term "use type" shall refer to the general classification of uses indicated in Table 4.A.3.A, Use Matrix, Table 3.E.1.B, PDD Use Matrix, and Table 3.F.1.F, Traditional Development Permitted Use Schedule. Uses listed in Table 4.A.3.A, Use Matrix, and Table 3.E.1.B, PDD Use Matrix, shall be considered distinct and separate uses from one another, unless otherwise stated.~~

[Renumber Accordingly]

Part 3. ULDC Art. 1.F.2,D, Nonconforming Lot (page 20 of 119), is hereby amended as follows:

CHAPTER F NONCONFORMITIES

Section 2 Nonconforming Lot

Notes:
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D. Accessory Dwelling Quarters

Accessory ~~dwelling~~ Quarters on non-conforming lots with a RR FLU designation that are equal to or less than 1.5 acres may utilize a 25-foot side or rear setback, subject to the following where the setback is less than the setback required for the SFD unit: **[Ord. 2006-004] [Ord. 2010-005]**

1. A minimum five-foot high continuous solid opaque visual screen consisting of a hedge, fence or wall, shall be installed and maintained along the property line adjacent to the length of the ~~a~~Accessory ~~dwelling~~ Quarters. **[Ord. 2006-004] [Ord. 2010-005]**
2. Ingress/egress to the ~~a~~Accessory ~~dwelling~~ Quarters shall not be oriented towards the adjoining property. **[Ord. 2006-004] [Ord. 2010-005]**

....

Part 4. ULDC Art. 1.F.4.D.2.a, Nonconforming Use (page 23 of 119), is hereby amended as follows:

CHAPTER F NONCONFORMITIES

Section 4 Nonconforming Use

D. Expansion

2. Minor Nonconforming Use

a. The expansion shall not exceed ten percent of the approved floor area of the structure or ten percent of the improvement value of the structures on site, whichever is less; or any other form of measure of intensity/density for the specific use such as but not limited to: beds for congregate living facilities; decks for restaurants; number of children for daycares; number of fueling stations or gas pumps for ~~convenience store with gas sales~~ Retail Gas and Fuel Sales or other traffic intensity measures. **[Ord. 2010-005]**

....

Part 5. ULDC Art. 1.I, Definitions and Acronyms (page 31-35, 37-40, 42-44, 46-52, 54-59, 63-65, 69-70, 72, 74-77, 80-84, 93, 105, 107, 108, 109, 112, and, 114 of 119), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

A. Terms defined herein or referenced in this Article shall have the following meanings:

....

~~12. **Accessory Dwelling** - an accessory dwelling unit located on the same lot as a principal single family dwelling. An accessory dwelling is a complete, independent living facility equipped with a kitchen and provisions for sanitation and sleeping.~~

....

~~25. **Adult Entertainment Definitions** – for the purposes of Art. 4.B.1.A.2. **[Ord. 2009-040]**~~

~~a. **Adult Arcade** - any place or establishment operated for commercial gain, which invites or permits the public to view adult material. For purposes of this Code, "adult arcade" is included within the definition of "adult theater." **[Ord. 2009-040]**~~

~~b. **Adult Bookstore/Adult Video Store** - An establishment which sells, offers for sale, or rents adult material for commercial gain and which meets either of the following two criteria: **[Ord. 2005-051] [Ord. 2009-040]**~~

~~1) More than 30 percent of the gross public floor area is devoted to adult material; or **[Ord. 2005-051] [Ord. 2009-040]**~~

~~2) More than 30 percent of the stock in trade consists of adult material. **[Ord. 2005-051] [Ord. 2009-040]**~~

~~c. **Adult Booth** - a small enclosed or partitioned area inside an adult entertainment establishment which is: (1) designed or used for the viewing of adult material by one or more persons and (2) is accessible to any person, regardless of whether a fee is charged for access. The term "adult booth" includes, but is not limited to, a "peep show" booth, or other booth used to view adult material. The term "adult booth" does not include a foyer through which any person can enter or exit the establishment, or a restroom. **[Ord. 2009-040]**~~

~~d. **Adult Dancing Establishment** - an establishment selling, serving or allowing consumption of alcoholic beverages, where employees display or expose specified anatomical areas to others regardless of whether the employees actually engage in dancing. **[Ord. 2009-040]**~~

~~e. **Adult Entertainment** –~~

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~~1) Any adult arcade, adult theater, adult bookstore/adult video store, adult motel, or adult dancing establishment; or any establishment or business operated for commercial gain where any employee, operator or owner exposes his/her specified anatomical area for viewing by patrons, including but not limited to: massage establishments whether or not licensed pursuant to F.S. Chapter 480, tanning salon, modeling studio, or lingerie studio. **[Ord. 2009-040]**~~

~~2) Excluded from this definition are any educational institutions where the exposure of the specified anatomical area is associated with a curriculum or program. **[Ord. 2009-040]**~~

~~3) An establishment that possesses an adult entertainment license is presumed to be an adult entertainment establishment. **[Ord. 2009-040]**~~

~~f. **Adult Entertainment Establishment** - any adult arcade, adult theater, adult bookstore/adult video store, adult motel, or adult dancing establishment; or any establishment or business operated for commercial gain where any employee, operator or owner exposes his/her specified anatomical area for viewing by patrons, including but not limited to: massage establishments whether or not licensed pursuant to F.S. §480, tanning salon, modeling studio, or lingerie studio. **[Ord. 2009-040]**~~

~~g. **Adult Material** - any one or more of the following, regardless of whether it is new or used: **[Ord. 2009-040]**~~

~~1) Books, magazines, periodicals or other printed matter; photographs, films, motion pictures, video cassettes, slides, or other visual representations; recordings, other audio matter; and novelties or devices; which have as their primary or dominant theme subject matter depicting, exhibiting, illustrating, describing or relating to specified sexual activities or specified anatomical areas; or; **[Ord. 2009-040]**~~

~~2) Instruments, novelties, devices, or paraphernalia which are designed for use in connection with specified sexual activities. **[Ord. 2009-040]**~~

~~h. **Adult Motel** - a hotel, motel or similar commercial establishment which offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" and has a sign visible from the public streets which advertises the availability of this adult type of photographic reproductions. **[Ord. 2009-040]**~~

~~i. **Adult Theater** - an establishment operated for commercial gain which consists of an enclosed building, or a portion or part thereof or an open-air area used for viewing of adult material. "Adult motels," "adult arcade," "adult booth" and "adult motion picture theater" are included within the definition of "adult theater". An establishment which has "adult booths" is considered to be an "adult theater". **[Ord. 2009-040]**~~

~~j. **Commercial Gain** - operated for pecuniary gain, which shall be presumed for any establishment which has received a business tax receipt. For the purpose of this Code, commercial or pecuniary gain shall not depend on actual profit or loss. **[Ord. 2007-013]** **[Ord. 2009-040]**~~

~~k. **Educational Institution** - premises or site within a municipality or within the unincorporated area of PBC upon which there is a governmentally licensed child care facility for six or more children or elementary or secondary (K-12) school, attended in whole or in part by persons under 18 years of age. **[Ord. 2009-040]**~~

~~l. **Employee** - Any person who works, performs, or exposes his/her specified anatomical areas in an establishment, irrespective of whether said person is paid a salary or wages by the owner or manager of the business, establishment, or premises. "Employee" shall include any person who pays any form of consideration to an owner or manager of an establishment, for the privilege to work performing or exposing his/her specified anatomical areas within the establishment. **[Ord. 2009-040]**~~

~~m. **Person** - includes an individual(s), firm(s), association(s), joint ventures(s), partnership(s), estate(s), trust(s), business trust(s), syndicate(s), fiduciary(ies), corporation(s), and all other or any other similar entity. **[Ord. 2009-040]**~~

~~n. **Religious Activities** - any daily, weekly, or periodic activity associated with or that occurs at a religious institution. **[Ord. 2009-040]**~~

~~o. **Religious Institution** - a premises or site which is used primarily or exclusively for religious worship and related religious ecclesiastical or denominational organization or established place of worship, retreat, site, camp or similar facilities owned or operated by a bona fide religious group for religious activities shall be considered a religious institution. **[Ord. 2009-040]**~~

~~p. **Residential Zoning District** - Includes the following zoning districts which have not been designated in the comprehensive plan as commercial or industrial: **[Ord. 2009-040]**~~

~~1) RE-Residential Estate. **[Ord. 2009-040]**~~

~~2) RT-Residential Transitional. **[Ord. 2009-040]**~~

~~3) RS-Single Family Residential. **[Ord. 2009-040]**~~

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4) RM-Multiple-Family Residential (Medium Density). **[Ord. 2009-040]**
5) TND-Traditional Neighborhood Development. **[Ord. 2009-040]**
6) PUD-Planned Unit Development. **[Ord. 2009-040]**

q. **Specified Anatomical Areas** - less than completely and opaquely covered: **[Ord. 2009-040]**
1) Human genitals and pubic region; or **[Ord. 2009-040]**
2) the opening between the human buttocks, i.e., the anal cleft; **[Ord. 2009-040]**
3) that portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola (the colored ring around the nipple); this definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not so exposed; or **[Ord. 2009-040]**
4) human male genitals in a discernibly turgid state, even if completely and opaquely covered. **[Ord. 2009-040]**

r. **Specified Sexual Activities** -
1) Human genitals in a state of sexual stimulations, arousal, or tumescence; **[Ord. 2009-040]**
2) acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sexual intercourse, or sodomy; **[Ord. 2009-040]**
3) fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast; or **[Ord. 2009-040]**
4) excretory functions as part of or in connection with any of the activities set forth in subsections of Art. 4.B.1.A.2.b.17)-18), Specified Anatomical Areas and Specified Sexual Activities. **[Ord. 2009-040]**

....

40. **Agricultural Excavation** - approval process for agricultural excavation is administered by ERM and PZB. Agricultural excavation in the WCAA are administered by ERM. Application procedures and requirements are in Art. 4.D.5.A, Agricultural Excavations.
41. **Agriculture, Bona Fide** - any plot of land where the principal use consists of the growing, cultivating and harvesting of crops; the raising of animals, inclusive of aviculture, aquaculture, horses and livestock; the production of animal products such as eggs, honey or dairy products; or the raising of plant material. **[Ord. 2009-040] [Ord. 2013-021]**

....

43. **Agriculture, Light Manufacturing** - an accessory agricultural use for the manufacturing of products related to agricultural operations, such as fencing, pallets, crates, or containers. Product components are predominantly assembled from previously prepared materials or finished parts. Manufacturing includes processing, fabrication, assembly, treatment, and packaging of such products, and accessory storage and distribution, but excludes heavy industrial processing or manufacturing.
44. **Agriculture, Packing Plant** – A facility used for the packing of produce not necessarily grown on site. Activities may also include canning, dehydration, washing, cutting, or basic preparation of raw produce prior to shipment. **[Ord. 2005-002] [Ord. 2012-027]**
45. **Agriculture, Research and Development** - the use of land or buildings for agriculture research and the cultivation of new agricultural products.
46. **Agriculture, Sales and Service** - an establishment primarily engaged in the sale or rental of farm tools, small implements and farming equipment such as pickers and mowers; sale of livestock, feed, grain, tack, riding attire, animal care products, and farm supplies.
47. **Agriculture, Storage** – the storage of equipment or products accessory or incidental to a principal agriculture use.
48. **Agriculture, Transshipment** – a facility engaged in the transferring of agricultural products between two modes of transport, such as from a truck to a railroad car or from local vehicles to long-haul trucks.
49. **Agriculture Marketplace** – A use that is accessory, incidental and subordinate, to a bona-fide agricultural use in the AGR Tier, conducted to allow for the sale of agricultural products or enhanced opportunities for visitors, which generates income for the owner or operator of the bona-fide agricultural use, adding economic viability to farming operations. **[Ord. 2012-027]**
50. **Air Curtain Incinerator** - a combustion device used to burn trees and brush.

....

59. **Airport, Landing Strip or Helipad** -any public or privately owned or operated facility designed to accommodate landing or take-off operations of aircraft.

....

68. **Ambulatory Surgical Center** - An establishment primarily providing elective surgical care, in which the patient is admitted to and discharged within the same working day and is not permitted to stay overnight; and which is not part of a hospital.

....

~~71. **Antenna** - *a transmitting and/or receiving device used for AM/FM radio, television, microwave, telephone, cellular, personal wireless services, and related forms of electronic communications. This excludes amateur radio antennas and satellite dishes.*~~ **[Relocated to Art. 5.B.1.A.12, Communication Antennas]**

....

~~89. **Arena, Auditorium or Stadium** - for the purposes of Art. 4, an open, partially or fully enclosed facility primarily used or intended for commercial spectator sports or entertainment. Typical uses include convention and exhibition halls, large conference centers, sports arenas, jai alai frontons, amphitheaters and racetracks.~~

....

~~95. **Asphalt or Concrete Plant** - an establishment engaged in the manufacture, mixing or batching of asphalt, asphaltic cement, cement or concrete products.~~

....

~~96. **Assembly, Nonprofit Institutional** - a site or facility open to the public, owned or operated by a not-for-profit organization for social, educational or recreational purposes. Typical uses include museums, cultural centers, recreational facilities, botanical gardens and community services such as after school care or tutorial services, medical services, and employment services.~~

~~97. **Assembly, Nonprofit Membership** - a site or facility owned or operated by a not-for-profit organization for social, education or recreational purposes where paid membership is required. Typical uses include fraternal or cultural organizations and union halls.~~

....

~~102. **Auction** - for the purposes of Art. 4, an establishment engaged in the sale of merchandise to the highest bidder in an enclosed building or outdoor~~ **[Ord. 2009-040]**

~~a. **Auction, Enclosed** – an auction with all of the activity, display and sale of merchandise occurring within an enclosed building.~~ **[Ord. 2009-040]**

~~b. **Auction, Outdoor** – an auction with all or a portion of the activity, display and sale of merchandise occurring outdoors.~~ **[Ord. 2009-040]**

....

~~104. **Automated Teller Machines, Freestanding** - a freestanding structure containing ATMs operated by one or more financial institutions, remotely located from a fully staffed branch of the same financial institution.~~ **~~[Ord. 2013-021]~~**

~~105. **Auto Paint and Body Shop** - an establishment engaged in the painting of motor vehicles or performance of major external repairs of a non-mechanical nature.~~

~~106. **Auto Service Station** - an establishment primarily engaged in the retail sale of gasoline or motor fuels, including accessory activities such as the sale of vehicle accessories or supplies, the lubrication of motor vehicles, the minor adjustment or minor repair of motor vehicles, the sale of convenience food items, or an accessory restaurant.~~ **~~[Ord. 2011-016]~~**

....

~~108. **Aviculture** - the raising and care of birds in captivity~~.

....

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

....

~~14. **Bed and Breakfast** – an owner-occupied single family dwelling that offers lodging and breakfast only to paying guests.~~

....

~~43. **Bona Fide Agriculture** - see Agriculture, Bona Fide.~~

....

~~49. **Broadcast Studio** - an establishment primarily engaged in broadcasting visual or aural programs by radio or television to the public including cable and other television services. May also produce taped television or radio program materials. Included are commercial, religious, educational, and entertainment based television and radio stations.~~

....

~~67. **Building Supplies** -~~

~~a. **Retail** - an establishment engaged in the retail sale of building supplies and home improvement products.~~

~~b. **Wholesale** - an establishment engaged in the sale or fabrication and allied products to contractors for the construction, maintenance, repair and improvement of real property.~~

....

~~75. **Butcher Shop, Wholesale** - an establishment engaged in the cutting, packaging and shipping of meat, such as beef, pork, poultry and fish, for general wholesale.~~

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EXHIBIT A

ARTICLE 1, GENERAL PROVISIONS
SUMMARY OF AMENDMENTS

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

~~1. **Camouflage Tower** - *a tower or structure, which is incorporated into and is compatible with existing or proposed uses on site (i.e., antenna incorporated into site lighting at a park or incorporated into an electrical distribution center).*~~ **[Relocated to Art. 4.B.9.C.2.a, Definition]**

~~2. **Campground** – a parcel of land used for a temporary camping and recreational uses and not as permanent living quarters. May be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground, free of enclosed walls.~~

....

~~17. **Car Wash** - a permanent establishment engaged in washing or detailing motor vehicles which may use production line methods with a conveyor, blower, or other mechanical devices, and which may employ some hand labor. Detailing includes hand washing and waxing, striping, and interior cleaning.~~

....

~~20. **Catering Service** - an establishment where food and beverages are prepared and delivered for consumption off the premises. A catering service may also provide personnel, serving equipment, and decorations.~~

~~21. **Cemetery** - land used or intended to be used for human or animal interment. A cemetery may include an office, chapel, mausoleum, or columbarium.~~ **[Ord. 2013-001]**

....

23. **Chapel** - For the purposes of Art. 4, Use Regulations, means a use other than a Place of Worship, for religious fellowship, prayer or worship as an accessory use to a non-religious institution or use, such as a College or University, Hospital, Prison, Funeral Home, Airport, and Cemetery.

[Renumber accordingly]

~~40. **College or University** - an institution of higher learning offering undergraduate or graduate degrees, and including the buildings required for educational or support services, such as classrooms, laboratories, dormitories and the like.~~

....

~~49. **Communication Tower, Commercial** - for the purposes of Art. 4.C, any tower whose principal use is to facilitate transmissions for AM/FM radio, television, microwave, cellular, digital, personal communication services, enhanced specialized radio, and related communication services. Towers located on school sites and utilized for educational purposes only, pursuant to F.S. Chapter 1013.18, shall not be considered commercial communication towers.~~

~~50. **Communication Tower, Monopole** - see Monopole tower.~~

....

~~52. **Community Vegetable Garden** - a plot of land used primarily as a vegetable garden which is cultivated and harvested by a group of residents from the surrounding area.~~

....

~~62. **Composting Facility** - a facility designed and used for transforming food, yard waste and other organic material into soil or fertilizer through biological decomposition. This use does not include backyard-composting bins serving individual families.~~

....

~~86. **Congregate Living Facility** - this term includes assisted living facilities; extended congregate care facilities, transitional living facilities, community residential homes, community transitional residences; rehabilitative home care services, boarding home, or home for the aged or any other residential structure, whether or not operated for profit, which undertakes for a period exceeding 24 hours: care, housing, food service, and one or more personal services for persons not related to the owner or administrator by blood or marriage. In addition, this term shall include other residential uses such as dormitories, group homes with a central dining facility, and similar bed-based uses.~~

....

92. **Construction and Demolition Debris** – for the purposes of Article 4.B.5.C.10, Recycling Plant, Construction and Demolition Debris means discarded solid materials that are not water soluble and not hazardous, including, but not limited to: steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, lumber. It also includes rocks and soils from construction, renovation or demolition of a structure or a site; and, trees or vegetative material from land clearing.

[Renumber accordingly]

~~97. **Contractor Storage Yard** -a lot used for the storage of construction material, equipment, or three or more commercial vehicles used by building trades and services, other than construction sites.~~

....

~~101. **Convenience Store** - an establishment engaged in the retail sale of food, beverages, and other frequently or recurrently needed items for household use or consumption.~~ **~~[Ord. 2011-016]~~**

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~~102. **Convenience Store with Gas Sales** – an establishment engaged in the retail sale of food, beverages, and other frequently or recurrently needed items for household use or consumption, and includes retail sales of motor fuels to the general public. **[Ord. 2011-016]**~~

....

~~113. **Crematory** – a facility used for the incineration of human or animal remains, excluding activities related to funeral homes. **[Ord. 2013-001]**~~

....

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

....

~~3. **Data and Information Processing** - the use of an establishment for business offices of an industrial nature, including corporate centers, mail processing and telemarketing centers. Such uses are not frequented by the general public.~~

~~4. **Day Camp** - an establishment which provides care, protection and programmed activities for children five years of age and older for a period of less than 24 hours per day. This use shall not operate as a day care as defined and regulated by the Department of Children and Family Services.~~

~~5. **Day Care** - An establishment that provides care, protection and supervision for children when licensed by the Palm Beach County Health Department, or for adults when licensed by the Agency for Health Care Administration (AHCA), as specified below. **[Ord. 2011-016]**~~

~~a. **General** – A Day Care for 21 or more children or adults for a period of less than 24 hours per day on a regular basis. **[Ord. 2011-016]**~~

~~b. **Limited** – A Day Care for six to 20 children, or three to 20 adults, for a period of less than 13 hours per day on a regular basis. Limited day care does not include nighttime or overnight care. **[Ord. 2011-016]**~~

~~c. **Family Day Care Home** - An occupied residence in which custodial care is rendered to one to six children, inclusive, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit, shall be permitted by right in Residential Zoning districts, in accordance with F.S. § 125.0109, and exempt from any standards other than those applicable to residential uses. **[Ord. 2011-016]**~~

~~d. Large Family Child Care Home (LFCCH) - An occupied single family residence in which custodial care is regularly provided for up to 12 children, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and has at least two full time child care personnel on the premises during the hours of operation. One of the full-time child care personnel must be the owner or occupant of the residence. **[Ord. 2011-016]**~~

~~6. **Day Labor** – an establishment engaged in providing temporary day or manual labor service for the construction, maintenance, agricultural or industrial trades.~~

....

33. **Development Permit** - includes any building permits, zoning permits such as Rezoning, Conditional~~/Requested~~ Uses, Development Order Amendments, DRO/Administrative approvals, Special Permits, Deviations, Waivers, Variances, Subdivisions or any other official action of PBC having the effect of permitting the development of land or the specific use of land. **[Ord. 2010-022]**

....

~~43. **Dispatching Office** - an establishment providing services off-site to households and businesses using land-based communication. Typical uses include janitorial services, pest control services, taxi, limousine, and ambulance services.~~

....

~~50. **Dog Daycare** - an establishment which provides daytime care and training for domestic dogs.~~

....

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

....

~~12. **Electric Power Facilities** - Any electric generating facility that uses any process or fuel and includes any associated facility that directly supports the operation of the electrical power facility. **[Ord. 2006-004] [2009-040] [Ord. 2010-005]**~~

~~13. **Electric Transmission Facility** – Mechanical equipment associated with electric transmission networks, including transmission voltage facilities or switching substations, and electrical distribution substations that exceed the standards of Art 4.B.1.A.134.a.1), Residential Districts and 2) Non-residential Districts. **[Ord. 2006-004]**~~

....

~~24. **Entertainment, Indoor** - An establishment offering games of skill to the general public for a fee or charge and wholly enclosed in a building. Typical uses include bowling alleys, bingo parlors, pool halls, billiard parlors and video game arcades. An internet cafe shall not be considered an indoor entertainment use. **[Ord. 2005-002] [Ord. 2012-007]**~~

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~~25. **Entertainment, Outdoor** - An establishment offering entertainment or games of skill to the general public where any portion of the activity takes place in the open, excluding golf courses and public parks. Typical uses include archery ranges, athletic fields, batting cages, golf driving ranges, water skiing facilities, tennis courts, go-cart tracks, miniature golf courses, paintball fields, jet skiing, and wind surfing. **[Ord. 2005-002]**~~

....

~~32. **Equestrian Arena, Commercial** - an establishment engaged in commercial spectator activities involving equestrian events, but excluding any establishment engaged in gaming, pari-mutual wagering, off-track betting, events or activities held or broadcast for similar purposes.~~

33. **Equestrian Use** – use of land for boarding, breeding, training, riding, showing or raising horses, ponies, mules or donkeys.

34. **Equestrian Waste** – for the purposes of Equestrian Waste Management Facility, waste composed of the excreta of horses and residual organic materials that have been used for bedding, sanitary, or feeding purposes for horses.

....

~~36. **Estate Kitchen** - an accessory use which is physically integrated with the main residence.~~

....

38. **Excavate or Excavation -** For the purposes of Art. 4.B.10, the extraction of minerals from the earth necessary to (1) construct a ~~s~~Single ~~f~~Family dwelling; or (2) support bona-fide agricultural production operations; or (3) to implement a final site development plan; or (4) any act wherein the earth is cut into, dug, quarried, uncovered, removed, displaced, or deliberately disturbed to create a temporary or permanent body of water, including the conditions resulting there from. Excavation excludes agricultural plowing, site grading, dry retention/detention, demucking and canal dredging in preparation for construction.

39. **Excavation–** For the purposes of Art. 14.A, displacement of soil or sand by the processes not limited to digging, dredging, scooping, or hollowing out.

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

....

~~3. **Farm Residence** - a dwelling unit, other than a mobile home, located on a parcel of land used for a bona fide agricultural use and occupied by the owner or operator of the farm operation.~~

~~4. **Farm Workers Quarters** - one or more residential structures occupied by farm workers who provide labor in conjunction with agricultural operations.~~

~~5. **Farmers Market** - an establishment for the wholesale sale of farm produce.~~

~~6. **Farrier** - one that shoes horses. May be accessory to a blacksmith, farm, equestrian facility, or is mobile and shoes the horses on site.~~

....

~~15. **Film Production Studio** - the use of a lot or building for the production of films or videotapes for exhibition or sale.~~

....

~~17. **Financial Institution** - an establishment engaged in deposit banking. Typical uses include commercial banks, savings institutions, and credit unions, including outdoor automated teller machines and drive-thru only facilities. **[Ord. 2013-021]**~~

....

~~22. **Fitness Center** - an enclosed building or structure containing multi-use facilities for conducting recreational activities such as aerobic exercises, weight lifting, running, swimming, racquetball, handball, and squash. This use also includes dance studios and karate schools. A fitness center may also include the following customary accessory activities as long as they are intended for the use of the members of the center and not for the general public: babysitting, food service, and the serving of alcoholic beverages consumed on the premises.~~

....

~~29. **Flea Market, Enclosed** - for the purposes of Art. 4.B, a retail sales within a building permanently enclosed by walls and roof in which floor space is rented to individual merchants to display and sell goods.~~

~~30. **Flea Market, Open** - for the purposes of Art. 4.B, an outdoor retail sales area in which parcels of land are rented to individual merchants to display and sell goods.~~

....

40. **Food Processing** – For the purposes of Art. 4.B.5.C.4, Equestrian Waste Management Facility, shall mean any facility or use involved in food processing, including but not limited to Agricultural Packing Plant, Sugar Mill or Refinery, or Manufacturing and Processing.

[Renumber Accordingly]

~~63. **Funeral Home** - an establishment which arranges and manages funerals and prepares human or animal remains for interment, excluding cremation.~~ **[Ord. 2013-001]**

....

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G. Terms defined herein or referenced in this Article shall have the following meanings:

....

~~2. **Garage Sale** - the sale of household articles by the occupants of a dwelling unit.~~

~~3. **Garden Trash** - waste consisting or accumulation of leaves, grass, shrubbery, vines and trees, or parts thereof.~~

~~4. **Gas and Fuel, Retail** - an establishment engaged in the sale of motor fuels to the general public. **[Ord. 2011-016]**~~

~~5. **Gas and Fuel, Wholesale** - the use of land for bulk storage and wholesale distribution of 2,500 gallons or more of flammable liquid, or 2,000 gallons water capacity or more of flammable gas, excluding below-ground storage which is clearly accessory to the principal use on the site.~~

....

~~11. **Golf Course** - a facility providing a golf recreation area designed for executive or regulation play along with accessory support facilities, excluding miniature golf.~~

....

~~13. **Government Services** - buildings or facilities owned or operated by a government entity and providing services for the public, excluding utility and recreational services. Typical uses include administrative offices for government agencies, public libraries, police, and fire stations, and homeless resource centers.~~ **[Ord. 2009-040] [Relocated to Typical Uses below]**

....

~~19. **Green Market** - a temporary gathering of vendors for the purpose of selling fresh unprocessed fruit, vegetables, flowers, and consumable items such as coffee, bread and prepared food on a retail basis.~~

....

~~35. **Guest Cottage** - accessory sleeping quarters provided for non-paying guests by the occupant of a single-family or ZLL dwelling unit.~~

~~36. **Gun Club, Enclosed** - an open or enclosed facility used for the discharge of firearms or projectiles at targets. **[Ord. 2014-025]**~~

~~37. **Guyed Tower** - *a structure that is supported either partially or completely by guy wires and ground anchors.*~~ **[Relocated to Art. 4.B.9.C.5.a, Definition]**

....

H. Terms defined herein or referenced in this Article shall have the following meanings:

....

~~10. **Heavy Industry** - an establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable, hazardous, or explosive materials, or processes which potentially involve hazardous or commonly recognized offensive conditions. Typical uses include manufacturing and warehousing of chemicals, dry ice, fertilizers, fireworks and explosives, pulp and paper products, and radioactive materials; fat rendering plants; slaughterhouses and tanneries; steel works; and petroleum refineries.~~

....

~~23. **Home Occupation** - a business, profession, occupation, trade, artisan, or handcraft conducted in a dwelling unit for commercial gain by a resident of the unit. A home occupation shall not include those businesses which are required by State of Florida agencies to be open to the public. **[Ord. 2009-040]**~~

....

~~25. **Homeless Resource Center** - A facility that provides multiple services for the homeless population. Typical services include: counseling, kitchen and dining facilities, medical and dental outpatient facilities, temporary housing, intake, social services, employment services, and administrative offices. **[Ord. 2009-040]**~~

....

~~28. **Hospital or Medical Center** - a facility licensed by the State of Florida which maintains and operates organized facilities for medical or surgical diagnosis, overnight and outpatient care, and treatment of human illness. A hospital is distinguished from a medical center by the provision of overnight care.~~

~~29. **Hotel or Motel** - an establishment requiring a license by the State of Florida used, maintained or advertised as a place where furnished sleeping accommodations are supplied for short term rent to guests or tenants. Typical uses include hotels, motels, single room occupancy (SROs) and rooming and boarding houses.~~

....

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

....

~~2. **Kennel, Commercial** - Type II: a commercial establishment, including any building or land, used for the raising, boarding, breeding, sale, or grooming of domesticated animals (e.g. dogs and cats), not necessarily owned by the occupants of the premises, for profit.; and, Type III: A commercial establishment operated entirely within an enclosed building used for~~

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~~the boarding, sale, or grooming of domesticated animals (e.g. dogs and cats), not owned by the occupants of the premises, for profit.~~ **~~[Ord. 2006-036]~~**

~~3. **Kennel, Type I (Private)** - any building or land used, designed or arranged to facilitate the non-commercial care of domestic animals, such as dogs and cats (excluding horses or livestock), owned by the occupants of the premises.~~ **~~[Ord. 2006-036] [Ord. 2013-001]~~**

~~4. **Kiosk** - a freestanding outdoor unmanned structure which offers products for sale.~~

....

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

....

~~2. **Laboratory, Industrial Research** - an establishment engaged in industrial, scientific or medical research, testing, and analysis, including support services and structures. Typical uses include natural science/manufacturing research facilities and product testing/quality control facilities.~~

....

~~17. **Landscape Service** - an establishment engaged in the provision of landscape maintenance or installation services, such as lawn mowing, tree, shrub or hedge trimming, leaf blowing, landscape design, and landscape installation.~~

....

~~23. **Laundry Service** – for the purposes of Art. 4, an establishment that provides washing, drying, dry-cleaning, or ironing machines for hire to be used by customers on the premises, or that is engaged in providing laundry and dry cleaning services with customer drop-off and pick-up.~~

....

~~71. **Lounge, Cocktail** - for the purposes of Art. 4, a use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, nightclubs, and similar uses other than restaurants or alcohol sales for off-premises consumption. A cocktail lounge is distinct from a restaurant that sells alcohol when the establishment cannot qualify for a "Consumption on Premises, Special Restaurant Exemption" pursuant to the State Beverage Law.~~

....

M. Terms defined herein or referenced in this Article shall have the following meanings:

~~1. **Machine or Welding Shop** - for the purposes of Art. 4, a workshop where machines, machine parts, or other metal products are fabricated. Typical uses include machine shops, welding shops and sheet metal shops.~~

....

11. **Manufactured Building**
    a. Aa closed structure, building assembly, 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, constructed in conformance with and certified pursuant to the requirements of Chapter 553, Florida Statutes, as may be amended, which shall include, but not be limited to, Residential Manufactured Buildings (aka Modular Homes), commercial, institutional, storage, and industrial structures. ~~is used as a dwelling unit or residence or office.~~ This definition does not apply to mobile homes. ~~Manufactured building 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.~~
    b. For the purposes of Articles 3 and 4, a Residential Manufactured Building (aka Modular Home) may also be considered a Mobile Home, where required by F.S. 553.382, Placement of Certain Housing. **[Ord. 2012-027]**

....

~~14. **Manufacturing and Processing** - for the purposes of Art. 4.B, an establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding heavy industrial processing. Typical uses include factories, large-scale production, wholesale distribution, publishing and food processing.~~

....

~~18. **Marine Facility** - a commercial facility related to boating. Typical uses include boat docks, marinas, boatyards, yacht clubs, charter boat operations, and boatels. Any marine facility with five or more slips shall comply with the Boat Facility Siting Plan of the Palm Beach County Manatee Protection Plan.~~ **~~[Ord. 2009-040]~~**

....

~~32. **Medical or Dental Office** - an establishment where patients, who are not lodged overnight, are admitted for examination or treatment by persons practicing any form of healing or health-building services whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such profession, the practice of~~

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~~which is lawful in the State of Florida. A pain management clinic shall not be considered a medical or dental office. **[Ord. 2010-009]**~~

~~33. **Medical or Dental Laboratory** - a facility for the construction or repair of prosthetic devices or medical testing exclusively on the written work order of a licensed member of the dental or medical profession and not for the public.~~

....

46. **Mobile Home**

a. **Structure -** A detached, transportable ~~single family dwelling unit~~ structure, 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.

~~47~~b.**Mobile Home Dwelling -** ~~for the purposes of Art. 3 or Art. 4~~, the use of a residential lot or ~~a~~ unit for one mobile home ~~or manufactured home~~. **[Ord. 2012-027]**

~~47. **Mobile Home Dwelling** - for the purposes of Art. 3 or Art. 4, the use of a lot or a unit for one mobile home or manufactured home. **[Ord. 2012-027]**~~

48.**Mobile Home Subdivision –**

~~a. For the purposes of Art. 4, a subdivision of land for the sale of lots intended for the placement of mobile homes and which meets the requirements of Art. 11, Subdivision, Platting and Required Improvements.~~

~~b.~~ For the purposes of Art. 11, a subdivision of land for the sale of lots intended for the placement of mobile homes and which meets the requirements of Art. 11, Subdivision, Platting and Required Improvements.

[Renumber Accordingly]

~~50. **Monopole Tower** - for the purposes of Art. 4, *a structure that consists of a single pole supported by a permanent foundation.* **[Relocated to Art. 4.B.9.C.3.a, Definition]**~~

~~51. **Monument Sales, Retail** - for the purposes of Art. 4, an establishment primarily engaged in the retail sale of monuments, such as headstones, footstones, markers, statues, obelisks, cornerstones, gargoyles and ledges, for placement on graves, including indoor or outdoor storage.~~

....

~~55. **Multi-Family** - the use of a structure designed for two or more dwelling units which are attached, or the use of a lot for two or more dwelling units excluding mobile homes. Typical uses include apartments and residential condominiums. Multi-family uses are also subject standards in Art. 3, Overlays and Zoning Districts.~~

....

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

....

~~47. **Nursery, Retail** - for the purposes of Art. 4, the cultivation and retail sale of horticultural specialties such as flowers, shrubs, sod, and trees intended for ornamental or landscaping purposes.~~

~~48. **Nursery, Wholesale** - for the purposes of Art. 4, the cultivation and wholesale of horticultural specialties such as flowers, shrubs, sod, and trees intended for ornamental or landscaping purposes.~~

~~49. **Nursing or Convalescent Facility** - for the purposes of Art. 4, an establishment where care is offered or provided for three or more persons suffering from illness, other than a contagious disease, sociopathic or psychopathic behavior which is not of sufficient severity to require hospital attention, or for three or more persons requiring further institutional care after being discharged from a hospital, other than a mental hospital. Patients usually require domiciliary care in addition to nursing care.~~

....

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

....

~~8. **Office, Business or Professional** - for the purposes of Art. 4, an establishment providing executive, management, administrative, or professional services, but not involving medical or dental services or the sale of merchandise, except as an incidental use. Typical uses include property and financial management firms, employment agencies (other than day labor), travel agencies, advertising agencies, secretarial and telephone services, contract post offices; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; and business offices of private companies, utility companies, public agencies, and trade associations.~~

....

23. **Outdoor Activity -** for the purposes of Art. 5, Supplemental Use Standards, any functional operation associated with a use listed in Art. 4, Use Regulations, that takes place outside of an enclosed building. The term excludes Outdoor Storage and the loading or unloading of trucks at loading bays or docks.

[Renumber Accordingly]

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

....

~~10. **Park, Neighborhood Infill** - for the purposes of Art. 4, facilities usually less than two and one half acres located in the Revitalization and Redevelopment Overlay as designated by the BCC or in any residential neighborhood. Infill neighborhood parks include passive and active recreational facilities, are generally few in number due to size constraints and are developed according to the demands and character of the specific neighborhoods that they serve. Access is primarily pedestrian oriented with no support facilities such as parking lots or restrooms provided.~~

....

~~12. **Park, Passive** - for the purposes of Art. 4, a public or private outdoor recreation area relying on a natural or man-made resource base and developed with a low intensity of impact on the land. Typical uses include trail systems, wildlife management and demonstration areas for historical, cultural, scientific, educational or other purposes that relate to the natural qualities of the area, and support facilities for such activities.~~

....

~~14. **Park, Public** - for the purposes of Art. 4, a publicly owned or operated park or beach providing opportunities for active or passive recreational activities to the general public.~~

....

17. **Parking Garage/Structure**
   a. ~~for the purposes of Art. 4, a building or other structure that provides temporary parking for motor vehicles, for profit, where some or all of the parking spaces are not accessory to another principal use; **[Ord. 2010-022]**~~
   b. a building or structure that provides parking for motor vehicles as an accessory use to a principal use. **[Ord. 2010-022]**

....

~~19. **Parking Lot, Commercial** - for the purposes of Art. 4, a lot used for temporary parking or storage for motor vehicles as a principal use for a fee.~~

....

~~29. **Pawnshop** - for the purposes of Art. 4, the location at which a pawnbroker, as defined in F.S. §539.001(2)(i), does business. Consignment activities are excluded from this definition.~~

....

~~41. **Personal Services** - for the purposes of Art. 4, an establishment engaged in the provision of frequently or recurrently services of a personal nature; or the provision of informational, instructional, personal improvement or similar professional services which may involve limited accessory retail sale of products. Typical uses include art and music schools, beauty and barbershops, driving schools, licensed therapeutic massage studios, photography studios, and tanning salons.~~

....

~~45. **Places of Assembly** - Includes Nonprofit Institutional Assembly, Nonprofit Membership Assembly, and Places of Worship.~~ **[Ord. 2006-004]**

~~46. **Place of Worship** – A sanctuary which may include a retreat, convent, seminary or other similar use, owned or operated by a tax-exempt religious group that is used periodically, primarily or exclusively for religious worship, activities and related services. A place of worship may include collocated facilities that may require additional approval, such as a day care, school, cemetery, or CLF.~~ **[Ord. 2006-004]**

....

~~70. **Potting Soil Manufacturing** - for the purposes of Art. 4, an establishment engaged in producing potting soil, including the use of incineration.~~

....

~~84. **Printing and Copying Services** - for the purposes of Art. 4, an establishment engaged in retail photocopy, reproduction, or blueprinting services.~~

....

~~90. **Produce Stand** – for the purposes of Art. 4, an establishment engaged in the retail sale of fruits, vegetables, flowers, containerized house plants and other agricultural food products, such as jelly, jam, honey and juice. The sale of grocery or convenience-type foods or products shall not be permitted.~~

....

93. **Project Boundary** – For the purpose of Art. 4.B.1.A.106-2, Renewable Energy *Wind* Facility~~, *Wind*~~ shall mean the limits of the approval for a ~~*Wind*~~ Energy *Wind* Facility located on multiple parcels, whether owned by the Wind Energy Facility operator or by leases with individual property owners, where the limits of the approval may be used for purposes of determining setbacks in lieu of internal property lines. **[Ord. 2011-016]**

....

R. Terms defined herein or referenced in this Article shall have the following meanings:

....

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~~4. **Real Estate Sales Model, Non-PDD** - for the purposes of Art. 4, a single family residential unit used for real estate marketing, real estate sales, builder's office, and other services directly associated with the sale of a residential unit and limited to the areas referenced below. In a real estate sales model, sales shall be limited to new units built by the company operating the sales model.~~

....

~~13. **Recycling Center** - for the purposes Art. 4, a permanent facility designed and used for collecting, purchasing, storing, dropping-off and redistributing of pre-sorted, recyclable materials that are not intended for disposal. A recycling center shall be used for limited processing of recyclable materials, such as can and glass crushing and sorting. **[Ord. 2013-001]**~~

~~14. **Recycling Drop-Off Bin** - for the purposes of Art. 4, a totally enclosed mobile structure or container within which the following pre-sorted, recyclable materials are collected: glass, aluminum, steel and plastic containers no greater than six gallons in capacity, and paper. **[Ord. 2013-001]**~~

~~15. **Recycling Plant** – for the purposes of Art. 4, a permanent facility designed and used for receiving, separating, storing, converting, baling or processing of non-hazardous recyclable materials that are not intended for disposal. The use may include construction debris recycling or other intensive recycling processes such as chipping and mulching.~~

....

~~21. **Renewable Energy Facility, Solar**– A facility that uses photovoltaic, thermal or other systems with a principal use of producing electrical or thermal power from the sun. **[Ord. 2009-040]**~~

~~22. **Renewable Energy Facility, Wind** – A facility that uses one or more wind turbines, Meteorological Towers or other systems with a principal use of producing electrical or mechanical power from the wind. **[Ord. 2010-005] [Ord. 2011-016]**~~

....

~~25. **Repair and Maintenance, General** - for the purposes of Art. 4, an establishment engaged in the repair and maintenance of motor vehicles or other heavy equipment or machinery, including automobiles, boats, motorcycles, personal watercraft and trucks, excluding paint and body work. Typical uses include vehicle repair garages, tune-up stations, glass shops, quick-lube, and muffler shops.~~

~~26. **Repair Services, Limited** - for the purposes of Art. 4, an establishment engaged in the repair of personal apparel or household appliances, furniture, and similar items, excluding repair of motor vehicles. Typical uses include apparel repair and alterations, small appliance repair, small motor repair (including golf carts, mopeds and lawn mowers), bicycle repair, clock and watch repair, and shoe repair shops.~~

....

~~36. **Restaurant, Type I** - for the purposes of Art. 4, an establishment equipped to sell food and beverages in one of the following methods: drive-through sales to patrons in automobiles for take out who place orders through a window or remote transmission device; or sales to patrons for take out or dining in, that includes three or more of the following: food or beverage choices are advertised on a menu board; countertop sales where payment is made prior to consumption; disposable containers and utensils; limited service dining facilities with no hostess or waiters; and self service or prepackaged condiments. **[Ord. 2006-036]**~~

~~37. **Restaurant, Type II** - for the purposes of Art. 4, an establishment with no drive through, equipped to sell food and beverages, served and consumed primarily on the premises, that includes three or more of the following: host or hostess assists patrons upon entry; food and beverage choices are offered from a printed menu provided by wait staff at a table; orders are taken at the table; food is served on dishes and metal utensils are provided; and, payment is made after meal consumption. **[Ord. 2006-004]**~~

....

~~39. **Retail Sales, Auto Accessories and Parts** - for the purposes of Art. 4, an establishment providing retail sales of auto accessories and parts.~~

~~40. **Retail Sales, General** - for the purposes of Art. 4, an establishment providing general retail sales or rental of goods, but excluding those uses specifically classified as another use type. Uses include typical retail stores such as clothing stores, bookstores, business machine sales, food and grocery stores (excluding convenience stores), window tinting, and marine supply sales (excluding boat sales), and pharmacies. Uses shall also include the sale of bulky goods such as household goods, lawn mowers, mopeds, motorcycles and golf carts. Retail establishments may include limited repair services for their products. For impact fee purposes, general retail also includes services such as entertainment, eating and drinking establishments, and personal services. **[Ord. 2011-016]**~~

~~41. **Retail Sales, Mobile, or Temporary** - for the purposes of Art. 4, general retail sales without a fixed or permanent location.~~

....

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

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EXHIBIT A

ARTICLE 1, GENERAL PROVISIONS
SUMMARY OF AMENDMENTS

~~1. **Salvage or Junk Yard** - for the purposes of Art. 4, a lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discard material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition; or for the sale of parts thereof.~~

....

~~5. **Sanitary Landfill or Incinerator** - for the purposes of Art. 4, a facility employing an engineered method of disposing of solid waste in a manner which minimizes environmental hazards by spreading solid waste in layers, providing a sand clean fill or similar cover.~~

....

~~12. **School, Elementary or Secondary** - for the purposes of Art. 4, an institution of learning, whether public, private or charter, which conduct regular classes and courses of study required for accreditation as an elementary or secondary school approved by the Department of Education.~~

~~13. **School, Public** - A use and attendant buildings operated by the PBC School District for educational or training purposes, as follows:~~

~~a. An elementary school;~~
~~b. A middle school;~~
~~c. A high school;~~
~~d. A vocation or technical school.~~

....

~~19. **Security or Caretaker Quarters** - for the purposes of Art. 4, an accessory residence used by a caretaker or security guard actively engaged in providing security, custodial or managerial services upon the premises.~~

....

~~23. **Self Support/Lattice Tower** - for the purposes of Art. 4, *a structure that is constructed without guy wires or ground anchors.*~~

....

~~37. **Shade House** - for the purposes of Art. 4, a temporary screen enclosure used to protect plants from insects, heat and exposure to the sun.~~

....

~~40. **Shooting Range, Outdoor** - An outdoor establishment used for the discharge of firearms or projectiles at targets for sport or training, excluding private gun ranges where preempted by state law. **[Ord. 2014-025]**~~

....

50. **Single Family**

~~a. for the purposes of Art. 4.B, the use of a lot or a structure for one detached dwelling unit, excluding a mobile home but including a manufactured building.~~

~~b.~~a for the purposes of Art. 5.B.1.A.21, Pot Bellied Pigs, single family shall include mobile home dwellings. **[Ord. 2013-021]**

....

~~64. **Solid Waste Transfer Station** - for the purposes of Art. 4, a facility where solid waste from smaller vehicles is transferred into larger vehicles before being shipped or transported to a solid waste processing or disposal facility. Solid waste may be sorted but not processed at a transfer station.~~

....

~~69. **Special Event** - for the purposes of Art. 4, A temporary activity which includes rides, amusements, food, games, crafts, performances, or services. Typical uses include carnivals, circuses, auctions, and revivals.~~

....

~~81. **Stable, Commercial** - for the purposes of Art. 4, an establishment for boarding, breeding, training or raising of horses not necessarily owned by the owners or operators of the establishment; rental of horses for riding or other equestrian activities, excluding uses classified as an equestrian arena. A commercial stable may be operated in conjunction with a residence and shall comply with the PBACD.~~

~~82. **Stable, Private** – for the purposes of Art. 4, the breeding, boarding, training, or raising care of horses owned by the occupants or owners of the premises. A private stable shall comply with the PBACD.~~

....

~~85. **Stealth Facility** - for the purposes of Art. 4, *a structure, which is not readily identifiable as a tower and is compatible with existing or proposed uses on site. The structure may or may not have a secondary function (i.e., bell tower,* spire, *flagpole, etc.).* **[Relocated to Art. 4.B.9.C.1.a, Definition]**~~

....

100. **Street -**

a. a strip of land, owned privately or publicly, which affords legal access to abutting land and is designated for vehicular traffic. "Street" includes road, thoroughfare, parkway, avenue,

---

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boulevard, expressway, lane, throughway, place, and square, or however otherwise designated. Streets are further classified according to the function they perform.

b. For the purposes of Art. 4.B.9, Commercial Communication Towers, means Electric Transmission lines or Florida Department of Transportation I-95 and the Florida Turnpike corridors having 250 feet in width or more of right-of way (R-O-W) or easements.

....

~~130. **Sugar Mill or Refinery** - for the purposes of Art. 4, an establishment for the extraction and refining of sugar from agricultural products.~~

....

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

....

19. Temporary

a. For the purposes of Art. 4, Temporary means uses not intended to be permanently fixed or permanent in nature, and are typically approved for a defined period of time.

b. ~~f~~For the purposes of Art. 8, Signage, a single period or an accumulation of periods not exceeding 90 days in any 365-day period unless further restricted.

b~~c~~. For the purposes of Art. 15.A, as defined by Rule 64E-6, F.A.C.

....

~~22. **Theater Drive-In** - for the purposes of Art. 4, an establishment for the outdoor viewing of motion pictures by patrons while in their vehicles.~~

....

~~24. **Theater, Indoor** - for the purposes of Art. 4, an establishment for showing motion pictures or live performances in an enclosed building.~~

....

~~*43. **Tower Hierarchy** - for the purposes of Art. 4, for the purpose of determining impact the following hierarchy has been established.*~~ **[Partially relocated to Art. 4.B.9.F.2, Replacement]**

~~***LEAST IMPACT***~~
~~*Stealth*~~
~~*Camouflage*~~
~~*Monopole*~~
~~*Self support/Lattice*~~
~~*Guyed*~~
~~***MOST IMPACT***~~

[Relocated to Art. 4.B.9.F.2, Replacement]

~~44. **Towing Service and Storage** - for the purposes of Art. 4, the use of a lot for the temporary storage of operable or inoperable vehicles in conjunction with a commercial towing service, with no sales or repair or salvage activity occurring on the lot and subject to the following standards:~~

....

~~45. **Townhouse** - for the purposes of Art. 4, a dwelling unit located on an individual lot and attached by at least one but no more than two party wall(s) along 50 percent of the maximum depth of the unit, to one or more other dwelling units; has a continuous foundation; each on its own lot, with said party wall(s) being centered on the common property line(s) between adjacent lots.~~

....

~~59. **Transportation Facility** - for the purposes of Art. 4, a facility for loading, unloading, and interchange of passengers, baggage, and freight or package express between modes of transportation. Typical uses include bus terminals, railroad stations and yards, and major mail-processing centers.~~

....

~~73. **Truck Stop** - for the purposes of Art. 4, a facility which provides fueling, parking, washing, repair and maintenance services, food service, overnight accommodations, and incidental retail sales for transient commercial vehicles.~~

[Renumber Accordingly]

....

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

....

17. **Urgent Care Center** - A walk-in, extended-hour establishment that provides immediate, but not emergent, medical care to patients. Patients shall be served solely on an outpatient basis and such services shall not include overnight stays.

[Renumber accordingly]

~~22. **Utility, Minor** - for the purposes of Art. 4, mechanical equipment associated with utility distribution, collection, or transmission networks, required by their nature to be relatively dispersed throughout their service area other than electric generation and transmission facilities. Typical uses include gas and water regulators, electrical distribution substations,~~

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~~sewage lift stations, telephone exchange buildings, and communication substations.~~ **~~[Ord. 2006-004]~~**

....

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

....

~~11. **Vehicle Sales and Rental** - for the purposes of Art. 4, an establishment engaged in the sale, rental, or lease of new or used motorized vehicles, equipment, or mobile homes as defined by the Department of Motor Vehicles. Typical uses include auto and truck rental, lease and sales; boat rental and sales; mobile home and recreational vehicle sales; construction equipment rental yards; moving trailer rental, and large implement sales or rental.~~

....

~~16. **Veterinary Clinic** - for the purposes of Art. 4.B, an establishment engaged in providing medical care, treatment and temporary boarding for animals.~~

....

~~21. **Vocational School** - for the purposes of Art. 4, an establishment offering regularly scheduled instruction in technical, commercial, or trade skills such as business, real estate, building and construction trades, electronics, computer programming and technology, automotive or aircraft mechanics and technology, or other type of vocational instruction.~~

....

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

....

~~2. **Warehouse** - for the purposes of Art. 4, a building used for the storage of raw materials, equipment, or products. Typical uses include moving companies, cold storage, and dead storage facilities, but excludes self-service storage facilities.~~

....

9. **Water or Wastewater Treatment Plant** ~~- for the purposes of Art. 4, a facility designed for treatment and disposal of more than 5,000 gallons per day of water or wastewater.~~
   a. **Water or Wastewater Treatment Plant, Open Process** - These are also known as "conventional" water or wastewater treatment plant and use a series of unenclosed tanks without roof structures to treat raw water to drinking water standards. **[Ord. 2007-013]**
   b. **Water or Wastewater Treatment Plant, Closed Treatment** - These plants treat raw water to drinking water standards within the confines of one or more relatively small, fully enclosed buildings. **[Ord. 2007-013]**

....

~~29. **Wholesaling, General** - for the purposes of Art. 4.B, an establishment engaged in the display, maintaining inventories of goods, storage, distribution and sale of goods to other firms for resale, or the supplying of goods to various trades such as landscapers, construction contractors, institutions, industries, or professional businesses. In addition to selling, wholesale establishments sort and grade goods in large lots, break bulk and redistribute in smaller lots, delivery and refrigeration storage, but excluding vehicle sales, wholesale greenhouses or nurseries, wholesale of gas and fuel, and wholesale building supplies.~~

....

~~32. **Work/Live Space** - a space within a building that is used jointly for residential and any non-residential use permitted pursuant to the applicable Zoning District, where permitted by the Florida Building Code, and where the residential space is accessory to the primary use as a place of work.~~ **[Ord. 2004-040] [Ord. 2006-004] [Ord. 2010-005]**

....

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

~~1. **Zero Lot Line Home** - for the purposes of Art. 4, the use of a lot for one detached dwelling unit with at least one wall, but not more than two walls or a portion thereof, located directly adjacent to a side lot line, excluding a mobile home but including a manufactured building. Subject to additional standards in Art. 3, Overlays and Zoning Districts.~~

....

~~4. **Zoo** - for the purposes of Art. 4, means a place where animals are kept in captivity for the public to view or for educational or animal rehabilitative purposes.~~

Part 6. **New ULDC Art. 1.I.3, Abbreviations and Acronyms, (Pages 115, 118 and 119 of 119) is hereby amended as follows:**

CHAPTER I DEFINITIONS & ACRONYMS

Section 3 Abbreviations and Acronyms

....

~~**ACLF**~~	~~Adult Congregate Living Facility~~
....	....

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EXHIBIT A

ARTICLE 1, GENERAL PROVISIONS
SUMMARY OF AMENDMENTS

MH	Mobile Home or Manufactured Home
....	....
OHV	Off-highway Vehicle
....	....
RV	Recreational Vehicle
RVPD	Recreational Vehicle Planned Development (RVPD)
....	....
SUV	Sport Utility Vehicle
....	....

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS

Part 1. **ULDC Art. 2, Development Review Procedures (pages 12-18, 20, 25-29, 37, 39-42, 54-55, 58, 75-76, 84 and 87 of 87), is hereby amended as follows:**

CHAPTER A GENERAL

Section 1 General

....

D. Authority

1. Processes

a. Board of County Commissioners (BCC)

The BCC, in accordance with the procedures, standards and limitations of this Article shall consider the following types of development order applications:

....

7) Deviation(s) from Articles 5, 6, and 7 of the ULDC for development supporting ~~g~~Government ~~f~~Facilities within the PO Zoning District; **[Ord. 2007-013] [Ord. 2008-003]**

....

10) Deviations from separation requirements for Homeless Resource Centers in the PO Zoning District, pursuant to Art. ~~4.B.1.A.70-1~~ 4.B.4.C.10, Homeless Resource Center. **[Ord. 2009-040]**

....

....

c. Development Review Officer (DRO)

....

4) Uses indicated as "D" in ~~Table 4.A.3.A, Use Matrix~~ the use matrices in Art. 4, Use Regulations; and **[Ord. 2006-036] [Ord. 2012-027]**

E. Pre-Application Conference (PAC)

....

3. Additional LCC, IRO and PRA Requirements

....

b. Conceptual Site Plan

....

Table 2.A.1.E - Conceptual Master Plan Requirements for PAC

Conceptual Master Plan Requirements	IRO	LCC	PRAs
....			
Proposed or required mix of uses, including ~~live/work or~~ residential units, identifying whether or not such is horizontally or vertically integrated.	✓	✓	✓
Location of any Conditional ~~requested~~ ~~u~~Uses, and outdoor uses such as ~~r~~Restaurant, ~~or bank drive through facilities~~ Financial Institution with Drive Thru Facilities, Financial Institution Freestanding ATM, gasoline pumps and related queuing areas, outdoor dining areas, and required outdoor daycare areas, among others. Where applicable, additional detail shall be required to demonstrate how such uses will be located behind buildings, or shielded from adjacent residential uses or perimeter streets.	✓	✓	✓
....			
[Ord. 2010-005] [Ord. 2010-022]			

....

G. Application Procedures

....

3. Plan Requirements

....

e. Site Plan

The site plan shall be the controlling plan for ~~c~~Conditional ~~u~~Uses, ~~requested uses~~ or PDDs listed below. All development site elements including, but not limited to: ingress/egress, density, and intensity in the proposed project shall be consistent with the site plan. All plats shall be consistent with the site plan. In cases of conflict between plans, the most recently approved BCC plan or DRO final site plan, as applicable, shall prevail. **[Ord. 2009-040]**

1) Preliminary Site Plan (PSP)

The BCC shall approve a PSP for the following applications: CA Conditional Use, ~~Requested Use,~~ MXPD, MUPD and equivalent previously approved planned developments. The ZC shall approve a PSP for a CB Conditional Use request. **[Ord. 2009-040]**

....

3) Final Site Plan (FSP) for Administrative Approval

The DRO shall approve a Final Site Plan for: **[Ord. 2009-040]**

Notes:

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a) Any requests for uses that have a "D" in ~~Table 4.A.3.A, Use Matrix~~ the use matrices in Art. 4, Use Regulations; or, **[Ord. 2009-040]**

b) Any requests subject to Table 4.A.~~3.A – ~~, Development Thresholds ~~for Project Requiring DRO Approval~~. **[Ord. 2009-040]**

f. Subdivision Plan

The subdivision plan shall be the controlling plan for ~~c~~Conditional ~~u~~Uses~~, requested uses~~ or PDDs that are subject to the subdivision process. All development site elements including, but not limited to: ingress/egress, density, and intensity in the proposed project shall be consistent with the subdivision plan. In cases of conflict between plans, the most recently approved BCC plan or DRO final subdivision plan, as applicable, shall prevail. All plans and plats shall be consistent. **[Ord. 2009-040] [Ord. 2010-005]**

....

g. Regulating Plans

....

1) Preliminary Regulating Plan (PRP) for Public Hearing Approval

The DRO shall review and certify a PRP for all requests that are subject to the Public Hearing approval process. The BCC shall approve a PRP for: Conditional Uses~~, Requested Uses,~~ rezoning to a PDD, the affected area of modifications to previously approved PDDs, and shall include, at a minimum, the following elements: **[Ord. 2009-040]**

....

2) Final Regulating Plan (FRP) for Public Hearing Approval or Administrative Approval

....

b) The DRO shall review and approve a FRP for any requests for uses that have a "D" in any Use Matrix in Art. 3.B, Overlays, or ~~Table 4.A.3.A, Use Matrix~~ Art. 4, Use Regulations; or any requests subject to Table 4.A.~~3.A~~, Development Thresholds ~~for Project Requiring DRO Approval~~. **[Ord. 2009-040] [Ord. 2011-016]**

....

H. Consolidated Application

1. Small Scale Amendments

If a land use amendment requires a rezoning, ~~c~~Conditional ~~u~~Use, ~~requested use,~~ development order amendment or abandonment application, the applications shall be reviewed and considered by the BCC concurrently. An application for a Type II variance may be submitted concurrently or separately. Applications that are contingent upon the approval of variances must be submitted separately. The applicant shall submit a master plan and/or site plan as part of the zoning application. The zoning application shall be submitted at a scheduled zoning application intake within 90 days of receipt of the land use amendment application. If a complete zoning application is not submitted, the land use amendment shall be administratively withdrawn. **[Ord. 2006-036] [Ord. 2009-040]**

....

I. Review and Certification

1. Review

All Rezoning, Conditional Use, ~~Requested Use,~~ Waivers, Development Order Amendment and concurrent Type II Variance applications, shall be reviewed and certified by the DRO. **[Ord. 2006-036] [Ord. 2011-016]**

....

J. Notification

1. Applicability

Table 2.A.1.J – Notification Applicability

Process	Newspaper Publication	Courtesy Notice	Signs
....			
Other Public Hearing (Rezoning, CA, CB, ~~Requested Use~~, DOA, Unique Structure, Waiver)	Yes	Yes	Yes
[Ord. 2015-031]			
Notes:			
1. Applies to Administrative and Public Hearing Abandonments, excluding: Development Orders advertised and abandoned simultaneously as part of a subsequent Development Order; and, Development Orders advertised and reviewed for revocation pursuant to Art. 2.E, Monitoring. 2. Reasonable notice shall be required in compliance with F.S. 286.011.			

....

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3. Courtesy Notice

a. Applicability and Mailing Boundary

....

Table 2.A.1.J – Courtesy Notice Requirements

Process	Recipients and Boundaries		
	Certified Mail 0 to 300 feet (1)	Regular Mail 301 to 500 feet (1)	Regular Mail within One Mile (1)
....			
Other Public Hearing (Rezoning, CA, CB, ~~Requested Use,~~ DOA, Unique Structure, Waiver)	All owners of real property (2), condominium associations (3) and POAs, HOAs or equivalent.	All owners of real property (2), condominium associations (3) and POAs, HOAs or equivalent.	Counties and Municipalities (4)
[Ord. 2011-016] [Ord. 2012-003] [Ord. 2015-031]			
Notes:			

....

K. Public Hearing Procedures

....

3. Board Action

a. Action by ZC

....

2) Rezoning, Class A Conditional Use, ~~Requested Use,~~ DOA, Type II Waivers

The ZC shall consider the application, the staff report, the relevant support materials, the DRO certification and public testimony given at the hearing. After close of the public hearing, the ZC shall recommend to the BCC that the application be approved, approved with conditions, modified, continued, postponed or denied based upon: the standards in Article 2.B.1.B, Standards, and Article 2.B.2.B, Standards, applicable to all Conditional Uses, ~~Requested Uses~~; Rezonings, and DOA's; or, the standards in Article 2.B.2.G.3, Standards, applicable to all Type II Waivers. **[Ord. 2008-003] [Ord. 2011-016] [Ord. 2012-027]**

....

b. Action by BCC

....

3) Decision

At the conclusion of the final public hearing, the BCC shall approve, approve with conditions, modify, postpone, withdraw, or deny the proposed development order based upon: the standards in Article 2.B.1.B, Standards, and Article 2.B.2.B, Standards, applicable to all Conditional Uses, ~~Requested Uses~~, Rezonings and DOA's; or, the standards in Article 2.B.2.G.3, Standards, thereby adopting a resolution approving, approving with conditions, or denying a proposed request by not less than a majority of a quorum present. The resolution shall be filed with the Clerk of the Circuit Court. **[Ord. 2008-003] [Ord. 2012-027]**

....

T. Outstanding Liens or Fines

1. General

....

b. Applications for uses designated as a "D" in ~~Table 4.A.3.A,~~ Use ~~Matrix~~ Matrices

....

....

CHAPTER B PUBLIC HEARING PROCESS

Section 1 Official Zoning Map Amendment (Rezoning)

....

B. Standards

When considering a Development Order application for rezoning to a standard zoning district, the BCC and ZC shall consider Standards 1 - 7 indicated below. In addition the standards indicated in Section 2.B of this Chapter shall also be considered for rezoning to a standard zoning district with a Conditional Use, and rezoning to a PDD or TDD with or without a ~~Requested Use or~~ Waiver. An amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved. **[Ord. 2007-001] [Ord. 2012-003]**

....

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS

Section 2 Conditional Uses, ~~Requested Uses~~ Development Order Amendments, Unique Structures and Type II Waivers

A. Purpose

Conditional Uses, ~~Requested Uses,~~ Development Order Amendments, and Type II Waivers are generally compatible with the other uses or site design permitted in a district, but require individual review of their location, design, configuration, intensity or density and may require the imposition of conditions to ensure the appropriateness and compatibility of the use at a particular location. **[Ord. 2007-001] [Ord. 2011-016]**

B. Standards for Conditional Uses, ~~Requested Uses~~ and Development Order Amendments

When considering a Development Order application for a Conditional ~~or Requested~~ Use, the BCC and ZC shall consider Standards 1 - 8 indicated below. A Conditional ~~or Requested~~ Use, or Development Order Amendment which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved. **[Ord. 2007-001] [Ord. 2011-016] [Ord. 2012-003]**

....

D. Class A Conditional Use

1. Authorized Class A Conditional Use~~s~~

Only those uses that are authorized as Class A Cconditional Uuse~~s~~ in the use matrices in Art. 4, Use Regulations ~~Table 4.A.3.A, Use Matrix~~, may be approved as Class A Cconditional Uuse~~s~~. The designation of a use as a Class A Cconditional Uuse in a district does not constitute an authorization of such use or an assurance that such use will be approved under this Code.

E. Requested Use

~~**1. Authorized Requested Uses**~~

~~Only those uses that are authorized as requested uses in Table 3.E.1.B, PDD Use Matrix, may be approved as requested uses. The designation of a use as a requested use in a planned development does not constitute an authorization of such use or an assurance that such use will be approved under this Code.~~ All prior approvals for a Requested Use shall correspond to a Conditional Use.

F. Class B. Conditional Use

1. Authorized Class B Conditional Use~~s~~

Only those uses that are authorized as Class B Cconditional Uuse~~s~~ in the use matrices in Art. 4, Use Regulations ~~Table 4.A.3.A, Use Matrix~~, may be approved as Class B Cconditional Uuse~~s~~. The designation of a use as a Class B Cconditional Uuse in a ~~standard~~ district does not constitute an authorization of such use or an assurance that such use will be approved under this Code.

G. Type II Waivers

....

2. Applicability

....

Table 2.B.2.G - Summary of Type II Waivers

Type II Waiver Summary List
....
Commercial Communication Towers, ~~Commercial~~
....
[Ord. 2012-027] [Ord. 2016-016] [Ord. 2016-020]

....

H. Development Order Amendment

1. General

A Development Order for a Class A Conditional Use, ~~Requested Use,~~ Class B Conditional Use, or Type II Waiver may be amended, extended, varied or altered only pursuant to the standards and procedures established for its original approval, or as otherwise set forth in this Section. Before any such Development Order is amended, extended, varied or altered, the applicant shall demonstrate and the ZC/BCC shall find that a change of circumstances or conditions has occurred which make it necessary to amend, extend, vary or alter the ~~c~~Conditional~~/requested u~~Use. **[Ord. 2007-001] [Ord. 2011-016]**

....

I. Conditions of Approval

1. Class A Conditional, ~~Requested Use, Type II Waiver, and Development Order Amendment~~

The DRO and ZC may recommend, and the BCC may impose, such conditions in a Development Order for a Class A Conditional Use, ~~Requested Use,~~ Type II Waiver, or Development Order Amendment that are necessary to accomplish the purposes of the Plan and this Code; to prevent or minimize adverse effects upon the public, the environment and neighborhoods; and to ensure compatibility, including, but not limited to, limitations on function, size, bulk, location of improvements and buildings, standards for landscaping,

Notes:

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buffering, lighting, adequate ingress and egress, conveyance of property, on-site or off-site improvements, duration and hours of operation. Conditions shall be included if conventional standards are inadequate to protect the public interest and surrounding land uses or if additional improvements are needed to facilitate a transition between different uses. Conditions are not intended to restate Code provisions. Any Code provision which is expressly restated as a condition of approval, shall not be eligible for a variance unless otherwise specified in the condition. Fixed time periods may be set for compliance with conditions and shall be governed by Art. 2.E, Monitoring. **[Ord. 2007-001] [Ord. 2011-016]**

2. Class B Conditional Use

The DRO may recommend, and the ZC may impose, such conditions in a development order for a Class B conditional use as stated in Article 2.B.2.G.1, Class A Conditional~~/Requested~~ Use, above.

J. Effect of Issuance of a Development Order

1. General

Issuance of a Development Order for a Conditional Use, ~~Requested Use,~~ Type II Waiver, or DOA shall be deemed to authorize only the particular site configuration, layout and level of impacts which were approved pursuant to this Code, unless the approval is abandoned. Permitted uses may occur in conjunction with or in place of a Conditional ~~or Requested u~~Use. **[Ord. 2011-016]**

2. Site Plan Compliance/Initiation of Use

Development, benefit, or use of a Conditional Use~~, Requested Use~~ or DOA shall not be permitted until the applicant has secured and complied with all other development orders and site improvements required by this Code.

The approval of a Development Order shall not ensure that subsequent approvals for other Development Permits will be granted unless the relevant and applicable portions of this Code are met.

CHAPTER D ADMINISTRATIVE PROCESS

Section 1 Development Review Officer (DRO)

A. Purpose

....

2. Administrative Process

Review and approval of applications for uses that have a "D" in ~~Table 4.A.3.A, Use Matrix~~ the use matrices in Art. 4, Use Regulations or Table 4.A.~~3.A~~, Development Thresholds ~~For Projects Requiring DRO Approvals~~. **[Ord. 2009-040]**

B. Application Types

1. The following types of development shall require approval of a master plan, site plan, subdivision plan, regulating plan and other types of plans listed in Art. 2.A.1.G.3, Plan Requirements by the DRO prior to the issuance of a building permit, commencement of any related land development activity, utilization of any use or approval granted by the BCC or ZC, or utilization of any use requiring approval by the DRO: **[Ord. 2009-040]**
   a. Conditional Use~~/Requested Use~~;

   ....

   e. "D" uses in ~~Table 4.A.3.A, Use Matrix~~ the use matrices in to Art. 4, Use Regulations;
   f. All new construction that creates, meets or exceeds the thresholds in Table 4.A.~~3.A~~, Development Threshold ~~for Project Requiring DRO Approval~~; **[Ord. 2009-040]**

   ....

G. Modifications to Prior Development Orders

1. Modifications to BCC/ZC Approvals

....

....

3) The limitations in Art. 2.D.1.G.1.a shall not apply to a Renewable Energy *Wind* Facility~~, Wind~~ within the AP Zoning district. **[Ord. 2011-016] [Ord. 2015-006]**

....

1) For a Renewable Energy *Wind* Facility~~, Wind~~ within the AP Zoning District, this shall apply to the Project Boundary, provided they meet separation or setback requirements from streets, and residential uses and districts. **[Ord. 2011-016]**

d. For a Renewable Energy *Wind* Facility~~, Wind~~ within the AP Zoning District, an increase in no more than ten percent, up to a maximum of ten, of the number of wind turbines approved by the BCC. **[Ord. 2011-016] [Ord. 2014-025]**

....

2. Administrative Modifications

....

b. Agency Review

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Agency Review is for applications that require amendment(s) to existing approved plan(s). This type of application requires review, comments, and conditions by a maximum of five DRO Agencies. The DRO shall determine which Agencies are required to review the amendment based upon the request and compliance with County Ordinances. The Zoning Director shall maintain PPM Z0-0-29, Administrative Modifications to Approved Site Plans, outlining a list of minor amendments and establishing items that are exempt from the Administrative Modifications process. Amendments include the following, provided Art. 2.D.1.G.1, Modifications to BCC/ZC Approvals, requirements are not exceeded: **[Ord. 2008-003] [Ord. 2011-001] [Ord. 2014-001] [Ord. 2015-006] [Ord. 2016-016]**

....

7) Modifications to approved Type ~~I~~1B Excavation; **[Ord. 2008-003] [Ord. 2011-001] [Ord. 2014-001]**

....

11) Stealth Towers equal to or less than 100 feet in height located in the AGR, AR and RE Zoning Districts, provided the parcel has an existing DRO approved site plan.

....

Section 2 Special Permit

....

B. Authorized Special Permits

Only the uses identified in ~~Table 4.A.3.A, Use Matrix~~ the use matrices in Art. 4, Use Regulations, or Article 4.B, SUPPLEMENTARY USE STANDARDS, by an "S" shall require a special permit. This designation in ~~Table 4.A.3.A, Use Matrix~~ the use matrices, does not constitute an authorization of such use or an assurance that such use will be approved under this Code. Each proposed special permit application shall be evaluated by the Zoning Director for compliance with the standards and conditions set forth in this Section, and the applicable district.

....

Section 3 Type 1A and Type 1B Administrative Variances

....

D. Type 1B Administrative Variances

1. Residential Lots of Three Units or Less

A variance may be requested for the following: **[Ord. 2006-036] [Ord. 2008-003]**

....

d. Relief from Excavation Standards ~~(Art. 4.D.5.B, Type 1A Excavation, and Article 4.D.5.C, Type I B Excavation)~~ in Art. 4.B.10.C.2, Type 1A Excavation and Art. 4.B.10.C.3, Type 1B Excavation . **[Ord. 2008-003]**

....

CHAPTER E MONITORING

....

Section 2 Procedures

....

D. Failure to Comply with Conditions or Time Requirements other than for a DRO Imposed Condition of Approval

....

8. Decision of the BCC or ZC for Failure to Comply with the Following:

Time requirements to commence development, utilize a ~~c~~Conditional ~~or requested~~ ~~u~~Use or record a plat; or Non-performance security conditions (required by Article 12.C.2, Conditions). **[Ord. 2005-002] [Ord. 2007-001]**

....

1) Grant a time extension:

a) To commence development, utilize a ~~c~~Conditional ~~or requested~~ ~~u~~Use, or record a plat for a period not to exceed 36 months. The term of the time extension shall commence upon the expiration of the date to complete the time certain activity, or the expiration of the last extension, whichever is applicable. A time extension shall only be granted if the development order is consistent with the Plan and the Code. Options, which may be used to cause the Development Order to be consistent, include revocation of Concurrency and the amendment of Conditions of Approval. **[Ord. 2005-002] [Ord. 2008-003]**

....

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3) Adopt a resolution which will revoke or amend the approval for all or a portion of the ~~c~~Conditional ~~or requested~~ ~~u~~Use, special exception or development order amendment;

....

Section 3 Supplementary Regulations for Classes of Development Orders

....

B. Effect of Phasing on Time Frames for Receipt of a Required Permit or Commencement of a Required Action

....

2. Conditional ~~and Requested~~ Use~~s~~, PDDs other than PUDs, TTDs and TMDs

The Final site plan/Final Subdivision plan for ~~c~~Conditional ~~and requested~~ ~~u~~Uses, PDDs other than PUDs, TTDs, or TMDs, may provide for phasing. Table 2.E.3.B, Time Limitation of Development Order for Each Phase, provides the maximum number of phases permitted for each type of development order. If there are multiple phases, the first phase shall contain a minimum of 20 percent of the land area and the first and second phases shall contain a combined minimum of 40 percent of the land area unless otherwise approved in the development order approved by the BCC or ZC. A TMD in the U/S Tier shall include a minimum of 25 percent residential/non-residential of the total project. Article 2.E.3.B.3.b, Final Site Plan or Final Subdivision Plan, also provides time requirements for commencement of development. **[Ord. 2006-004] [Ord. 2007-001]**

3. Effect of Modification to a Development Order on the Time Requirements of this Section

....

b. Final Site Plan or Final Subdivision Plan

....

Table 2.E.3.B - Time Limitation of Development Order for Each Phase

TYPE OF DEVELOPMENT ORDER	MAXIMUM NUMBER OF PHASES	NEXT REQUIRED ACTION OR DEVELOP-MENT ORDER	MAXIMUM TIME TO RECEIVE DEVELOPMENT PERMIT OR COMMENCE DEVELOPMENT	MAXIMUM LENGTH OF ADMINISTRA-TIVE TIME EXTENSION[4]	ACTION UPON FAILURE TO COMPLY WITH TIME REQUIREMENT WITHOUT AN APPROVED TIME EXTENSION
....					
Conditional Uses ~~, Requested Uses~~ (Including any associated variance(s)	2 (5)	Commence development or utilize Conditional Use ~~or Requested Use~~ if no construction is required (1)	Three years (2) (7)	Twenty-four months	Pursuant to subsections Article 2.E.2.A, Suspension of Development Orders and Article 2.E.2.D, Failure to Comply with Conditions herein: Class A - BCC review; Class B - Zoning Commission review
....					

[Ord. 2005 – 002] [Ord. 2006-004] [Ord. 2007-01] [Ord. 2008-003] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2014-025]

Notes:

....

2. From resolution adoption date for first phase, and from date of commencement of development of last phase, or last plat recordation date, for subsequent phases. The maximum time to commence development for each phase of a Type ~~III~~ 3 Eexcavation shall be established by a condition of approval.

....

5. The maximum number of phases and duration of each phase for a Type ~~III~~ 3 Eexcavation shall be established by a condition of approval.

....

....

CHAPTER G DECISION MAKING BODIES

Section 1 Board of County Commissioners

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EXHIBIT B

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS

A. Powers and Duties

15. to review, hear, consider, and approve, approve with conditions, or deny requests for deviations from: Article ~~4.B.1.A.70-1,a.1)~~ 4.B.4.C.10.d, Homeless Resource Center, Location and Separation Requirements, and Articles 5, 6, and 7 for development supporting government facilities within the PO Zoning District; **[Ord. 2007-013] [Ord. 2009-040] [Ord. 2011-016]**

....

Section 3 APPOINTED BODIES

....

F. Groundwater and Natural Resources Protection Board

....

2. Powers and Duties

The GNRPB shall have the following powers and duties:

a. to hold hearings as necessary to enforce Article 14, Environmental Standards. ERM may refer alleged violations of Art. 14 Environmental Standards, and applicable Art. ~~4.D~~ 4.B.10, Excavation Uses, Ord. 2003-020, Petroleum Storage Systems, Ord. 2003-021, Petroleum Contamination Clean-up criteria, Ord. 2004-050, Stormwater Pollution and Prevention, Natural Areas, Ord. 1994-014 and Ord. 1993-003, Water and Irrigation Conservation as amended to the GNRPB, if there has been a failure to correct a violation within the time specified by the Code Inspector, if the violation has been repeated, or is of such a nature that it cannot be corrected; **[Ord. 2006-004] [Ord. 2010-022]**

....

Section 4 STAFF OFFICIALS

....

G. Development Review Officer (DRO)

....

2. Powers and Duties

....

b. to hear, consider, and determine the sufficiency of applications for and recommendations to the /BCC to approve, approve with conditions, or deny applications for development permits for ~~c~~Conditional ~~and requested~~ ~~u~~Uses.

....

3. Comments and Recommendations

a. The DRO may seek comments and recommendations from the following PBC departments and divisions, as well as other local government and state government agencies, as deemed appropriate by the DRO: **[Ord. 2008-037]**

....

15) Department of Environmental Protection (DEP) for Type ~~III~~ 3 Excavation. **[Ord. 2008-037]**

....

H. Director of ERM

....

2. Jurisdiction, Authority and Duties

In addition to the jurisdiction, authority and duties which may be conferred upon the Director of ERM by other provisions of PBC Code and PBC Charter, the Director of ERM shall have the following jurisdictions, authority and duties under this Code:

a. to review, consider and render interpretations to Article 14, Environmental Standards;

b. to review and approve, approve with conditions or deny applications for development or permits for sea turtle protection and sand preservation, wetlands protection, wellfield protection, upland vegetation preservation and protection, Agricultural Eexcavation in the WCAA, water and irrigation conservation, stormwater pollution prevention, and other ordinances as may be assigned by the BCC;

....

N. Zoning Director

....

2. Jurisdiction, Authority and Duties

....

d. to accept applications for, review and prepare staff reports recommending approval, approval with conditions, or denial of applications for re-zonings, Class A and Class B ~~c~~Conditional ~~u~~Uses, ~~requested uses,~~ waivers, site plans, subdivisions, special permits, DRIs and variances;

....

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EXHIBIT C

ARTICLE 3, OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS

Part 1. ULDC Art. 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts (pages 16 – 18 of 134), is hereby amended, as follows:

CHAPTER A GENERAL

Section 3 Zoning District Consistency with the Future Land Use Atlas (FLUA)

B. Standard Districts

Any application for a rezoning to a Standard Zoning District shall correspond to a FLU designation indicated in the table below.

Table 3.A.3.B - Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts (1)

FLU Designation	Zoning District					
....						
Institutional/ Public and Civic						
INST	IPF					
PARK	IPF					
U/T	PO	IPF (4)				
[Ord. 2006-004] [Ord. 2008-003] [Ord. 2008-037] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2014-025] [Ord. 2016-042]						
Notes:						
....						

1. Standard District Exceptions and Limitations

The following list of exceptions shall be permitted:

....

m. The IPF District shall only be consistent with the U/T FLU Designation for the purposes of accommodating privately owned or operated utility uses, including those considered publically held utilities that are not owned or operated by the State of Florida or local PBC governmental entity.

n. The AP District is consistent with the Special Agriculture (SA) FLU designation where necessary to accommodate an Equestrian Waste Management Facility.

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Part 2. ULDC Table.3.B.2.B, Airport Use Regulations (Continued) (page 21-23 of 234), is hereby amended as follows:

Table 3.B.2.B - Airport Use Regulations

Use Type	Airport Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs (1)	Note (2)	Use Applicable to Specific Airport
Residential Uses					
~~Security or~~ Caretaker Quarter	S	S	CG or IG	~~119~~	All
Commercial Uses					
Auction, ~~Enclosed~~ Indoor		D	CG	~~16~~ 2	All
Auction, Outdoor		A	CG	~~16~~ 2	All
~~Broadcast Studio~~ **{Consolidated with Multimedia Production – Industrial Use}**		~~D~~	~~CG or IL~~	~~21~~	~~All~~
~~Building Supplies~~ **[Concept consolidated with Retail Sales (Commercial Use) and Wholesaling (Industrial Use)]**		~~D~~	~~CG or IL~~	~~22~~	~~All~~
Car Wash		D	CG or IL	~~25~~ 4	All
Catering Service	P	D	CG or IL	~~26~~ 5	All
~~*Contractor Storage Yard*~~ **[Relocated to Industrial Uses]**		~~*D*~~	~~*IG*~~	~~*35*~~	~~*All*~~
Cocktail Lounge **[Relocated from Lounge Cocktail, below]**	*P*	*A*	*CG*	~~*79*~~ *6*	*All*
Convenience Store		D	CG	~~36~~ 7	All
~~Convenience Store with Gas Sales~~		~~A~~	~~CG~~	~~37~~	~~All~~
Dispatching ~~Office~~ Service	P	D	CG	~~42~~ 8	All
Dog Daycare	P	D	CG	~~43~~ 9	All
Financial Institution	P	~~D~~ P	CG	~~55~~ 10	All
Financial Institution with Drive Thru Facilities	P	D	CG	11	All
Financial Institution Freestanding ATM	P	D	CG	12	All
Gas and Fuel Sales, Retail		A	CG	~~48~~15	All
Hotel, or Motel, ~~*SRO, Rooming and Boarding*~~	P	D	CG	~~72~~ 17	All
Kennel, Type 2 (Commercial) **[Relocated from Agricultural Uses]**	*P*	*D*	*CG or IG*	~~*74-1*~~ *18*	*All*
Kennel, Type 3 (Commercial Enclosed) **[Relocated from Agricultural Uses]**	*P*	*D*	*CG or IG*	~~*74-2*~~ *19*	*All*
Landscape Service		D	CG or IL	~~77~~ 20	All
Laundry Service		D	CG or IL	~~78~~ 21	All
~~*Lounge, Cocktail*~~ **[Relocated above as Cocktail Lounge]**	~~*P*~~	~~*A*~~	~~*CG*~~	~~*79*~~	~~*All*~~
Medical or Dental Office	P	D	CG	~~83~~ 23	All
Office, Business or Professional	P	D	CG	~~91~~ 25	All
~~Parking Garage, Commercial~~	~~P~~	~~D~~	~~CG or IL~~	~~95~~	~~All~~
Parking ~~Lot~~, Commercial	P	D	CG or IL	~~96~~ 26	All
Pawnshop		A	CG	~~97~~ 27	All
Personal Services	P	D	CG	~~98~~ 28	All
~~Printing and Copying Service~~ **[Use consolidated with Retail Sales]**	~~P~~	~~D~~	~~CG or IL~~	~~100~~	~~All~~
Repair and Maintenance, Heavy ~~General~~	P	A	CG or IG	~~107~~ 29	All
Repair and Maintenance, Light	P	D	CG or IG	30	All
Repair Services, Limited	P	D	CG or IG	~~108~~ 31	All
Restaurant, Type ~~I~~1	P	A	CG	~~109~~ 32	All
Restaurant, Type ~~II~~2	P	D	CG	~~110~~ 33	All
Retail Sales, ~~General~~	P	D	CG	~~114~~ 34	All
Retail Sales, Mobile or Temporary		S	CG or IG	~~116~~ 3	All
Self-Service Storage, Limited Access		D	CG or IG	~~120~~ 36	All
Self-Service Storage, Multi Access		D	CG or IG	36	All
Single Room Occupancy (*SRO*)	P	A	CG	~~72~~ 37	All
Vehicle Equipment Sales and Rental, Heavy		A	CG or IL	39	All
Vehicle Sales and Rental, Light	P	B	CG or IL	~~135~~ 40	All
Veterinary Clinic	P	D	CG or IL	~~136~~ 41	All
Vocational ~~School~~ Institution	P	D	CG or IG	~~137~~ 42	All
[Ord. 2006-036] [Ord. 2008-003][Ord. 2010-009] [Ord. 2010-022] [Ord. 2011-016]					

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Table 3.B.2.B - Airport Use Regulations

Use Type	Airport Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs (1)	Note (2)	Use Applicable to Specific Airport
Institutional, Public and Civic Uses					
~~*Airport*~~ **[Relocated to Transportation Uses]**	~~*P*~~		~~*PO*~~	~~*10*~~	~~*All*~~
Nonprofit Assembly~~, Nonprofit~~ Institutional	D	D	CG	~~14~~10	All
Nonprofit Assembly~~, Nonprofit~~ Membership	D	D	CG or IL	~~15~~ 11	All
Place of Worship		D	CG	~~29~~ 13	All
Government Services	P	P	CG or IL	~~63~~ 7	All
~~Helipad~~ **[Relocated to Transportation Uses]**	~~*P*~~	~~*A*~~	~~*CG or IL*~~	~~*10*~~	~~*All*~~
Hospital ~~or Medical Center~~		A	CG	~~71~~ 9	All
~~*Landing Strip*~~ **[Relocated to Transportation Uses]**	~~*P*~~		~~*CRE or IG*~~	~~*10*~~	~~*All*~~
Entertainment, Indoor	P	D	CG or IL	~~45~~ 3	All
Entertainment, Outdoor	P		PO	~~46~~ 4	All
Fitness Center	P	D	CG or IL	~~56~~ 5	All
Golf Course		D	CG or IL	~~62~~ 6	All
Park Public		P	CG or IG	~~94~~ 9	All
Park, Neighborhood		P	CG or IG	~~92~~ 7	All
Prison, Jail or Correctional Facilities	P	A	CG or IL	14	All
~~*Special Event*~~ **[Relocated to Temporary Uses]**	~~*P*~~	~~*S*~~	~~*CG or IL*~~	~~*124*~~	~~*All*~~
Recreation Uses					
Arena~~, Auditorium~~ or Stadium or Amphitheater	P	A	CG	~~12~~ 1	PBIA
Park, Passive	P	P	CG or IL	~~93~~ 8	All
Agricultural Uses					
Agriculture, Bona Fide		P	IL	~~3~~ 1	2
Agriculture, Light Manufacturing		P	IL	~~4~~ 2	2
Agriculture, Packing Plant		P	IL	~~5~~ 3	2
Agriculture, Research/Development		P	IL	~~3.1~~ 4	2
Agriculture, Sales and Service		P	IL	~~6~~ 6	2
Agriculture, Storage		P	IL	~~7~~ 7	2
Community Vegetable Garden		P	CG or IL	~~32~~10	2
~~*Kennel, Commercial Type II*~~ **[Relocated to Commercial Uses]**	~~*P*~~	~~*D*~~	~~*CG or IG*~~	~~*74.1*~~	~~*All*~~
~~*Kennel, Commercial Type III*~~ **[Relocated to Commercial Uses]**	~~*P*~~	~~*D*~~	~~*CG or IG*~~	~~*74.2*~~	~~*All*~~
Nursery, Retail		D	CG	~~88~~ 13	All
Shadehouse		P	IL	~~121~~ 17	2
Utilities & / Excavation Uses / Commercial Communication Towers					
Air Curtain Incinerator		D	CG or IG	~~9~~	All
Chipping and Mulching		D	IG	~~28~~ 1	All
~~*Communication Cell Sites on Wheels (COW) Tower, Mobile*~~ **[Relocated to Temporary Uses]**	~~*P*~~	~~*P*~~	~~*CG or IG*~~	~~*31*~~	~~*All*~~
~~Communication Panels, or Antennas, Commercial~~ **[Standards relocated to Art. 5]**	~~P~~	~~P~~	~~CG or IG~~	~~31~~	~~All~~
~~Commercial~~ Communication Towers~~, Commercial~~	P	D	CG or IG	~~31~~	All
Composting Facility		D	IG	~~33~~ 2	All
Excavation, Type ~~II~~2	P	P	CG or IG	~~49~~ 4	All
Recycling Center	D	D	CG or IG	~~103~~ 11	All
~~*Recycling Drop-Off Bin*~~ **[Relocated to Temporary Uses]**	~~*D*~~	~~*D*~~	~~*CG or IG*~~	~~*104*~~	~~*All*~~
~~*Recycling Plant*~~ **[Relocated to Industrial Uses]**	~~*P*~~	~~*D*~~	~~*IG*~~	~~*105*~~	~~*All*~~
Minor Utility~~, Minor~~	P	D	CG or IG	~~134~~ 7	All
Transportation Uses					
Airport **[Relocated from Public and Civic Uses]**	*P*		*PO*	~~*10*~~ 1	*All*
~~Heliport~~ **[FKA Helipad]**	~~*P*~~	~~*A*~~	~~*CG or IL*~~	~~*10*~~ 2	~~*All*~~
Transportation Facility **[Relocated from Industrial Uses]**	*B*	*B*	*CG or IG*	~~*133*~~ 5	*All*
[Ord. 2006-036] [Ord. 2008-003] [Ord. 2010-022] [Ord. 2012-007] [Ord. 2013-001]					

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Table 3.B.2.B - Airport Use Regulations

Use Type	Airport Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs (1)	Note (2)	Use Applicable to Specific Airport
Temporary Uses					
Communication Cell Sites on Wheels (COW) Tower, Mobile **[Relocated from Utility Uses]**	*P*	*P*	*CG or IG*	*31 7 1*	*All*
Recycling Drop-Off Bin **[Relocated from Utility Uses]**	*D*	*D*	*CG or IG*	*104 5*	*All*
Special Event **[Relocated from Public and Civic Uses]**	*P*	*S*	*CG or IL*	*124 6*	*All*
Industrial Uses					
Asphalt or Concrete Plant	P	D	IG	~~13~~	All
Contractor Storage Yard **[Relocated from Commercial Uses]**		*D*	*IG*	*~~35~~ 1*	*All*
Data and Information Processing	P	D	CG or IG	~~38~~ 2	All
Distribution Facility	B	B	CG or IG	~~133~~ 3	All
~~Film~~ Multi-Media Production ~~Studio~~		D	CG or IG	~~54~~ 10	All
Gas and Fuel, wholesale	P	D	IG	~~61~~ 5	All
~~Laboratory, Industrial~~ Research and Development		D	IG	~~76~~ 13	All
Manufacturing and Processing	P	D	IG	~~81~~ 8	All
Medical or Dental Laboratory		D	CG or IL	~~84~~ 9	All
Recycling Plant **[Relocated from Utility Uses]**	*P*	*D*	*IG*	*~~105~~ 12*	*All*
~~*Transportation Facility*~~ **[Relocated to Transportation Uses]**	~~*B*~~	~~*B*~~	~~*CG or IG*~~	~~*133*~~	~~*All*~~
Warehouse	P	D	IG	~~138~~ 17	All
Wholesaling, General	P	D	IG	~~140~~ 18	All
[Ord. 2006-036] [Ord. 2010-022]					
Notes:					
....					
(2) Reference Art.4, Use Regulations ~~B, Supplementary Use Standards~~ for additional ~~requirements~~ Supplementary Use Standards.					
Key:					
....					

2
3
4 **Part 3. ULDC Art. 3, Overlays and Zoning Districts [Related to Hours of Operation] (pages 27,**
5 **140, 141, 164 and 179 of 234), is hereby amended as follows:**

6 **CHAPTER B OVERLAYS**

7 ....

8 **Section 4 GAO, Glades Area Overlay**

9 ....
10 **F. Planned Industrial Park Development (PIPD)**
11 **1. Development Standard Exceptions**
12 ....
13 **~~g. Hours of Operation~~**
14 ~~Any non-residential use located within 250 feet of a residential FLU designation or zoning~~
15 ~~district as measured by drawing a straight line from the closest point on the perimeter of~~
16 ~~the exterior wall, structure or bay or the limits of any outdoor storage to the residential~~
17 ~~property line, shall be subject to the following hours of operation: **[Ord. 2014-025]**~~
18 ~~1) Industrial Uses - 7:00 a.m. to 7:00 p.m.; **[Ord. 2014-025]**~~
19 ~~2) Industrial Uses without Outdoor Activities - 6:00 a.m. to 11:00 p.m.; and, **[Ord. 2014-**~~
20 ~~**025]**~~
21 ~~3) Commercial Uses and all Loading Activities - 6:00 a.m. to 11:00 p.m. **[Ord. 2014-**~~
22 ~~**025]**~~
23 ....
24 (This space intentionally left blank)

Notes:
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Part 4. ULDC Art. 3.B.6, LOSTO, Lake Okeechobee Scenic Trail Overlay (page 30 of 234), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 6 LOSTO, Lake Okeechobee Scenic Trail Overlay

....

C. Use Regulations

Uses ~~permitted as of right~~ Permitted by Right in the underlying district are ~~permitted as of right~~ Permitted by Right in the LOSTO. In addition, the following uses shall be permitted subject to Article 4.B, ~~Supplementary Use Standards~~ Use Classification:

1. Bed ~~&~~ and ~~b~~Breakfast;
2. Camping ~~c~~Cabin;
3. Catering ~~s~~Service;
4. Office~~s~~, ~~b~~Business or ~~p~~Professional;
   Within the LOSTO, an office limited to a maximum of 1,500 square feet of GFA and for the sole purpose of arranging nature or heritage based activities, such as bicycle tours and bus tours to natural, agricultural, or historic points of interest of the area, shall be allowed subject to approval of a Special Permit. **[Partially relocated from LOSTO, under Art.4.B.1.A.91, Business or Professional, Office]**
5. Restaurant, ~~s~~Specialty;
6. Retail ~~s~~Sales~~, general~~;
   Additional standards for Retail Sales *shall be limited to specialty shops selling merchandise such as hand-crafted items, nature books, prepackaged meals, snacks, and non-alcoholic beverages for consumption off the premises, hiking supplies such as backpacks and walking sticks, and outfitters renting equipment for recreational use including bicycles, skates, canoes, and kayaks and 3,000 square feet of total floor area shall be allowed subject to approval of a Special Permit.* **[Partially relocated from Art. 4.B.1.A.114.d, LOSTO, under Retail Sales, General]**
7. Stable, ~~c~~Commercial.

Part 5. ULDC Art. 3.B.9.D.5.a, Permitted Uses [Related to PBIA], (pages 35, of 234), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 9 PBIAO, Palm Beach International Airport Overlay

D. Uses

5. Nonconforming Uses

~~**a. Permitted Uses**~~

~~All applications for a permitted use in the PBIAO shall be reviewed in accordance with Table 4.A.3.A, Use Matri, and Article 16, AIRPORT REGULATIONS. **[Ord. 2004-051]**~~

[Renumber accordingly.]

E. Review Procedures

1. Industrial Rezoning in Residential FLUA Designations

b. Rezoning Criteria

3) Lands within the PBIAO that are ....

c) The following uses shall be prohibited: salvage junk yards, machine or welding shops, hazardous waste facilities, solid waste facilities, bulk storage facilities, transportation and multi-modal facilities, large-scale repair and heavy equipment repair and service facilities, petroleum and coal-derivations-manufacturing and storage facilities, heliports, helipads, airstrips, hangers and accessory facilities, and Type ~~III~~ 3 Eexcavation. **[Ord. 2004-051]**

....

Part 6. ULDC Art. 3.B.10.C.1, Prohibited Noise Sensitive Uses [Related to RTO, Research and Technology Overlay] (page 38 of 234), is hereby amended as follow

CHAPTER B OVERLAYS

Section 10 RTO, Research and Technology Overlay

C. Use Regulations

1. Prohibited Noise Sensitive Uses:

Notes:
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....

d. Hospitals~~, medical centers~~.

Part 7. ULDC Art. 3.B.11.C, Use Regulations [Related to CGCFO, Sugar Cane Growers Cooperative of Florida Protection Area Overlay] (page 38-39 of 234), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 11 SCGCFO, Sugar Cane Growers Cooperative of Florida Protection Area Overlay

C. Use Regulations

The following uses ~~shall~~ may be permitted in the SCGCFO, subject to Article 4, Use Regulations, and the following: ~~4.A, USE CLASSIFICATION~~: **[Ord. 2004-040]**

~~Permitted~~ Uses Permitted by Right:	DRO Uses:
....	....
	Minor Utility~~, Minor~~
	Vocational ~~school~~ Institution
	Water or Wastewater Ttreatment pPlant
Class A Conditional Uses:	**Special Permit:**
Electric Power ~~Facility~~ Plant	....
....	~~Security/c~~Caretaker's ~~q~~Quarters
....	
[Ord. 2013-001]	

....

Part 8. ULDC Art. 3.B.13, TAPO Turnpike Aquifer Protection Overlay (pages 39-40 of 234), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 13 TAPO, Turnpike Aquifer Protection Overlay

....

C. Exemption

All development and uses which existed within the revised TAPO boundaries, as described in Article 3.B.13.D, Boundaries around Water or Wastewater Treatment Plant (WTP).

D. Boundaries

The TAPO boundaries shall generally be described as two areas around Water or Wastewater Treatment Plant (WTP) 3 and 8.

....

2. ....

The specific boundaries are depicted on maps and legal descriptions incorporated herein and made a part of this Code. See Appendix 1, Legal Description Water or Wastewater Treatment Plant No. 3, and Appendix 2, Legal Description Water or Wastewater Treatment Plant No. 8.

....

Part 9. ULDC Art. 3.B.14, WCRAO, Westgate Community Redevelopment Area Overlay (pages 41-53 of 234), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 14 WCRAO, Westgate Community Redevelopment Area Overlay

....

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1

Table 3.B.14.E - WCRAO Sub-area Use Regulations

Sub-areas	NR	NRM	NG	NC	UG	UH	UI	NOTE (2)
....								
....								
Commercial Uses								
Adult ~~e~~Entertainment (3)	X	X	X	X	X	X	X	4.B.2.C.1
Convenience Store	X	X	X	X	-	-	-	4.B.2.C.7
~~Convenience Store with Gas Sales~~	~~X~~	~~X~~	~~X~~	-	-	-	-	~~37~~
Employment Agencies (5) ~~Day Labor Employment Service~~	X	X	X	X	X	X	X	~~41~~ 4.B.2.C.25
Gas and Fuel Sales, Retail	X	X	X	X	-	-		~~18~~ 4.B.2.C.15
~~Repair and Maintenance, General~~	~~X~~	~~X~~	~~X~~	-	-	-	-	~~107~~
Repair and Maintenance, Heavy	X	X	X	X	-	-	-	4.B.2.C.29
Repair and Maintenance, Light	X	X	X	X	-	-	-	4.B.2.C.30
Self-~~s~~Service Storage	X	X	X	X	-	-	-	120 4.B.2.C.36
~~Vehicle Sales and Rental~~	~~X~~	~~X~~	~~X~~	-	-	-	-	~~135~~
Vehicle Sales and Rental, Light	X	X	X	X	-	-	-	4.B.2.C.3840
Vehicle or Equipment Sales and Rental, Heavy	X	X	X	X	-	-	-	4.B.2.C.39
Office Warehouse	X	X	X	X	A (1)	A (1)	A (1)	~~138~~ 4.B.5.C.17
Work/Live Space ~~or Live/Work Unit~~	X	P (4)	P (4)	P (4)	P (4)	P (4)	P (4)	~~141, 141-2~~ 4.B.2.C.43
Industrial Uses								
Contractor Storage Yard	-	-	-	-	A	-	A	4.B.5.C.1

[Ord. 2006-004] [Ord. 2007-013] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-007]

Notes:

1. Limited to lots with a CH or IND FLU Designation and corresponding zoning district. **[Ord. 2006-004]**
2. A number in the NOTE column refers to Art 4.B, Supplementary Use Standards, which are applicable to the use. **[Ord. 2006-004]**
3. Adult entertainment shall also be prohibited as an accessory use to other principal uses within the sub-areas. **[Ord. 2007-013]**
4. Limited to lots with a CH or CL FLU Designation and corresponding zoning district. **[Ord. 2007-013]**
5. Employment Agencies as contained in Art. 4 under Office, Business or Professional.

Key:

X Prohibited in Sub-area.
\- Subject to Use Regulations of zoning district.
P Permitted by Right. **[Ord. 2007-013] [2009-040]**
A Class A Conditional ~~or Requested~~ Use

2

Reason for Amendment:

1. [Zoning] Rename uses for consistency with revisions to Art. 4, Use Regulations.

3 ....

4 **F. Property Development Regulations (PDRs)**

5 **1. Sub-area PDRs**

6 .... Single-family dwellings shall only be required to comply with the Minimum Lot Depth and
7 Accessory ~~Dwelling~~ Quarters requirements of Sub-area PDRs. **[Ord. 2006-004] [Ord. 2008-**
8 **003]**

9 ....

10

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Table 3.B.14.F - WCRAO Sub-area PDRs

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
....							
Maximum Height (7)							
....							
Accessory ~~Dwelling~~ Quarters Max. Height/Stories	2 stories and 25'			-	-	-	-
Other							
....							
[Ord.2006-004] [Ord. 2010-022] [Ord. 2015-031]							
Key							
....							
Notes:							
....							

....

Table 3.B.14.G - WCRAO Supplementary Standards by Sub-Area

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
Minimum Enclosed Living Area							
....							
Accessory ~~Dwelling~~ Quarters	300 s.f	300 s.f	300 s.f	-	-	-	-
....							
Location of Accessory ~~Dwelling~~ Quarters and Garages:							
....							
....							
[Ord. 2006-004] [Ord. 2009-040] [Ord. 2015-031]							
Notes:							
....							

G. Supplementary Standards

1. Accessory and Prohibited Uses

....

b. Accessory ~~Dwelling~~ Quarters and Garages

Accessory ~~dwelling~~ Quarters and garages shall meet the requirements of Table 3.B.14.G, WCRAO Supplementary Standards by Sub-Area and Figure 3.F.3.E, TND Garages. **[Ord. 2006-004]**

....

Part 10. ULDC Art. 3.B.15, Infill Redevelopment Overlay (IRO) (pages 78-88, of 234), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 15 INFILL REDEVELOPMENT OVERLAY (IRO)

....

F. Design and Development Standards

....

7. Use Standards

The standards of the IRO allow only those uses that have been indicated on a DRO approved FSP or FSBP to be eligible to apply for building permits or a business tax receipt (BTR). Where permitted, uses may also be further restricted by TZ, building type and number or floor location. **[Ord. 2010-005]**

a. Permitted Uses

See Article 4, Use Regulations, ~~Table 3.B.16.F, IRO Permitted Use Schedule identifies the permitted and requested uses allowed for an IRO project.~~ **[Ord. 2010-005]**

....

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1

Table 3.B.15.F - IRO Permitted Use Schedule

Use Type	Land Use				NOTE	Use Type	Land Use				NOTE
	CL	CH	CLO	CHO			CL	CH	CLO	CHO	
Residential Uses						**Commercial Uses (continued)**					
Townhouse	D	D	D	D	132	Green Market	D	D	L	L	64
Multi-family	D	D	D	D	87	Hotel, Motel, SRO, Rooming And Boarding	A	D			72
Accessory Dwelling	D	D	D	D	1	Kennel, Type III (Enclosed)	D	D			74-2
CLF, Type I	D	D	D	D	34	Kiosk	D	D	D	D	75
CLF, Type II	D	D	D	D	34	Laundry Services	D	D			78
CLF, Type III	A	D	A	D	34	Lounge, Cocktail	A	A			79
Garage Sale	D	D	D	D	60	Office, Medical or Dental	D	D	D	D	83
Guest Cottage	D	D	D	D	66	Office, Business or Professional	D	D	D	D	91
Home Occupation	D	D	D	D	70	Parking Garage, Commercial	D	D			95
Nursing Facility	D	D	D	D	90	Parking Lot, Commercial	D	D			96
Security or Caretakers Quarters	D	D	D	D	119	Pawnshop	A	D			97
Commercial Uses						Personal Services	D	D			98
Auction, Enclosed		D			16	Printing and Copying	D	D	D	D	100
Auto Paint or Body Shop		A			17	Repair and Maintenance, General	A	A			107
Broadcast Studio	D	D	D	D	21	Repair Services, Limited	D	D			108
Building Supplies	D	D			22	Restaurant, Type I	A	A			109
Car Wash	A	A			25	Restaurant, Type II	D	D			111
Catering Service	D	D			26	Retail Sales, Auto Accessories and Parts	D	D			113
Convenience Store	D	D			36	Retail Sales, General	D	D			114
Convenience Store with Gas Sales	A	A			37	Retail Sales, Mobile or Temporary	D	D			115
Day Labor and Employment Service		A			41	Self Service Storage	D	D			120
Dispatching Office		D			42	Theater, Indoor	D	D			128
Dog Daycare	D	D	L	L	43	Vehicle Sales and Rental	A	A			135
Financial Institution	A	A	A	D	55	Veterinary Clinic	D	D			136
Flea Market, Enclosed		D			57	Vocational School	D	D	D	D	137
Funeral Home or Crematory		A			59	Work/Live Space	D	D	D	D	141-1
Gas and Fuel, Retail	A	A			18	Live/Work Unit	D	D			141-2

[Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-016]

Key:

P Permitted by right.
D Permitted subject to DRO approval.
L Permitted only where accessory to a permitted use.
S Permitted subject to Special Permit approval.
A Permitted subject to Board of County Commission Approval.

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~~Table 3.B.15.F - IRO Permitted Use Schedule (continued)~~

~~Use Type~~	~~Land Use~~				~~NOTE~~	~~Use Type~~	~~Land Use~~				~~NOTE~~
	~~CL~~	~~CH~~	~~CLO~~	~~CHO~~			~~CL~~	~~CH~~	~~CLO~~	~~CHO~~	
~~**Public and Civic Uses**~~						~~**Utilities and Excavation**~~					
~~College or University~~	~~D~~	~~D~~			~~30~~	~~Air Stripper, Remedial~~	~~D~~	~~D~~	~~D~~	~~D~~	~~11~~
~~Day Camp~~	~~D~~	~~D~~			~~39~~	~~Communication Cell Sites on Wheels (COW) Tower, Mobile~~	~~S~~	~~S~~	~~S~~	~~S~~	~~31~~
~~Daro Caro, General~~	~~A~~	~~A~~			~~40~~	~~Communication Panels or Antennas, Commercial~~	~~D~~	~~D~~	~~D~~	~~D~~	~~31~~
~~School, Elementary or Secondary~~	~~D~~	~~D~~	~~D~~	~~D~~	~~118~~	~~Communication Tower, Commercial~~	~~A~~	~~A~~	~~A~~	~~A~~	~~31~~
~~Day Care, Limited~~	~~A~~	~~D~~			~~40~~	~~Electric Transmission Facility~~	~~A~~	~~A~~	~~A~~	~~A~~	~~44-2~~
~~Government Services~~	~~D~~	~~D~~	~~D~~	~~D~~	~~63~~	~~Excavation, Type II~~	~~A~~	~~A~~	~~A~~	~~A~~	~~49~~
~~Helipad~~	~~A~~	~~A~~	~~A~~	~~A~~	~~10~~	~~Recycling Drop-Off Bin~~	~~D~~	~~D~~			~~105~~
~~Hospital or Medical Center~~	~~D~~	~~D~~		~~D~~	~~71~~	~~Utility, Minor~~	~~D~~	~~D~~	~~D~~	~~D~~	~~134~~
~~**Recreation Uses**~~											
~~Entertainment, Indoor~~	~~D~~	~~D~~			~~45~~	~~**Industrial Uses**~~					
~~Fitness Center~~	~~D~~	~~D~~			~~56~~	~~Data Information Processing~~	~~D~~	~~D~~	~~D~~	~~D~~	~~38~~
~~Gun Club, Enclosed~~		~~D~~			~~67-1~~	~~Film Production Studio~~		~~D~~		~~D~~	~~54~~
~~Marine Facility~~	~~D~~	~~D~~			~~82~~	~~Laboratory, Industrial Research~~	~~A~~	~~D~~	~~A~~	~~D~~	~~76~~
~~Park, Passive~~	~~D~~	~~D~~	~~D~~	~~D~~	~~93~~	~~Medical or Dental Laboratory~~		~~D~~		~~D~~	~~84~~
~~Park, Public~~	~~D~~	~~D~~	~~D~~	~~D~~	~~94~~						
~~Park, Neighborhood~~	~~D~~	~~D~~	~~D~~	~~D~~	~~92~~						
~~Special Event~~	~~S~~	~~S~~	~~S~~	~~S~~	~~124~~						
~~**Agricultural Uses**~~											
~~Agriculture, Sales/Service~~	~~D~~	~~D~~			~~6~~						
~~Farmers Market~~	~~D~~	~~D~~			~~52~~						

~~[Ord. 2010-005] [Ord. 2012-007] [Ord. 2013-001] [Ord. 2014-025] [Ord. 2016-016]~~

~~Key:~~

P	~~Permitted by right.~~
D	~~Permitted subject to DRO approval.~~
L	~~Permitted by right, subject to accessory use limitations.~~
S	~~Permitted subject to Special Permit approval.~~
A	~~Permitted subject to Board of County Commission Approval.~~

2

3 ....

4

Table 3.B.15.F. - Townhouse Lot and Building Configuration PDRs

....					
[Ord. 2010-005]					
Notes:					
....					
3. Townhouse, including wings, garages or Accessory ~~Dwelling~~ Quarters shall comply with					
....					

5

6 ....

7

Table 3.B.15.G - Type I Waivers

Requirements	Maximum Waiver	Minimum Justification Criteria of Review
Internal Street Standards		
....		
Interconnectivity Standards		
Art. 3.B.15.F.4, Interconnectivity Standards	No interconnectivity requirement.	Document prohibition by Federal, State, local or other laws that serve to establish limited access standards necessary to protect facilities such as Water or Wastewater Treatment Plant, jails, or other similar facilities.
....		

8

9

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Part 11. ULDC Art. 3.B.16.E, PRA Use Matrix (pages 85 and 90 of 229), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 16 Urban Redevelopment Area Overlay (URAO)

E. Additional PRA Use Regulations Matrix

The list of uses permitted within the URAO shall be in accordance with Art. 4, Use Regulations, and ~~with~~ the following. **[Ord. 2011-016]**

~~**1. Standard Districts, PDD's, TDDs or Other Overlays**~~

~~Uses permitted in standard Zoning districts, PDDs or other Zoning Overlays shall be in accordance with Table 4.A.3.A, Use Matrix, Table 3.E.1.B, PDD Use Matrix, Table 3.F.1.F, TDD Permitted Use Schedule, or any applicable Art. 3.B, Overlays use matrices or similar provisions. **[Ord. 2011-016]**~~

1~~2~~. *Right to Continue or Change Uses* ~~UC or UI Districts~~

~~The list of permitted land uses for parcels with UC or UI Zoning shall be in accordance with Table 3.B.16.E, PRA Permitted Use Schedule, and the following: **[Ord. 2011-016]**~~

~~**a. Right To Continue or Change Uses**~~

Those uses that were legally established prior to the adoption of ....

a.~~1)~~ Listed in ~~Table 3.B.16.E, PRA Use Matrix~~ the use matrices contained in Article 4, Use Regulations; **[Ord. 2011-016]**

b.~~2)~~....

c.~~3)~~....

d.~~4)~~....

~~**b. New Uses in Compliance PRA Requirements**~~

~~New Uses for Development Orders for new construction of buildings, structures or outdoor uses that complies with all PRA requirements, including any approved Waivers, shall be permitted in accordance with Table 3.B.16.E, PRA Use Matrix for the applicable Zoning District and Transect Zone. Variances or Waivers from the requirements of Table 3.B.16.E, PRA Use Matrix shall be prohibited. **[Ord. 2011-016]**~~

2~~3~~. Residential Uses

Residential uses may be ~~permitted~~ allowed on any floor, with exception to the following: **[Ord. 2011-016]**

....

b. Single Family ~~Dwelling Units~~ and Type 1 CLF shall not ~~be permitted to~~ front on Slip Street or Primary Street Frontages. **[Ord. 2011-016]**

3~~4~~. Outdoor Uses

....

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~~Table 3.B.16.E - PRA Use Matrix (1)(2)(3)~~

~~Use Type~~	~~Transect Sub-Zones~~					~~Note~~
	~~UC-1~~	~~UC-2~~	~~UC-3~~	~~UI-1~~	~~UI-2~~	
~~**Residential Uses**~~						
~~Single Family~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~122~~
~~Zero Lot Line~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~142~~
~~Townhouse~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~132~~
~~Multi-family~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~82~~
~~Accessory Dwelling~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~1~~
~~Congregate Living Facility, Type 1~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~34~~
~~Congregate Living Facility, Type 2~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~34~~
~~Congregate Living Facility, Type 3~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~34~~
~~Estate Kitchen~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~48~~
~~Garage Sale~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~60~~
~~Guest Cottage~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~66~~
~~Home Occupation~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~70~~
~~Kennel, Type I (Private)~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~73~~
~~Nursing Convalescent Facility~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~90~~
~~Security or Caretaker Quarters~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~119~~
~~**Commercial Uses**~~						
~~Adult Entertainment~~	~~S~~	~~S~~		~~S~~		~~2~~
~~Auction, Enclosed (4)~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~16~~
~~Auto Paint or Body Shop~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~17~~
~~Gas and Fuel Retail~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~18~~
~~Bed and Breakfast~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~20~~
~~Broadcast Studio~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~21~~
~~Car Wash~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~25~~
~~Catering Services~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~26~~
~~Convenience Store~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~36~~
~~Convenience Store with Gas Sales~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~37~~
~~Crematory~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~59-2~~
~~Day Labor Employment Service~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~41~~
~~Dispatching Office~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~42~~
~~Dog Daycare~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~43~~
~~Financial Institution~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~55~~
~~Flea Market, Open~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~58~~
~~Flea Market, Enclosed~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~57~~
~~Funeral Home~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~59-1~~
~~Green Market~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~64~~
~~Hotel, Motel, SRO, Rooming and Boarding~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~72~~
~~Kennel, Type III (Commercial Enclosed)~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~74-2~~
~~Kennel, Type IV (Animal Shelter)~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~74-3~~
~~Kiosk~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~75~~
~~Laundry Services (4)~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~78~~
~~Lounge, Cocktail~~	~~D~~	~~D~~	~~A~~	~~D~~	~~A~~	~~79~~
~~Medical or Dental Office (4)~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~83~~
~~Monument Sales, Retail~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~86~~

~~**[Ord. 2011-016] [Ord. 2013-001]**~~

~~**Note:**~~

~~1. Deviations from this table shall be prohibited.~~
~~2. Any outdoor uses shall comply with Art. 3.B.16.E.4.a, Residential Setbacks~~
~~3. Those uses that were legally established prior to the adoption of Zoning Resolutions R-10-1344 and R-10-1345 (Applications 2010-00667 and 00668, UC and UI Districts, respectively) shall be permitted to continue in accordance with Art. 1.E, Prior Approvals, or 1.F, Non-conformities. Change in use permitted subject to limitations of Art. 3.B.16.E.2.a, Right to Continue or Change Use.~~
~~4. The change in use for a previously approved non-residential structure shall be permitted by right, if in compliance with Art. 3.B.16.E.2.a, Right to Continue or Change Use.~~

~~**Key:**~~

~~**P** Permitted by Right~~
~~**S** Permitted subject to Special Permit approval.~~
~~**D** Permitted subject to DRO approval.~~
~~**B** Permitted subject to Zoning Commission Approval.~~
~~**A** Permitted subject to Board of County Commission Approval.~~

2

~~Table 3.B.16.E - PRA Use Matrix (1)(2)(3)~~

Notes:
Underlined indicates new text. If being relocated destination is noted in bolded brackets **[Relocated to:]**.
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Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.
.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT C

ARTICLE 3, OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS

Use Type	Transect Sub-Zones					Note
	UC-1	UC-2	UC-3	UI-1	UI-2	
Commercial Uses						
Office, Business or Professional (4)	D	D	D	D	D	91
Parking Garage, Commercial	D	D	D	D	D	95
Parking Lot, Commercial	A	A	A	A	A	96
Pawnshop	A	A	A	A	A	97
Personal Services (4)	D	D	D	D	D	98
Printing and Copying Services (4)	D	D	D	D	D	100
Real Estate Sales Model						102
Repair and Maintenance, General	D	D	D	D	D	107
Repair Services, Limited (4)	D	D	D	D	D	108
Restaurant, Type I	D	D	D	D	D	109
Restaurant, Type II	D	D	D	D	D	111
Retail Sales, Auto Accessories and Parts (4)	D	D	D	D	D	113
Retail Sales, General (4)	D	D	D	D	D	114
Retail Sales, Mobile or Temporary	S	S	S	S	S	115
Self-Service Storage	D	D	D	D	D	120
Theater, Indoor	D	D	A	D	A	129
Vehicle Sales and Rental	D	D	D	D	D	135
Veterinary Clinic	D	D	D	D	D	136
Vocational School (4)	D	D	D	D	D	137
Work/Live Space	D	D	D	D	D	141-1
Live/Work	D	D	D	D	D	141-2
Public and Civic Uses						
Assembly, Nonprofit Insitutional	D	D	D	D	D	14
Assembly, Nonprofit Membership	D	D	D	D	D	15
College or University[3]	D	D	D	D	D	30
Day Camp	D	D	D	D	D	39
Day Care, General	D	D	D	D	D	40
Day Care, Limited	D	D	D	D	D	40
Government Services	D	D	D	D	D	63
Helipad	A	A		A		10
Hospital or Medical Center	D	D	D	D	D	71
Homeless Resource Center	A	A	A	A	A	70-1
Place of Worship	D	D	D	D	D	29
School, Elementary or Secondary	D	D	D	D	D	118
Recreational Uses						
Entertainment, Indoor	D	D	D	D	D	45
Entertainment, Outdoor	A	A	A	A	A	46
Fitness Center	D	D	D	D	D	56
Gun Club, Enclosed	A	A	A	A	A	67
Park, Passive	D	D	D	D	D	93
Park, Public	D	D	D	D	D	94
Park, Neighborhood	D	D	D	D	D	92
Special Event	S	S	S	S	S	124

[Ord. 2011-016] [Ord. 2012-007]

Note:

1. Deviations from this table shall be prohibited.
2. Any outdoor uses shall comply with Art. 3.B.16.E.4.a, Residential Setbacks
3. Those uses that were legally established prior to the adoption of Zoning Resolutions R-10-1344 and R-10-1345 (Applications 2010-00667 and 00668, UC and UI Districts, respectively) shall be permitted to continue in accordance with Art. 1.E, Prior Approvals, or 1.F, Non-conformities. Change in use permitted subject to limitations of Art. 3.B.16.E.2.a, Right to Continue or Change Use.
4. The change in use for a previously approved non-residential structure shall be permitted by right, if in compliance with Art. 3.B.16.E.2.a, Right to Continue or Change Use.

Key:

P Permitted by Right
S Permitted subject to Special Permit approval.
D Permitted subject to DRO approval.
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.... A series of four bolded ellipses indicates language omitted to save space.

1

~~Table 3.B.16.E - PRA Use Matrix (1)(2)(3)~~

~~Use Type~~	~~Transect Sub-Zones~~					~~Note~~
	~~UC-1~~	~~UC-2~~	~~UC-3~~	~~UI-1~~	~~UI-2~~	
~~**Agricultural Uses**~~						
~~Community Vegetable Garden (4)~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~32~~
~~Farmers Market (4)~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~52~~
~~Nursery, Retail~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~88~~
~~Produce Stand~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~101~~
~~**Utilities and Excavation**~~						
~~Air Stripper, Remedial~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~11~~
~~Communication Cell Sites on Wheels (COWS)~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~31~~
~~Communication Panels, or Antennas, Commercial~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~31~~
~~Communication Tower, Commercial~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~31~~
~~Electrical Transmission Facility~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~44-2~~
~~Recycling Drop-Off Bin~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~104~~
~~Utility, Minor~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~134~~
~~Water or Treatment Plant~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~139~~
~~**Industrial Uses**~~						
~~Data Information Processing~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~38~~
~~Film Production Studio~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~54~~
~~Laboratory, Industrial Research~~	~~D~~	~~D~~	~~A~~	~~D~~	~~A~~	~~76~~
~~Medical or Dental Laboratory (4)~~	~~D~~	~~D~~	~~D~~	~~D~~	~~D~~	~~84~~
~~Transportation Facility~~	~~A~~			~~A~~		~~133~~

~~**[Ord. 2011-016] [Ord. 2013-001]**~~

~~**Note:**~~

~~1. Deviations from this table shall be prohibited.~~
~~2. Any outdoor uses shall comply with Art. 3.B.16.E.4.a, Residential Setbacks~~
~~3. Those uses that were legally established prior to the adoption of Zoning Resolutions R-10-1344 and R-10-1345 (Applications 2010-00667 and 00668, UC and UI Districts, respectively) shall be permitted to continue in accordance with Art. 1.E, Prior Approvals, or 1.F, Non-conformities. Change in use permitted subject to limitations of Art. 3.B.16.E.2.a, Right to Continue or Change Use.~~
~~4. The change in use for a previously approved non-residential structure shall be permitted by right, if in compliance with Art. 3.B.16.E.2.a, Right to Continue or Change Use.~~

~~**Key:**~~

~~**P** Permitted by Right~~
~~**S** Permitted subject to Special Permit approval.~~
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Table 3.B.16.F - PRA Townhouse Lot and Building Configuration PDRs

....
[Ord. 2010-022] [Ord. 2011-016]
Notes:
5. Townhouse, including wings, garages or ~~accessory dwelling~~ Accessory Quarters shall comply with minimum common wall requirements unless set back from the side PL a minimum of five feet; and, shall comply with Art. 3.D.2.C.8, Prohibited Openings and Attachments except for any first floor that is set back a minimum of ten feet from the PL. **[Ord. 2010-022] [Ord. 2011-016]**

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Table 3.B.16.G - Type I and II URAO Waivers (1)

Art./Table Reference and Title	Type I Waivers Limitations/Criteria	Type II Waiver Limitations/Criteria
....		
Interconnectivity Standards		
Art. 3.B.16.F.5, Interconnectivity Standards	No interconnectivity required for the following: > Document prohibition by Federal, State, local or other laws that serve to establish limited access standards necessary to protect facilities such as Water or Wastewater Treatment Plant, jails or other similar uses.	No Waiver
....		

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Part 12. **ULDC Table 3.D.1.A, Property Development Regulations [Related to PDRs for Standard Zoning Districts] (page 127 of 234), is hereby amended as follows:**

Table 3.D.1.A - Property Development Regulations

Zoning District	Min Lot Dimensions			Density (6)		Max FAR (7)	Max Building Coverage	Min Setbacks (12)			
	Size	Width and Frontage	Depth	Min	Max			Front	Side	Side Street	Rear
Agriculture/Conservation											
....	....	....	....	....	....	....	....	....	....	....	....
AP	10 ac.	300	300	-	(1)		10% (14)	100	50	80	100
....	....	....	....	....	....	....	....	....	....	....	....
[Ord. 2005 – 002] [Ord. 2005-041] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2012-027]											
Notes:											
....											
14. Maximum Building Coverage in the AP district with a SA FLU designation may be increased to 15 percent.											

Part 13. **ULDC Art. 3.D.3.A District Specific Regulations (pages 136-137, 140-141 of 234), is hereby amended as follows:**

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)

Section 3 District Specific Regulations

A. District Specific Regulations

~~*1. RM District*~~

~~*a. RM Zoning with MR5 FLU*~~

~~*Multifamily units* shall be permitted *in the RM zoning district with an MR5 FLU designation subject to the following:*~~ **[Relocated to Art. 4.B.1.C.4.b, Zoning District - RM]**

~~*1) Planning Determination*~~

~~*A written determination from the Planning Director that the property meets the criteria for a* Non-Planned Development District *Density Exemption in the Plan; and*~~ **[Partially relocated to Art. 4.B.1.C.4.b.1), Planning Determination]**

~~*2) Existing RM Zoning*~~

~~*The property was zoned RM prior to the 1989 adoption of the Plan* (rezoning property with MR5 land use to the RM district shall be prohibited).~~ **[Partially relocated to Art. 4.B.1.C.4.b.2), Existing RM Zoning District (Related to Multifamily use)]**

~~*3) Approval Process*~~

~~*The approval process shall be as follows:*~~

~~*Table 3.D.3.A - Approval Process*~~

~~*Units*~~	~~*Process*~~
~~*0-4*~~	~~Building Permit Only~~
~~*5-8*~~	~~*DRO Site Plan Approval*~~
~~*9-24*~~	~~*Class B Conditional Use*~~
~~*Over 24*~~	~~*Class A Conditional Use*~~

[Relocated to Art. 4.B.1.C.4.b.3, Approval Process]

~~4) Multifamily Units~~

~~Legally permitted *multifamily units in the RM zoning district with MR5 FLU* may be redeveloped, reconstructed, or expanded in accordance with the RM zoning district PDRs.~~ **[Partially relocated to Art. 4.B.1.C.4.b.3), Development Order]**

~~*5) Limestone Creek*~~

~~*Multifamily units in the RM zoning district shall be prohibited in the area bounded on the north by 184 Place North, on the south by the C-18 Canal, on the east by Central Boulevard and the municipal limits of the Town of Jupiter, and on the west by Narcissus Avenue (north of Church Street) and Limestone Creek Road (south of Church Street).*~~ **[Relocated to Art. Art. 4.B.1.C.4.b.4), Limestone Creek]**

~~b. Buildings Over 100 Feet in Height~~

~~In the RM district, multifamily buildings over 100 feet in height shall require approval of a Class B conditional use.~~

21. **All Commercial, Public and Civic Uses**

~~a. Hours of Operation~~

~~Commercial, Public and Civic uses located within 250 feet of a residential district shall not commence business activities, including deliveries and stocking, prior to 6:00 AM nor~~

~~continue business activities later than 11:00 PM daily. *Measurement shall be taken by drawing a straight line from the closest point on the perimeter of the residential district to the closest point on the perimeter of the exterior wall, structure, or bay, housing the non-residential use.* **[Ord. 2009-040]**~~ **[Partially relocated in new Art. 5.E.5, Hours of Operation]**

~~***1) Existing Uses***~~

~~*Uses existing prior to this amendment may comply with the requirements existing at the time the use was established, unless modified by a subsequent development order.* **[Ord. 2009-040]**~~ **[Relocated in new Art. 5.E.5, Hours of Operation]**

~~***2) Exemptions***~~

~~*Uses owned or operated by a governmental entity that provide essential services for the public, as determined by the Zoning Director, shall be exempt from these standards.* **[Ord. 2009-040]**~~ **[Relocated in new Art. 5.E.5, Hours of Operation]**

[Renumber Accordingly]

3. CN District

a. Enclosed Uses

All uses shall be operated entirely within enclosed buildings, with the following exceptions: **[Ord. 2005 – 002]**

1) Air Curtain incinerator, temporary **[Ord. 2005 – 002]**
2) Commercial Communication ~~t~~Tower~~, commercial~~ **[Ord. 2005 - 002]**
3) Electric Power ~~Facility~~ Plant **[Ord. 2005 - 002]**
4) Passive Park~~, passive~~ **[Ord. 2005 - 002]**
5) Recycling Drop-Off Bin **[Ord. 2005 - 002] [Ord. 2013-001]**
6) Minor Utility~~, Minor~~ **[Ord. 2005 - 002]**
7) Water or Wastewater Treatment Plant. **[Ord. 2005 – 002]**

~~**b. Hours of Operation**~~

~~Commercial uses shall not commence business activities, including deliveries and stocking, prior to 6:00 AM nor continue business activities later than 11:00 PM daily.~~

4. CLO District

a. Enclosed Uses

All uses shall be operated entirely within enclosed buildings, with the following exceptions:

1) Air curtain incinerator, temporary;
2) Commercial Communication ~~t~~Tower~~, commercial~~;
3) Electric Power ~~Facility~~ Plant;
4) Passive Park~~, passive~~;
5) Recreation facility, accessory;
6) Recycling Drop-Off Bin; **[Ord. 2013-001]**
7) Solid ~~w~~Waste ~~t~~Transfer ~~s~~Station;
8) Minor Utility~~, Minor~~; and,
9) Water or ~~w~~Wastewater Treatment ~~p~~Plant.

5. CC District

~~**a. Hours of Operation**~~

~~Commercial uses requiring outdoor activity shall not commence business activities, including delivery and stocking operations, prior to 6:00 AM nor continue outdoor activities later than 11:00 PM daily.~~

~~**6. IL and IG Districts**~~

~~**a. Outdoor Activities**~~

~~All outdoor activities, including outdoor storage and outdoor operations, shall be completely screened from view from all property lines to a height of six feet.~~

6. IPF, Institutional and Public Facilities District with UT FLU Designation

Use of the IPF District with a UT FLU Designation, shall only be permitted for privately operated utility uses and related collocated or accessory uses.

a. Accessory Uses

Heavy Equipment Repair and Maintenance and Light Repair and Maintenance may be allowed as an accessory use to a privately operated utility use, subject to the approval process for the applicable Utility use.

b. Collocated Uses

Data and Information Processing or Warehouse uses may be allowed as a collocated use, subject to the approval process for the applicable Utility use. Additional uses to allow for emergency management staging or operations may be permitted subject to Class A Conditional Use approval.

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.... A series of four bolded ellipses indicates language omitted to save space.

Part 14. ULDC Art. 3.E, Planned Development Districts (PDDs) (pages 141-195 of 234), are hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 1 General

....

B. FAR, Density, and Use Standards

3. Uses Allowed

Uses allowed in a PDD shall be pursuant to ~~Table 3.E.1.B-22, PDD Use Matrix~~ Article 4, Use Regulations. Previously approved planned developments shall be governed by the FLU designation in the Plan or pod designation on the most recent approved master plan for purpose of determining the uses allowed and applicability of this Code. Previously approved additional requested uses shall be considered conforming uses, and any expansion, relocation or increase in intensity shall be subject to BCC approval. **[Ord. 2005-041]**

4. Use Regulations

....

a. ~~*Requested Uses – Location*~~ **Conditional Use**

~~*Requested*~~ Conditional ~~u~~*Uses shall be shown on the master plan or site plan approved by the BCC and shall remain in the location shown.* All prior approvals for a Requested Use shall correspond to a Conditional Use.

~~**a. Use Designations**~~

~~Uses permitted in a PDD are classified as: permitted, special, DRO, or requested, as indicated in Table 3.E.1.B-22, PDD Use.~~

~~**1) Permitted Uses (P)**~~

~~These uses are allowed by right and are identified by a P in the matrix.~~

~~**2) Special Uses (S)**~~

~~These uses require approval of a special permit and are identified by a S in the matrix.~~

~~**3) DRO Uses (D)**~~

~~These uses require approval by the Development Review Officer (DRO) and are identified by a D in the matrix.~~

~~**4) Requested Uses (R)**~~

~~These uses require approval by the BCC in accordance with the standards and procedures in Article 2.B, PUBLIC HEARING PROCEDURES, and are identified by a R in the matrix.~~

~~**a) *Location***~~

~~*Requested uses shall be shown on the master plan or site plan approved by the BCC and shall remain in the location shown.*~~

~~**b. Supplementary Use Standards**~~

~~A number in the "Note" column of Table 3.E.1.B, PDD Use Matrix, refers to supplementary land use standards in Article 4.B, SUPPLEMENTARY USE STANDARDS, which are applicable to the use.~~

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~~Table 3.E.1.B - PDD Use Matrix~~

Use Type	PUD					MUPD								MXPD		PIPD					LCC		
	Pods					FLU								FLU		Use Zone					FLU		
	RES	COM	REC	CIV	AGR/P	CL	CH	CLO	CHO	CR	IND	EDC	INST	CH	CHO	IND/L	COM	IND/G	MHPD	RVPD	CL	CH	NOTE
Residential Uses																							
~~Single Family~~	P																						~~122~~
~~Zero Lot Line Home~~	P													P	P								~~142~~
~~Townhouse~~	P													P	P						P	P	~~132~~
~~Multi-Family~~	P													P	P						P	P	~~87~~
~~Mobile Home Dwelling~~					S														P				~~85~~
~~Accessory Dwelling~~	S				S																		~~1~~
~~Congregate Living Facility, Type 1~~	P																						~~34~~
~~Congregate Living Facility, Type 2~~	R			S																	D	D	~~34~~
~~Congregate Living Facility, Type 3~~	R	R		R		R	R	R	R				R	R	R						R	R	~~34~~
~~Estate Kitchen~~	P																						~~48~~
~~Farm Residence~~																							~~50~~
~~Farm Worker Quarters~~					P																		~~51~~
~~Garage Sale~~	P				P								P	P	P				P				~~60~~
~~Guest Cottage~~	P																						~~66~~
~~Home Occupation~~	P				P									P	P				P		P	P	~~70~~
~~Kennel Type I (Private)~~	P																						~~73~~
~~Nursing Or Convalescent Facility~~		R		R		R	R						D	R									~~90~~
~~Security Or Caretaker Quarters~~		S		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			~~119~~

~~[Ord. 2005-002] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2014-025]~~

~~Notes:~~

P ~~Permitted by right~~
D ~~Permitted subject to approval by the DRO~~
S ~~Permitted in the district only if approved by Special Permit~~
R ~~Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.~~

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~~Table 3.E.1.B - PDD Use Matrix Continued~~

Use Type	PUD					MUPD								MXPD		PIPD			MHPD	RVPD	LCC		NOTE
	Pods					FLU								FLU		Use Zone					FLU		
	RES	COM	REC	CIV	AGR/P	CL	CH	CLO	CHO	CR	IND	EDC	INST	CH	CHO	IND/L	COM	IND/G			CL	CH	
Commercial Uses																							
Adult Entertainment																S	S						2
Auction, Enclosed		R					P			P	D						P				P	P	16
Auction, Outdoor							R			R	R					P	P	P					16
Auto Paint Or Body Shop		R					R				R					P	P	P					17
Bed And Breakfast	D	D				S	S	S	S	S				S	S		S						20
Broadcast Studio		R				R	P	R	P	P	P	P		R	R	P	P				R	R	21
Building Supplies		R					R							R			P				R	R	22
Butcher Shop, Wholesale							R				P			R		P	P	P					23
Car Wash		R					R				P			R		P	P	P			R	R	25
Catering Service																D							26
Contractor Storage Yard											P	D				P		P					35
Convenience Store		P				P	P							P	P		P		P	P	P	P	36
Convenience Store With Gas Sales						R	R				R			R		R	P					R	37
Crematory						R	R				R		R	R			R						59-2
Day Labor Employment Service		R					R				R						P						41
Dispatching Office							R							R		P	P	P					42
Dog Day Care							R							R		P	R				R	R	43
Financial Institution		R				R	P	R	P					P	P		P				R	R	55
Flea Market, Enclosed		P					R							R			P					R	57
Flea Market, Open							R										R						58
Funeral Home		P				R	R				D		R	R			P						59-1
Gas and Fuel, Retail		R				R	R							R		P	R	P			R	R	18
Green Market																					D	D	64
Hotel, Motel, SRO, Rooming And Boarding							R		R	R				R	R		P					R	72
Kennel, Type II (Commercial)		R					R							R									74-1
Kennel, Type III (Commercial -Enclosed)		R				R	R							R							R	R	74-2
Kiosk						P	P	P	P	P				P	P	P	P	P			P	P	75
Landscape Service		R					R				P	D		R		P	P	P					77
Laundry Services		R				P	P		P					P	P	P	P		P	P	P	P	78

[Ord. 2005-002] [Ord. 2004-051] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2011-016] [Ord. 2012-003] [Ord. 2012-027] [Ord. 2013-001] [Ord. 2014-025]

Notes:

P	Permitted by right
D	Permitted subject to approval by the DRO
S	Permitted in the district only if approved by Special Permit
R	Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.

(This space intentionally left blank)

Notes:
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~~Table 3.E.1.B - PDD Use Matrix Continued~~

Use Type	PUD					MUPD								MXPD		PIPD			MHPD	RVPD	LCC		NOTE
	Pods					FLU								FLU		Use Zone					FLU		
	RES	COM	REC	CIV	AGR/P	CL	CH	CLO	CHO	CR	IND	EDC	INST	CH	CHO	IND/L	COM	IND/G			CL	CH	
Commercial Uses																							
Lounge, Cocktail		R				R	R		R	R				R	R		R				R	R	79
Medical Or Dental Office		P				P	P	P	P					P	P		P				P	P	83
Monument Sales, Retail						P	P							P			P						86
Office, Business Or Professional		P				P	P	P	P					P	P		P				P	P	91
Parking Garage, Commercial		P					R		R	R							P						95
Parking Lot, Commercial		R					R		R	P													96
Pawnshop							R																97
Personal Services		P				P	P		P					P	P		P		P		P	P	98
Printing And Copying Services		P				P	P	P	P					P	P		P				P	P	100
Repair And Maintenance, General		R					R				P	D				P	P	P					107
Repair Services, Limited		P				P	P		P		P			P	P		P				P	P	108
Restaurant, Type I		R				R	R		R					R	R		R				R	R	109
Restaurant, Type II		R				R	D		R	R				D	R		R				D	D	111
Retail Sales, Auto Accessories and Parts		P				P	P							P	P		P				P	P	113
Retail Sales, General		P				P	P							P	P		P				P	P	114
Retail Sales, Mobile Or Temporary		S												S			S						115
Self-Service Storage						R	R				P	D				P	R	P					120
Theater, Drive-In							R			R							R						128
Theater, Indoor		R					R			P				R								R	129
Towing Service And Storage											P					P							130
Vehicle Sales And Rental		R				R	R							R			R				R	R	135
Veterinary Clinic		R				R	P	R	P					R	R		P				R	R	136
Vocational School		R				R	P		P		P	R	D	R	R	R	P	R			R	P	137
Work/Live Space		P				P	P	P	P					P	P		P				P	P	141-1
Live/Work														D	D						D	D	141-2

~~[Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-001] [Ord. 2007-013] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2012-027] [Ord. 2014-025]~~

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~~Table 3.E.1.B - PDD Use Matrix Continued~~

Use Type	PUD					MUPD								MXPD		PIPD					LCC		NOTE
	Pods					FLU								FLU		Use Zone					FLU		
	RES	COM	REC	CIV	AGR/P	CL	CH	CLO	CHO	CR	IND	EDC	INST	CH	CHO	IND/L	COM	IND/G	MHPD	RVPD	CL	CH	
Public and Civic Uses																							
Airport, Helipad & Landing Strip	-									R	R	R				R		R					10
Assembly, Nonprofit Institutional	-	R		R		R	R			R			R	R	R		R				R	R	14
Assembly, Nonprofit Membership	-			R		R	R	R	R	R			R	R	R		R				R	R	15
Cemetery	-			R																			27
Place Of Worship	-	R		R		R	R	R	R	R			R	R	R		R		R		R	R	29
College Or University	-			R		R	R	R	R	R	R		R	R			R				R	R	30
Day Camp	-		P	P			R			P			P	R							R	R	39
Day Care, General	-	R		R		R	R	R	R	R			R	R	R	R	R	R	R	R	R	R	40
Day Care, Limited	-	D		D		D	D	D	D	D	D		D	D	D	D	D	D	D	D	D	D	40
Government Services	-	P		P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	63
Homeless Resource Center							R		R				R			R	R						70-1
Hospital Or Medical Center	-	R				R	R		R				R	R	R		R				R	R	71
Kennel, Type IV (Animal Shelter)						R	R						R	R									74-3
School, Elementary Or Secondary	-			R		R	R	R	R				D	R	R		R					R	118
Recreation Uses																							
Arena, Auditorium Or Stadium	-	R					R			R				R									12
Campground	-									P										P			24
Entertainment, Indoor	-	R				R	R			P				R			P				R	R	45
Entertainment, Outdoor	-	R				R	R			P	D			R			P						46
Fitness Center	-	R	P	R		R	R		R	P				P	P	R	P				R	P	56
Golf Course	-		R			R	R	R	R	R	R			R	R	P		P	P	R			62
Gun Club, Enclosed	-						R			R	R					P	R	P					67-1
Marine Facility	-	R	R				R		R	R				R	R		P						82
Park, Passive	P	P	P	P	R	P	P	P	P	P			P	P	P	P	P	P	P	P	P	P	93
Park, Public	-		P	P		R	P			P	P		P	P	P		P		R	R	P	P	94
Shooting Range, Outdoor										R													67-2
Special Event	-	S	S	S		S	S			S	S	S	S	S			S	S			S	S	124
Zoo	-						R			R													143

~~[Ord. 2005-002] [Ord. 2006-004] [Ord. 2006-013] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2012-007] [Ord. 2012-027] [Ord. 2014-025]~~

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~~Table 3.E.1.B – PDD Use Matrix Continued~~

Use Type	PUD					MUPD								MXPD		PIPD					LCC		
	Pods					FLU								FLU		Use Zone					FLU		
	RES	COM	REC	CIV	AGR/P	CL	CH	CLO	CHO	CR	IND	EDC	INST	CH	CHO	IND/L	COM	IND/G	MHPD	RVPD	CL	CH	NOTE
Agricultural Uses																							
Agriculture, Bona Fide					P																		3
Agriculture, Light Manufacturing																							4
Agriculture, Packing Plant					R																		5
Agriculture, Research/Development						P	P	P	P	P	P	P	P			P		P					3.1
Agriculture, Sales And Service							P										P						6
Agriculture, Storage																							7
Agriculture, Transshipment											P	P				P		P					8
Aviculture, Hobby Breeder					P																		19
Community Vegetable Garden		D																					32
Equestrian Arena, Commercial				R						P													47
Farmers Market							P			P				P		P	P	P					52
Farrier																							53
Groom's Quarters	P				P																		65
Nursery, Retail		P			P		P							P			P						88
Nursery, Wholesale					P											P		P					89
Potting Soil Manufacturing																							99
Produce Stand																							101
Shadehouse					P																		121
Stable, Commercial					P					P													125
Stable, Private	P				P																		126
Sugar Mill Or Refinery																		P					127

~~[Ord. 2005-002] [Ord. 2006-036] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2012-027] [Ord. 2014-025] [Ord. 2015-031]~~

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~~Table 3.E.1.B - PDD Use Matrix Continued~~

Use Type	PUD					MUPD								MXPD		PIPD					LCC		
	Pods					FLU								FLU		Use Zone					FLU		
	RES	COM	REC	CIV	AGR/P	CL	CH	CLO	CHO	CR	IND	EDC	INST	CH	CHO	IND/L	COM	IND/G	MHPD	RVPD	CL	CH	NOTE
Utilities and Excavation Uses																							
Air Curtain Incinerator																							9
Air Stripper, Remedial																							11
Chipping and Mulching											P					P		P					28
Communication Cell Sites On Wheels (COW) Tower, Mobile	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	31
Communication Panels, Or Antennas, Commercial	B	D	D	D		D	D	D	D	D	P	P	D	D	D	P	P	P			D	D	31
Communication Tower, Commercial							R				R	R	R	R		R	R	R				R	31
Composting Facility											P					P		P					33
Electric Power Facility		R					R		R	R	R					R	R	R					44-1
Electric Transmission Facility		R					R		R	R	R	R				R	R	R					44-2
Excavation, Agricultural					R																		49
Excavation, Type I																							49
Excavation, Type II	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	49
Excavation, Type III A																		R					49
Excavation, Type III B																		R					49
Recycling Center							A				P	D				P	A	P					103
Recycling Drop-Off Bin		D	D	D		D	D	D	D	D	D	D	D	D	D	D	D	D			D	D	104
Recycling Plant											P					P		P					105
Renewable Energy Facility, Solar		D	D	D		D	D	D	D	D	D	D	D	D	D	D	D	D	B	B			106-1
Renewable Energy Facility, Wind						R	R	R	R	R	R	R	R	R	R	R	R	R	R	R			106-2
Sanitary Landfill Or Incinerator																							117
Solid Waste Transfer Station							R		R	R	R		R			P	R	P					123
Utility, Minor	P	P		P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	134
Water Or Treatment				R			R		R	R	R			R	R	P		P	R	R			139

~~[Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-001] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2013-001] [Ord. 2014-025] [Ord. 2016-016]~~

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~~Table 3.E.1.B - PDD Use Matrix Continued~~

Use Type	PUD					MUPD								MXPD		PIPD					LCC		
	Pods					FLU								FLU		Use Zone					FLU		
	RES	COM	REC	CIV	AGR/P	CL	CH	CLO	CHO	CR	IND	EDC	INST	CH	CHO	IND/L	COM	IND/G	MHPD	RVPD	CL	CH	NOTE
Industrial Uses																							
Asphalt Or Concrete Plant											R							P					13
Data Information Processing						P	P		P		P	P		P	P	P	P	P			P	P	38
Film Production Studio							P		P	R	P	P				P	P	P				P	54
Gas And Fuel, Wholesale											R							P					61
Heavy Industry											R					R		P					69
Laboratory, Research						R	R	R	R	R	P	P	R	R		P	R	P			R	R	76
Machine Or Welding Shop											P					P		P					80
Manufacturing And Processing						R	R	R	R	R	P	R				P		P					81
Medical Or Dental Laboratory		P				P	P	P	P			P				P							84
Salvage Or Junk Yard											R							R					116
Transportation Facility												P				P		P					133
Truck Stop											R					R		R					131
Warehouse							R				P	P				P		P					138
Wholesaling, General											P	P				P		P					140

~~[Ord. 2005-002] [Ord. 2004-040] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2014-025]~~

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2 ....

3 **D. Application Requirements**

4 ....

5 **2. Master Plan, Site Plan, or Subdivision Plan**

6 ....

7 **b. Pods**

8 All land within the boundaries of a Master Plan ~~master plan~~ shall be designated as one of
9 the ~~use~~ Pod types indicated for the applicable PDD, or the FLU designation, whichever is
10 applicable ~~in Table 3.E.1.B, PDD Use Matrix~~. **[Ord. 2009-040]**

11 ....

12 **I. Unified Control**

13 **4. Architectural Guidelines**

14 All buildings and signage shall maintain architectural consistency between all building,
15 signage and project identification. Consistency shall include, a minimum, on overall unified
16 image and character created by the use of common elements such as building and roofing
17 materials, rooflines, muted colors, fenestration, architectural features, and architectural
18 elements. Infrastructure, such as Minor uUtility, ~~minor~~, wWater and wWastewater tTreatment
19 pPlants which are approved for construction in a PDD prior to the approval of other buildings
20 will not be used to set the architectural standards for a PDD. **[Ord. 2007-013]**

21 **Section 2 Planned Unit Development (PUD)**

22 ....

23 **E. Pods**

24 ....

25 **2. Commercial Pod**

26 A commercial pod is intended to provide personal services, retail opportunities, and
27 professional or business offices for use primarily by the residents of the PUD. A commercial
28 pod shall be designated on the master plan as follows:

29 ~~a. Use Regulations~~

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~~Uses shall be permitted in accordance with Table 3.E.1.B - PDD Use Matri, Art. 4: Use Regulations; and, Art. 3.E.5.F, SCO PIPD.~~

[Renumber accordingly]

~~f. Hours of Operation~~

~~Commercial uses within 300 feet of a residential unit shall not commence business activities, including delivery and stocking operations, prior to 6:00 a.m. nor continue activities later than 11:00 p.m. daily. Commercial lots greater than 300 feet from residential use may be exempt from this requirement, unless required by a BCC condition.~~

[Renumber Accordingly]

F. AGR PUD

....

3. Preservation Area

....

b. Uses

Uses allowed in a Preservation Area are indicated in the use matrices contained in Article 4, Use Regulations, ~~Table 3.E.1.B, PDD Use Matrix, Table 3.F.1.F, Traditional Development District Permitted Use Schedule, or where stated within Art. 4, Use Regulations,~~ and where specified by the Preserve Management Plan as approved by ERM. **[Ord. 2006-004] [Ord. 2012-027] [Ord. 2015-047]**

....

4. Development Area

The Development Area shall contain the development related pods, residential commercial, civic and recreational as described in Table 3.E.2.D, PUD Property Development Regulations, allowed in a Development Area are based on the pod designation indicated in ~~Table 3.E.1.B, PDD Use Matrix~~ the use matrices contained in Article 4, Use Regulations.

....

G. RR PUD

1. Rural Residential

....

d. Option 1 – Rural Cluster

...

3) Development Area

a) Exception

Mitigation projects, excavation with jurisdictional wetlands, and excavation by public agencies, as defined as exempt in Article ~~4.D, EXCAVATION~~ 4.B.10, Excavation Uses, and regional water management facilities certified by the SFWMD, shall be permitted in open space areas.

....

2. Pods

....

d. Recreation Pod

Active recreation uses, such as golf courses and common outdoor recreation areas shall be limited to the development area only. Equestrian uses shall be allowed in accordance with the AGR/P pod provisions in ~~Table 3.E.1.B, PDD Use Matrix~~ the use matrices contained in Article 4, Use Regulations.

....

Section 3 Multiple Use Planned Development (MUPD)

....

B. Objectives and Standards

....

2. Performance Standards

....

a. Freestanding Buildings

The maximum number of freestanding buildings in a MUPD with continuous vehicular circulation on all four sides is indicated in Table 3.E.3.B, Freestanding Buildings.

1) For the purpose of this Section, circulation shall mean any portion of a driveway, drive aisle, or other means of vehicular access located within 50 feet of a building, excluding one-way drive through lanes, dedicated bypass lanes, and one primary building.

2) For the purpose of this Section, circulation shall not include vehicular access ways for uses including but not limited to Self Service Storage Facility, Data and Information Processing, Manufacturing and Processing, or Warehouses, when limited to access to individual storage units or warehouse bays, or facilities not open to the public and under the control of one business. This exception shall not apply to other vehicular

circulation, or access ways providing ingress/egress to other uses or tenants within a Development.

....

C. Thresholds

1. Underlying Land Use

A MUPD with an underlying nonresidential FLU designation may utilize either land use, or a combination of land uses, to satisfy the requirements of Table 3.E.3.D, MUPD Property Development Regulations. ~~Uses allowed shall correspond to the FLU designation in Table 3.E.1.B, PDD Use Matrix.~~

D. Property Development Regulations

~~**1. Work/Live Space**~~

~~A space within a building that is used jointly for residential, commercial and/or industrial purposes, where the residential space is accessory to the primary use as a place of work. Work/Live spaces shall comply with the following supplemental use standards: **[Ord. 2006-004]**~~

~~Accessory work/live spaces may be permitted in a MUPD, MXPD, commercial pod of a PUD, commercial and industrial pods of a PIPD, or a TMD as follows: **[Ord. 2004-040]**~~

~~a. Shall not exceed 1000 square feet of living area; **[Ord. 2004-040]**~~

~~b. A minimum of 10 percent of the living area shall be designated as office space; **[Ord. 2004-040]**~~

~~c. Shall be counted as non-residential square footage; **[Ord. 2004-040]**~~

~~d. The maximum number allowed in a PDD is indicated in Table 3.E.3.D-32, Work/Live PDD; **[Ord. 2004-040]**~~

~~e. The maximum number allowed by the DRO in a PDD is indicated in the Table 3.E.3.D-32, Work/Live Space PDD. The maximum number allowed by the DRO in a TMD is indicated in the Table 3.E.3.D-33, Work/Live Space TMD; and **[Ord. 2004-040]**~~

~~f. Work/live spaces in excess of the maximum number allowed by the DRO shall be a Requested Use. **[Ord. 2004-040]**~~

~~**Table 3.E.3.D - Work/Live Space PDD**~~

~~FLU Designation~~	~~Commercial Pod in a PUD~~	~~CH~~	~~CLO~~	~~CHO~~	~~IND (1)~~	~~EDC (1)~~
~~Number of Spaces~~	~~1/acre~~	~~5/acre~~	~~3/acre~~	~~3/acre~~	~~3/acre~~	~~3/acre~~
~~DRO (2)~~	~~8~~	~~24~~	~~24~~	~~24~~	~~24~~	~~24~~
~~**[Ord. 2004-040] [Ord. 2014-025]**~~						
~~**Notes:**~~						
~~(1) Limited to commercial pods in a PIPD only. **[Ord. 2014-025]**~~						
~~(2) Maximum number of spaces.~~						

~~**Table 3.E.3.D - Work/Live Space TMD**~~

~~TIER~~	~~U/S~~	~~AGR/GLADES~~	~~RURAL/EXURBAN~~
~~DRO~~	~~100~~	~~100~~	~~75~~
~~**[Ord. 2004-040]**~~			

....

Section 4 Mixed Use Planned Development (MXPD)

....

E. Use Regulations

....

2. Commercial Uses

~~**a. Hours of Operation**~~

~~Non-residential uses shall not commence business activities, including delivery and stocking operations prior to 6:00 a.m. nor continue activities later than 11:00 p.m. within 300 feet of a dwelling unit.~~

[Renumber Accordingly]

Section 5 Planned Industrial Park Development (PIPD)

....

E. Pods

1. Industrial Pods

....

~~**a. Use Regulations**~~

~~Uses shall be permitted in accordance with Table 3.E.1.B, PDD Use Matrix; and Art. 4, Use Regulation. **[Ord. 2004-040] [Ord. 2008-003]**~~

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[Renumber accordingly]

2. Commercial Pod

....

~~**a. Use Regulations**~~

~~Uses shall be permitted in accordance with Table 3.E.1.B, PDD Use Matrix; and Art. 4, Use Regulations. [2004-040] [Ord. 2008-003]~~

[Renumber accordingly]

3. Residential Pod

....

a. Use Regulations

Uses shall be permitted in accordance with the provisions for a PUD Residential Pod~~, indicated under Table 3.E.1.B, PDD Use Matrix; except for a SR-7 EDO; and Article 4.B.1.A, Supplementary Standards~~. **[Ord. 2004-040] [Ord. 2008-003] [Ord. 2010-022]**

....

4. Recreation Pod

....

a. Use Regulations

Uses shall be permitted in accordance with the provisions for a PUD Recreation Pod, ~~indicated under Table 3.E.1.B, PDD Use Matrix; Art. 4, Use Regulations~~. **[Ord. 2004-040] [Ord. 2008-003]**

....

5. Civic Pod

....

a. Use Regulations

Uses shall be permitted in accordance with the provisions for a PUD Civic Pod~~, indicated under Table 3.E.1.B, PDD Use Matrix; Art. 4, Use Regulations~~. **[Ord. 2004-040] [Ord. 2008-003]**

....

Section 7 Recreational Vehicle Planned Development District (RVPD)

....

B. Thresholds

....

2. Sites

~~The multiplier for RV sites is 12/acre. The multiplier for camp sites is 40/acre. Camp sites may be allowed in addition to RV sites.~~ The number of RV and campsites allowed shall be as specified in Table 4.B.3.C – Campground Intensity.

....

D. Time Limitations

RV sites, campsites, and camping cabins shall comply with standards in Article 4.B.3.C.2.f, Duration of Stay.

~~**1. Residence**~~

~~*No person, other than the caretakers, shall reside or be permitted to reside in a RVPD for more than 180 days per calendar year.*~~ **[Relocated to Article 4.B.3.C.2.f.2)a)]**

~~**2. *Record Keeping***~~

~~The RVPD *owner or operator shall keep the following records:*~~ **[Relocated to Article 4.B.3.C.2.f.2)b)]**

~~*a. the make, model, and year of each RV;*~~ **[Relocated to Article 4.B.3.C.2.f.2)b)(1)]**

~~*b. the lot on which each RV is/was located;*~~ **[Relocated to Article 4.B.3.C.2.f.2)b)(2)]**

~~*c. the dates of occupancy for each RV; and*~~ **[Relocated to Article 4.B.3.C.2.f.2)b)(3)]**

~~*d. the name and permanent address of each RV owner.*~~ **[Relocated to Article 4.B.3.C.2.f.2)b)(4)]**

~~**3. *Mobility***~~

~~*The mobility of each recreational vehicle shall be maintained at all times. All recreational vehicles shall be currently licensed by the State of Florida. The license plate shall be visible at all times.*~~ **[Relocated to Article 4.B.3.C.2.f.2)c)]**

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Part 15. ULDC Table 3.F.1.F, Traditional Development Permitted Use Schedule (pages 195-233, of 234), is hereby amended as follows:

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

Section 1 General Provisions for TDDs

F. Use Regulations

Uses permitted in a TDD shall be according to the land use zone designation on the Master Plan ~~master plan~~ approved by the DRO, or the land use designation of the TDD, whichever is applicable, and Article 4, Use Regulations. Uses may be further limited by the Development Order ~~development order~~, concurrency reservation, or other applicable requirement. **[Ord. 2005 – 002]**.

1. Conditional Use

The location, or alternative locations for each ~~requested~~ Conditional *~~u~~Use must be approved by the BCC, and the ~~requested~~* Conditional *~~u~~Use must be located in only one of the locations approved the BCC.* All prior approvals for a Requested Use shall correspond to a Conditional Use. ***[Ord. 2005 – 002] [Ord. 2005-041]*** **[Relocated from below]**

~~**1. Use Designations**~~

~~Uses permitted in a TDD are classified as: permitted, special, DRO, or requested, as indicated in Table 3.F.1.F, TDD Use Matrix. **[Ord. 2005 – 002]**~~

~~**a. Permitted Uses (P)**~~

~~These uses are allowed by right and are identified by a P in the matrix. **[Ord. 2005 – 002]**~~

~~**b. Special Uses (S)**~~

~~These uses require approval of a special permit and are identified by a S in the matrix. **[Ord. 2005 – 002]**~~

~~**c. DRO Uses (D)**~~

~~These uses require approval by the Development Review Officer (DRO) and are identified by a D in the matrix. **[Ord. 2005 – 002]**~~

~~**d. Requested Uses (R)**~~

~~These uses require approval by the BCC in accordance with the standards and procedures in Art. 2.B, Public Hearing Procedures, and are identified by an R in the matrix. Requested uses shall be shown on the master plan or site plan approved by the BCC. *The location, or alternative locations for each requested use must be approved by the BCC, and the requested use must be located in only one of the locations approved the BCC.* ***[Ord. 2005 – 002] [Ord. 2005-041]*** **[Partially relocated above]**~~

~~**1) Supplementary Use Standards**~~

~~A number in the 'Note' column of Table 3.F.1.F, Traditional Development Permitted Use Schedule, refers to supplementary land use standards in Art. 4.B, Supplementary Use Standards, which are applicable to the use. **[Ord. 2005-002]**~~

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

~~Table 3.F.1.F - Traditional Development Permitted Use Schedule~~

~~District~~	~~TND~~						~~TMD~~				~~NOTES~~
~~Tier~~	~~Urban/Suburban (U/S)~~			~~Exurban/Rural~~			~~U/S~~	~~Ex/ Rural~~	~~AGR~~		
~~Land Use Pod~~	~~Res~~	~~Neighborhood Center (NC)~~	~~Open Space/ Rec~~	~~Res~~	~~NC~~	~~Open Space/ Rec~~			~~Dev.~~	~~Preserve~~	
~~Residential Uses~~											
~~Single family~~	~~P~~	~~-~~	~~-~~	~~P~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~122~~
~~Zero lot line~~	~~P~~	~~-~~	~~-~~	~~R~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~142~~
~~Town house~~	~~P~~	~~-~~	~~-~~	~~R~~	~~-~~	~~-~~	~~P~~	~~P~~	~~P~~	~~-~~	~~132~~
~~Multi-family~~	~~P~~	~~P~~	~~-~~	~~P~~	~~P~~	~~-~~	~~P~~	~~P~~	~~P~~	~~-~~	~~87~~
~~Accessory dwelling~~	~~P~~	~~-~~	~~-~~	~~P~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~1~~
~~Congregate living facility, Type 1~~	~~P~~	~~-~~	~~-~~	~~P~~	~~-~~	~~-~~	~~P~~	~~P~~	~~P~~	~~-~~	~~34~~
~~Congregate living facility, Type 2~~	~~P~~	~~D~~	~~-~~	~~R~~	~~-~~	~~-~~	~~P~~	~~R~~	~~R~~	~~-~~	~~34~~
~~Congregate living facility, Type 3~~	~~R~~	~~R~~	~~-~~	~~R~~	~~R~~	~~-~~	~~R~~	~~-~~	~~-~~	~~-~~	~~34~~
~~Farm residence~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~50~~
~~Farm workers quarters~~										~~P~~	~~51~~
~~Home occupation~~	~~P~~	~~P~~	~~-~~	~~P~~	~~P~~	~~-~~	~~P~~	~~P~~	~~P~~	~~-~~	~~70~~
~~Kennel, Type I (Private)~~	~~P~~			~~P~~							~~73~~
~~Security or caretaker quarters~~		~~S~~	~~-~~		~~S~~	~~-~~	~~S~~	~~S~~	~~S~~		~~119~~
~~Agricultural Uses~~											
~~Agriculture, bona fide~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~P~~	~~3~~
~~Agriculture sales and service~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~P~~	~~-~~	~~6~~
~~Community vegetable garden~~	~~-~~	~~-~~	~~P~~	~~-~~	~~-~~	~~P~~	~~-~~	~~-~~	~~-~~	~~P~~	~~32~~
~~Grooms Quarters~~										~~S~~	~~65~~
~~Nursery, retail~~	~~-~~	~~P~~	~~-~~	~~-~~	~~P~~	~~-~~	~~P~~	~~P~~	~~P~~	~~-~~	~~88~~
~~Nursery, wholesale~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~S~~	~~89~~
~~Produce stand~~		~~P~~			~~P~~		~~S~~	~~S~~	~~S~~	~~S~~	~~101~~
~~Stable, commercial~~										~~D~~	~~125~~
~~Stable, private~~	~~P~~	~~-~~	~~-~~	~~P~~	~~-~~	~~-~~	~~-~~	~~-~~	~~-~~	~~P~~	~~126~~
~~Public and Civic Uses~~											
~~Assembly, nonprofit institutional~~		~~R~~			~~R~~		~~R~~	~~R~~	~~R~~		~~14~~
~~Assembly, nonprofit membership~~		~~R~~			~~R~~		~~R~~	~~R~~	~~R~~		~~15~~
~~Place of worship~~		~~R~~			~~R~~		~~R~~	~~R~~	~~R~~		~~29~~
~~Day care center, general~~		~~R~~			~~R~~		~~R~~	~~R~~	~~R~~		~~40~~
~~Day care center, limited~~		~~D~~			~~D~~		~~D~~	~~D~~	~~D~~		~~40~~
~~Government services~~		~~P~~			~~P~~		~~P~~	~~P~~	~~P~~	~~P~~	~~63~~
~~Homeless Resource Center~~											~~70-1~~
~~Hospital or medical center~~							~~R~~	~~R~~			~~71~~
~~Kennel, Type IV (Animal Shelter)~~							~~R~~	~~R~~	~~R~~		~~74-3~~
~~School, elementary or secondary~~		~~R~~			~~R~~		~~R~~	~~R~~	~~R~~	~~R~~	~~118~~
~~Recreation Uses~~											
~~Amusements, temporary or special event~~		~~S~~			~~S~~		~~S~~	~~S~~	~~S~~		~~12~~
~~Entertainment, indoor~~		~~R~~			~~R~~		~~R~~	~~R~~	~~R~~		~~45~~
~~Fitness center~~		~~P~~			~~P~~		~~P~~	~~P~~	~~P~~		~~56~~
~~Park, passive~~			~~P~~			~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~93~~
~~Park, public~~			~~P~~			~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~94~~

~~[Ord. 2005-002] [Ord. 2005-041] [Ord. 2006-004] [Ord. 2006-013] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2012-007] [Ord. 2012-027]~~

~~Notes:~~

~~P Permitted by right.~~
~~D Permitted subject to approval by the DRO.~~
~~S Permitted in the district only if approved by Special Permit.~~
~~R Requested Use.~~

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~~Table 3.F.1.F - Traditional Development Permitted Use Schedule (Continued)~~

~~District~~	~~TND~~						~~TMD~~				~~NOTES~~
~~Tier~~	~~Urban/Suburban (U/S)~~			~~Exurban/Rural~~			~~U/S~~	~~Ex/ Rural~~	~~AGR~~		
~~Land Use Pod~~	~~Res~~	~~Neighborhood Center (NC)~~	~~Open Space/ Rec~~	~~Res~~	~~N/C~~	~~Open Space/ Rec~~			~~Dev~~	~~Preserve~~	
~~Commercial Uses~~											
~~Auction, enclosed~~							~~P~~				~~16~~
~~Automotive service station~~							~~R~~	~~R~~	~~R~~		~~18~~
~~Bed and breakfast~~	~~S~~			~~S~~			~~S~~	~~S~~	~~S~~		~~20~~
~~Convenience store~~		~~P~~			~~P~~		~~P~~	~~D~~	~~D~~		~~36~~
~~Convenience store with gas sales~~							~~R~~	~~R~~	~~R~~		~~37~~
~~Dog Daycare~~		~~R~~			~~R~~		~~R~~	~~R~~	~~R~~		~~43~~
~~Financial institution~~		~~R~~			~~R~~		~~R~~	~~R~~	~~R~~		~~55~~
~~Flea market, enclosed~~							~~R~~	~~R~~	~~R~~		~~57~~
~~Green market~~		~~P~~			~~P~~		~~P~~	~~P~~	~~P~~		~~64~~
~~Hotel~~							~~R~~				~~72~~
~~Kennel, Type III (Commercial-Enclosed)~~							~~R~~	~~R~~	~~R~~		~~74-2~~
~~Kiosk~~		~~P~~			~~P~~		~~P~~	~~P~~	~~P~~		~~75~~
~~Laundry services~~		~~P~~			~~P~~		~~P~~	~~P~~	~~P~~		~~78~~
~~Live/Work~~		~~D~~			~~D~~		~~D~~	~~D~~	~~D~~		~~141-2~~
~~Lounge, cocktail~~							~~R~~	~~R~~			~~79~~
~~Medical or dental office or clinic~~		~~P~~			~~P~~		~~P~~	~~P~~	~~P~~		~~83~~
~~Medical or dental laboratory~~							~~P~~	~~P~~	~~P~~		~~84~~
~~Office, business or professional~~		~~P~~			~~P~~		~~P~~	~~P~~	~~P~~		~~91~~
~~Personal services~~		~~P~~			~~P~~		~~P~~	~~P~~	~~P~~		~~98~~
~~Printing and copying services~~		~~P~~					~~P~~	~~P~~	~~P~~		~~100~~
~~Repair services, limited~~		~~P~~			~~P~~		~~P~~	~~P~~	~~P~~		~~108~~
~~Restaurant, Type I~~							~~R~~	~~R~~	~~R~~		~~109~~
~~Restaurant, Type II~~		~~R~~			~~R~~		~~D~~	~~D~~	~~D~~		~~110~~
~~Retail sales, general~~		~~P~~			~~P~~		~~P~~	~~P~~	~~P~~		~~114~~
~~Retail sales, mobile or temporary~~		~~S~~			~~S~~		~~S~~	~~S~~	~~S~~		~~115~~
~~Theater, indoor~~							~~P~~	~~P~~	~~P~~		~~129~~
~~Veterinary clinic~~		~~P~~			~~P~~		~~P~~	~~P~~	~~P~~		~~136~~
~~Work/live space~~		~~P~~			~~R~~		~~P~~	~~R~~	~~P~~		~~141-1~~
~~Utilities and Excavation~~											
~~Communication panel, antennas, commercial~~	~~S~~						~~D~~	~~D~~	~~D~~		~~31~~
~~Communication tower, commercial~~							~~D~~	~~D~~	~~D~~		~~31~~
~~Communication cell sites on wheels (COW)~~							~~S~~				~~31~~
~~Recycling Drop-Off Bin~~		~~D~~			~~D~~		~~D~~	~~D~~	~~D~~		~~104~~
~~Renewable Energy Facility, Solar~~											~~106-1~~
~~Renewable Energy Facility, Wind~~											~~106-2~~
~~Utility, minor~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~134~~
~~Type II Excavation~~	~~R~~	~~R~~	~~R~~	~~R~~	~~R~~	~~R~~	~~R~~	~~R~~	~~R~~		~~49~~

~~[Ord. 2005-002] [Ord. 2005-041] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037][Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-001] [Ord. 2014-031] [Ord. 2016-016]~~

~~Notes:~~

~~P Permitted by right.~~
~~D Permitted subject to approval by the DRO.~~
~~S Permitted in the district only if approved by Special Permit.~~
~~R Requested Use.~~

2 ....

3

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EXHIBIT C

ARTICLE 3, OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS

Section 3 Traditional Neighborhood Development (TND)

....

~~B. Uses~~

~~Uses allowed in a TND district are listed in Table 3.F.1.F, Traditional Development Permitted Use Schedule.~~

[Renumber accordingly]

DE. **Land Use Zones**

....

5. Residential Uses

....

d. Accessory Buildings

Accessory buildings shall not exceed 25 feet in height and may be used as a garage or ~~accessory dwelling~~ Accessory Quarters.

1) Calculation of Density

Accessory ~~dwelling~~ Quarters are not considered "dwelling units" for the purposes of calculating the maximum allowable density in a TND.

2) Maximum Number

Up to one ~~accessory dwelling~~ Accessory Quarters unit per principal dwelling unit is permitted.

3) Required Parking

One additional parking space per ~~accessory dwelling~~ Accessory Quarters is required.

....

Section 4 Traditional Marketplace Development (TMD)

....

~~C. Uses Allowed~~

~~Uses allowed in a TMD district are listed in Table 3.F.1.F, Traditional Development Permitted Use Schedule. [Ord. 2005 – 002]~~

[Renumber accordingly]

DE. **Standards Applicable to AGR Tier**

8. Preserve Area and Open Space Requirements

....

c. Preserve Areas

An AGR preserve area shall comply with the requirements of Art. 3.E.2.F.3, Preservation Area~~,~~; ~~Table 3.F.1.F, Traditional Development Permitted Use Schedule; Article 4.B., Supplementary Use Standards~~ and Article 4, Use Regulations; all other development regulations that are applicable to the AGR Tier and proposed use(s); and policies under Objective 1.5 of the FLUE of the Plan. Nothing herein shall be misconstrued as requiring a Preserve Area to conform to Article 3.F.4.D, Development Standards for all TMDs. **[Ord. 2005 – 002] [Ord. 2006-004] [Ord. 2007-013]**

....

Section 5 Traditional Town Development (TTD)

~~C. Uses~~

~~Uses allowed in a TTD district are listed in Table 3.F.1.F, Traditional Development Permitted Use Schedule, of this Article.~~

[Renumber accordingly]

Notes:

Underlined indicates new text. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

~~Stricken~~ indicates text to be ~~deleted~~.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

Part. 1 Art. 4, Use Regulations is hereby deleted in its entirety and replaced with new Art. 4, Use Regulations, as follows:

ARTICLE 4, USE REGULATIONS

CHAPTER A USER GUIDE AND GENERAL PROVISIONS

Section 1 Overview

In order to ensure that all development in unincorporated PBC is consistent with the Comprehensive Plan, it is necessary to define Uses and identify where such Uses are allowed. This Chapter establishes the general provisions that address regrouping of uses by classification, approval process and any requirements specific to a use. It also serves as a guide to assist users in determining the Uses that are allowed in the various zoning districts. The Zoning Director shall maintain and publish a User Guide to assist the public with applicability of Article 4, Use Regulations.

Section 2 Variance Relief Prohibited

Variance relief from any of the requirements of this Article shall be prohibited unless expressly stated otherwise herein.

Section 3 Zoning and Future Land Use Consistency

Before utilizing this Article to confirm if a use is allowed, it must be determined that the zoning district designation of the subject site is consistent with its Future Land Use (FLU) designation. This can be accomplished by referencing the site's FLU designation from the PBC Future Land Use Atlas (FLUA), and check Art. 3.A.3, Zoning District Consistency with the Future Land Use Atlas (FLUA). If the zoning district is inconsistent with the FLU designation, a rezoning may be required to allow for a proposed use subject to the requirements specific to the Use and other applicable Project Development Regulations.
Depending on the size and location of the site, there may be multiple options for rezoning, which may include Standard zoning districts, PDDs or TDDs. Once consistency has been confirmed or if it's determined that rezoning may be required, the appropriate zoning district or zoning districts can then be referenced to determine potential Uses and applicable approval process.

A. If the zoning district is consistent with the FLU designation, then a rezoning is not required. The Applicant shall reference Use Matrices to see whether the proposed Use is allowed in that zoning district and subject to what type of approval process.
B. If the zoning district is not consistent with FLU, then a rezoning is required. The Applicant shall select the most appropriate zoning district, and reference Use Matrices to identify whether the proposed Use is allowed in the proposed zoning district and subject to what type of approval process.

Section 4 Overlays

The Applicant shall confirm whether the site is located in an Overlay Zone pursuant to Art.3.B, Overlays, or as shown in the Official Zoning Map. If a site is located within an Overlay, then additional requirements and limitations may apply to those Uses additional to the regulations under the Supplementary Use Standards.

Section 5 Airport Zones

Uses in Airport Zones may be further restricted or subject to special regulations as specified in Article 16, Airport Regulations.

Section 6 Specific Regulations for Standard Zoning Districts

Special regulations apply within certain zoning districts as specified under Art. 3.D.3, District Specific Regulations.

Section 7 Determining Approval Process

Uses not specifically listed in the Use Matrices of this Chapter, but consistent with the definition of a listed use, may be considered by the Executive Director of PZB pursuant to Article 1.B, Interpretation of the Code. All Uses shall comply with all requirements of the ULDC unless expressly exempted otherwise.

A. Organization

Uses are arranged within this Chapter by Use Classification, each of which includes: a Use Matrix, General Standards, and Definitions and Supplementary Use Standards for Specific Uses. Uses listed under each Use Classification are organized alphabetically, with a corresponding number that allows for easy reference between the Use Matrix, definitions and Supplementary Use Standards.

B. Use Classification

Uses are grouped into 11 classifications generally based on common functional characteristics or land use compatibility, as follows:

1. Residential,

2. Commercial,
3. Recreation,
4. Institutional, Public and Civic,
5. Industrial,
6. Agricultural,
7. Utilities,
8. Transportation,
9. Commercial Communication Towers
10. Excavation, and,
11. Temporary.

C. Use Matrix

There are five processes to obtain a zoning approval for a use, as follows: Permitted by Right, Special Permit, DRO, Class B Conditional Use, or Class A Conditional Use. Each Use Matrix identifies all zoning districts, uses, and approval process. The Use Matrix consolidates use approvals in standard Zoning Districts, URAO, IRO, PDDs and TDDs. A number in the "Supplementary Use Standard" column of the Use Matrix refers to the Definition and Supplementary Use Standards applicable to the use.

1. **Permitted by Right**
   Uses identified with a "P" are allowed in the zoning district, subject to the Supplementary Use Standards and the other applicable requirements of this Code. Uses in this category that do not require a Building Permit or Zoning Division site plan approval are still required to comply with all applicable requirements of the ULDC.
2. **Development Review Officer (DRO)**
   Uses identified with a "D" or exceeding the thresholds of Table 4.A.9.A, Thresholds for Projects Requiring DRO Approval, are allowed subject to approval by the DRO in accordance with Article 2.D, Administrative Process. **[Ord. 2005-002]**
   [Renumber accordingly.]
3. **Special Permit**
   Uses identified with an "S" are allowed in the zoning district only if approved by the Zoning Director in accordance with Article 2.D.2, Special Permit. Most of the Uses subject to Special Permit are under the Temporary Use Classification.
4. **Class B Conditional Use**
   Uses identified with a "B" are allowed in the zoning districts only if approved by the ZC in accordance with Article 2.B, Public Hearing Process.
5. **Class A Conditional Use**
   Uses identified with an "A" are allowed in the zoning districts with a recommendation by the Zoning Commission, and approved by the BCC in accordance with Article 2.B, Public Hearing Process.
6. **Prohibited Uses**
   Uses identified with a dash "-", in a zoning districts column of the Use Matrix, are prohibited in that zoning district, unless otherwise expressly stated under the Supplementary Use Standards for the use, or within any applicable Zoning Overlays.

D. General Standards

Where applicable, each Use Classification may have a listing of General Standards that apply to all Uses in that Use Classification.

E. Definitions and Supplementary Use Standards for Specific Uses

The definition for each Use permitted is listed. Where applicable, additional Supplementary Use Standards may apply. In the case of a conflict with other regulations in this Code, the more restrictive requirement shall apply, unless otherwise stated. **[Ord. 2010-022]**

Section 8 Use Functions

Uses may be identified as principal or accessory. A site may be developed with a single use or collocated with multiple principal uses. Functionality of uses are as follows:

A. Principal

As defined in Art. 1, a principal use is "the primary and major purpose for which land or building is used as allowed by the applicable zoning district." Only those Uses listed in this Chapter within the Use Matrices may be considered a principal use. A site may have more than one principal use.

B. Collocated

Certain principal Uses that are not normally permitted within a zoning district by the Use Matrices may be allowed as a collocated use if expressly stated under the Supplementary Use Standards and compliance with all of the Supplemental Use Standards applicable to the use.

C. Accessory

As defined by Art. 1, "a permitted use that is customarily associated with the principal use and clearly incidental to the principal use, and is subordinate in area, extent or purpose to and serves only the principal use." Uses not allowed in a zoning district shall not be accessory to a principal use unless stated otherwise in the Supplementary Use Standards of the use intended to be accessory. Additional accessory Uses limitations and requirements are contained in Art. 5.B, Accessory Uses and Temporary Structures.

D. Flex Space

This option allows for limited office or retail opportunities where otherwise prohibited in industrial Zoning Districts, or inversely allows for a limited type of industrial Uses in the commercial zoning districts that are consistent with the CH FLU designation. Flex space is only permitted when approved in accordance with Art. 5.B.1.C, Flex Space.

Section 9 Development Thresholds

A. Development Review Officer

Any amendment to an existing development, or new construction of projects that meets or exceeds either the maximum square footage or number of units, shall require DRO site plan approval.

Table 4.A.9.A - Thresholds for Projects Requiring DRO Approval

Zoning District	Number of Units or Square Feet
RM	16 du
CN	3,000 square feet
CLO	3,000 square feet
CC	8,000 square feet
CHO	8,000 square feet
CG	10,000 square feet
CRE	15,000 square feet
IL	20,000 square feet
IG	20,000 square feet
IPF	20,000 square feet 16 du
IR	Any project utilizing the Infill Redevelopment Overlay
[Ord. 2010-005] [Ord. 2010-022]	
Notes:	
1. Approval of a subdivision plan is required for all subdivision of land for which a plat or plat waiver has not been granted pursuant to Article 11, Subdivision, Platting and Required Improvements or which exceeds the threshold above.	
2. Projects exceeding the thresholds above shall comply with Article 5.C, Design Standards.	

B. Public Hearing Approval

Any amendment to an existing development, or new construction of residential, commercial or industrial projects that meets or exceeds either the maximum square footage or units, or maximum acreage of Table 4.A.9.A, Thresholds for Projects Requiring Board of County Commission Approval, shall be reviewed and approved as a PDD or TDD in accordance with Art. 2.B.1, Official Zoning Map Amendment (Rezoning). Projects that meet or exceed the thresholds of this table that do not meet the access and dimension requirements of a PDD or TDD; are not allowed to be a PDD or TDD by the Plan; or for non-residential projects, consist of only one use, shall be approved as a Class A Conditional Use. **[Ord. 2006-004] [Ord. 2007-013] [Ord. 2010-005]**

1. Exemptions

The following projects shall be exempt from this requirement: **[Ord. 2010-005]**

a. Projects located in the PO Zoning District or that propose to rezone to the PO Zoning District, that support existing or proposed government facilities; and, **[Ord. 2010-005]**

b. Infill Redevelopment Overlay projects approved by the DRO. **[Ord. 2010-005]**

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Table 4.A.9.B - Thresholds for Projects Requiring Board of County Commission Approval (1)

FLU Designation (3)	Number of Square Footage or Units (4)	Acreage
Residential (Excluding RR FLU)	200 du	50 acres
AGR (Residential Only) (2)	-	250 acres
CLO	30,000	-
CHO	50,000	-
CL	30,000	-
CH	50,000	-
IND	100,000	-
INST	50,000	-
CR	100,000	-
MLU	50,000	-
EDC	100,000	-

Notes:

1. Land area devoted to retention pursuant to the requirements of the C-51 drainage basin, or land area devoted to vegetation preservation pursuant to the Environmentally Sensitive Lands Ordinance, excluding AGR or Sector Plan preserve areas, shall not be counted toward the maximum acreage threshold. **[Ord. 2006-004]**
2. PDDs or TDDs in the AGR Tier are limited to the 80/20 PUD, 60/40 PUD or AGR TMD (FLUE Policy 1.5.1-a).
3. There are no thresholds for the UC or UI FLU designations. **[Ord. 2011-016]**
4. Dwelling units shall include any density awarded as part of a density bonus program. **[Ord. 2006-004] [Ord. 2011-016]**

In the case of a conflict with other regulations in this Code, the more restrictive requirement shall apply, unless otherwise stated.

CHAPTER B USE CLASSIFICATION

Section 1 Residential Uses

A. Residential Use Matrix

1. Residential related accessory uses are identified in Table 4.B.1.D – Corresponding Accessory Use to a Principal Use.

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TABLE 4.B.1.A - RESIDENTIAL USE MATRIX

| STANDARD DISTRICTS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | PLANNED DEVELOPMENT DISTRICTS (PDDs) | | | | | | | | | | | | | | | | | | |

EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

B. General Residential Standards

1. Accessory Affordable Housing

Multifamily, Single Family, Townhouse or Zero Lot Line Home may be allowed in the IPF Zoning District as Affordable Housing in the same development of Institutional, Public and Civic uses such as Place of Worship. The dwelling units shall not be for sale and shall be subject to DRO approval. As part of the submittal requirement, the applicant shall demonstrate that residential development will be under the direct supervision of a sponsoring non-profit organization or community-based group.

C. Definitions and Supplementary Use Standards for Specific Uses

1. Congregate Living Facility (CLF)

a. Definition

A facility which provides long-term care, housing, food service, and one or more assistive care services for persons not related to the owner or administrator by blood or marriage.

b. Licensing

Type 1 and 2 CLFs shall be licensed by one of the licensing entities referenced in State Statute 419.001.

c. Approval Process - RS Zoning District

A Type 3 CLF may be allowed in the RS Zoning District with an HR-8 FLU designation subject to a Class A Conditional Use approval.

d. Maximum Occupancy

1) Type 1 CLF

Six persons, excluding staff.

2) Type 2 CLF

14 persons, excluding staff.

3) Type 3 CLF

The maximum occupancy shall be determined by FLUE Table III.C.1 of the Plan and multiplying the maximum allowable density by 2.39. A dwelling unit is equivalent to 2.39 beds. **[Ord. 2005-002] [Ord. 2012-003]**

4) PDD Occupancy Bonus

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

e. Separation

The separation requirements in this Section shall be measured from the nearest point of the existing CLF structure to the nearest point of the proposed CLF structure.

1) Type 1 CLF

A Type 1 CLF, shall not be located within a radius of 1,000 feet of another Type 1 CLF regulated by F.S. §419.001 and within a radius of 1,200 feet of a Type 2 CLF.**[Ord. 2013-001]**

2) Type 2 CLF - RM Zoning District

A Type 2 CLF located in the RM Zoning District shall not be located within a radius of 1,200 feet of another CLF. **[Ord. 2008-003] [Ord. 2013-001]**

f. Location

A Type 3 CLF shall have frontage and access from a Collector or an Arterial Street, except for the following:

1) A Type 3 CLF having 25 residents or less may have frontage and access from a local street. **[Ord. 2005-002] [Ord. 2013-001]**

2) A Type 3 CLF having 250 or fewer residents may be located in a multi-family, commercial, or civic pod with access to a local street or a parking tract in a PDD. **[Ord. 2005 – 002]**

g. Lot Size

1) The minimum lot dimension for a Type 2 or Type 3 CLF shall be 8,000 square feet or the zoning district minimum lot requirement, whichever is greater. **[Ord. 2009-040]**

2) The required minimum acreage for a PDD may be reduced by 50 percent if it consists exclusively of a CLF.

h. Type 2 or Type 3 CLFs - Fire Rescue Station

A Type 2 or Type 3 CLFs shall be located within five miles of a full service fire-rescue station. **[Ord. 2013-001]**

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

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

j. Accessory Commercial Uses

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

k. **Signage**
Signage for a Type 1 or Type 2 CLF shall be limited to one freestanding sign no more than four square feet in sign face area and six feet in height.

l. **Congregate Living, Assistive Care Services**
Assistance with activities of daily living and limited nursing services.

m. **Emergency Generators**
A permanent emergency generator shall be required for all Type 2 and Type 3 CLFs, and shall meet the standards of Article 5.B.1.A.18, Permanent Generators. **[Ord. 2006-004]**

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

2. **Mobile Home Dwelling**

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

b. **Principal Use**
Only Mobile Home Dwellings located within the MHPD Zoning District, or within an existing approved mobile home park, shall be treated as a principal use.

c. **Accessory Use – Bona Fide Agriculture**
One mobile home structure may be allowed accessory to a principal Bona Fide Agriculture use.

1) **Lot Size**

a) **AR (USA) and AGR Districts**
A minimum of five acres. **[Ord. 2008-037]**

b) **RR-2.5, RR-5, RR-10, and AP FLU Designation**
A minimum of ten acres. **[Ord. 2008-037]**

c) **RR-20 FLU Designation**
A minimum of 20 acres.

2) **Setbacks**
A minimum of 200 feet from a public street; 100 feet from all other property lines.

3) **Mobile Home Removal Agreement**
A removal agreement shall be executed and notarized between the Building Division and property owner and recorded on the property in the official records of the PBC Clerk prior to issuance of any building permit. The agreement shall be recorded against the property stating that the mobile home shall be removed within 30 days in the event the property is sold or the Bona Fide Agriculture operation ceases to exist.

3. **Multifamily**

a. **Definition**
The use of a structure designed for two or more dwelling units which are attached or the use of a lot for two or more dwelling units.

b. **Typical Uses**
Typical uses include apartments and residential condominiums.

c. **Overlay – WCRAO**
Multifamily is prohibited in the NR Sub-area per Table 3.B.14.E, WCRAO Sub-area Use Regulations.

d. **Zoning District**

1) **TMD District**
AGR-TMDs shall be exempt from the integration requirement and shall comply with the Development Order approved by the BCC. **[Ord. 2010-022]**

2) **RM District**
Multifamily units may be allowed in the RM Zoning District with an MR5 FLU designation subject to the following:

a) **Planning Determination**
A written determination from the Planning Director that the property meets the criteria for an Infill Density Exemption in the Plan; and,

b) **Existing RM Zoning**
The property was zoned RM prior to the 1989 adoption of the Plan.

c) **Approval Process**
The approval process shall be as follows:

Table 4.B.1.C - Approval Process

Process	Units
Class A Conditional Use	Over 24
Class B Conditional Use	9-24
DRO	5-8
Permitted by Right	1-4

d) **Development Order**
Prior approvals for Multifamily units in the RM Zoning District with MR5 FLU designation shall be considered legal conforming uses.

e) **Limestone Creek**
Multifamily units in the RM Zoning District shall be prohibited in the area bounded on the north by 184 Place North, on the south by the C-18 Canal, on the east by Central Boulevard and the municipal limits of the Town of Jupiter, and on the west by Narcissus Avenue (north of Church Street) and Limestone Creek Road (south of Church Street).

4. Single Family

a. Definition
The use of a lot or a structure for one detached dwelling unit.

5. Townhouse

a. Definition
A dwelling unit located on an individual lot and attached by at least one but no more than two party wall(s) along 50 percent of the maximum depth of the unit, to one or more dwelling units; has a continuous foundation; each on its own lot, with said party wall(s) being centered on the common property line(s) between adjacent lots.

b. Approval Process - RS Zoning District
Townhouses shall only be allowed in the RS Zoning District on parcels with LR-2 or higher FLU designation. Townhouses on parcels with an HR-8, HR-12 or HR-18 FLU designation, may be allowed subject to DRO approval. **[Ord. 2005 – 002] [2016-042]**

6. Zero Lot Line Home (ZLL)

a. Definition
The use of a lot for one detached dwelling unit with at least one wall, but not more than two walls or a portion thereof, located directly adjacent to a side lot line.

b. Approval Process - RS Zoning District
A ZLL Home shall only be allowed in the RS Zoning District with LR-2 or higher FLU designation. ZLL Homes on parcels with an HR-8, HR-12 or HR-18 FLU designation, may be allowed subject to DRO approval. **[Ord. 2005 – 002] [2016-042]**

D. General Standards for Accessory Uses
Accessory uses shall comply with the specific Supplementary Use Standards contained in this section.

1. Corresponding Accessory Use to a Principal Use
Accessory uses identified in Table 4.B.1.D, Corresponding Accessory Residential Use to a Principal Use, shall be:
a) Permitted by Right unless stated otherwise; and,
b) Allowed to the corresponding principal use in the table.

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

	Principal Use													
Accessory Use	Mobile Home Dwelling	Multifamily	Single Family	Townhouse	Zero Lot Line	Bona Fide Agriculture	Stable Commercial / Stable Private	Agricultural Uses	Commercial Uses	Industrial Uses	Institutional, Public and Civic Uses	Recreation Uses	Utilities and Excavation Uses	Transportation Uses
Accessory Quarters	-	-	P	P	P	-	-	-	-	-	-	-	-	-
Caretaker Quarters (3)	-	-	-	-	-	S	S	S	S	S	S	S	S	S
Estate Kitchen	-	-	P	-	P	-	-	-	-	-	-	-	-	-
Family Day Care Home	P	P	P	P	P	-	-	-	-	-	-	-	-	-
Farm Residence (2)	-	-	-	-	-	P (1)	-	-	-	-	-	-	-	-
Farm Workers Quarters	-	-	-	-	-	P	-	-	-	-	-	-	-	-
Garage Sale	P	P	P	P	P	-	-	-	-	-	-	-	-	-
Grooms Quarters	-	-	-	-	-	-	A	-	-	-	-	-	-	-
Guest Cottage	-	-	P	P	P	-	-	-	-	-	-	-	-	-
Home Occupation	P	P	P	P	P	-	-	-	-	-	-	-	-	-
Kennel, Type 1	-	-	P	-	-	-	-	-	-	-	-	-	-	-
Limited Pet Boarding	-	-	A (4)	-	-	-	-	-	-	-	-	-	-	-

Notes	
-	Accessory use not allowed
P	Permitted by Right
A	Accessory use subject to Class A Conditional Use unless stated otherwise – See principal use and accessory use supplementary standards.
S	Special Permit
(1)	Farm Residence may only be accessory to Bona Fide Agriculture in the AGR and AP Zoning District.
(2)	Accessory uses to Single Family are Permitted by Right to a Farm Residence.
(3)	Special Permit is only applicable when a Mobile Home structure is utilized for Caretaker Quarters.
(4)	Limited Pet Boarding shall be allowed in the AGR and AR/RSA and AR/USA Zoning Districts only.

2. Property Development Regulations (PDRs)
Accessory residential uses shall be subject to the PDRs of the zoning district in which the use is located unless stated otherwise.

3. Ownership
Accessory residential uses shall remain under the same ownership of the principal use and shall not be subdivided or sold as condominium.

4. Duplicate Use
Provided all other applicable standards in the Code are met, a principal use shall be allowed to have no more than one of each of the accessory uses listed in Table 4.B.1.D – Corresponding Accessory Use to a Principal Use, unless stated otherwise.

5. Discontinuation of Use
An accessory use shall continue only as long as the principal use that it serves remains active.

E. Accessory Residential Use Standards

1. Accessory Quarters

a. Definition
A complete, separate living facility equipped with a kitchen and provisions for sanitation and sleeping, located on the same lot as the owner occupied principal dwelling.

b. Building Area
The use shall be subject to the following:
1) On less than one acre: a maximum of 800 square feet.
2) On one acre or more: a maximum of 1,000 square feet.
3) The floor area calculation shall include only the living area of the accessory quarter under a solid roof. **[Ord. 2005-041]**
4) Additional floor area under a solid roof that is utilized as a porch, patio, porte cochere, carport, or garage shall not exceed 500 square feet.

c. Compatibility
The Accessory Quarter shall be architecturally compatible in character and materials with the principal dwelling.

d. Kitchen Facilities Removal
An agreement to remove all kitchen equipment shall be executed and notarized between the Building Division and property owner and recorded on the property in the official records of the PBC Clerk prior to issuance of any building permit.
The agreement shall require the kitchen to be removed if the principal dwelling is no longer owner occupied.

e. No Separate Utility Service
There shall be no separate meters for any utilities. Both, the principal dwelling and the accessory dwelling shall be connected to the same utilities. **[Ord. 2005-041]**

f. Design and Development Standards- Townhouse or Zero Lot Line
A detached Accessory Quarters associated with a Townhouse or a Zero Lot Line shall be located in the rear of the lot with access from a street or alley.

2. Caretaker Quarters

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

b. Building Area
The use shall be subject to the following:
1) On less than one acre: a maximum of 800 square feet. **[Ord. 2007-001]**
2) On one acre or more: a maximum of 1,000 square feet. **[Ord. 2007-001]**

c. Occupancy
A Caretaker Quarters shall be for the exclusive use of the site on which it is located and shall be occupied only by the custodian or caretaker and their family.

d. Temporary Use
Unless stated otherwise, a Caretaker Quarters use shall not be allowed in association with a temporary use.

e. Mobile Home
A mobile home may be used for a Caretaker Quarters only in the AGR, AP, AR, IL, IG, PO, IPF, and MHPD districts. A mobile home used in the AGR, AP, or AR districts, shall be subject to the minimum acreage requirement pursuant to Article 4.B.1.C.2.c, Accessory Use - Bona Fide Agriculture. If a mobile home is used, the Special Permit shall be renewed annually. **[Ord. 2008-037]**

f. Mobile Home Removal Agreement
A removal agreement shall be executed and notarized between the Building Division and property owner and recorded on the property in the official records of the PBC Clerk prior to issuance of the building permit. The agreement shall be recorded against the property stating that the mobile home shall be removed within 30 days in the event the property is sold or the principal use ceases to exist.

3. Estate Kitchen

a. Definition
A second kitchen located within a principal Single Family, Zero Lot Line, or Farm Residence.

b. Conversion to Duplex Prohibited
A secondary kitchen may be added provided there shall not be the presence of a second complete and separate living environment associated with the secondary kitchen.

4. Family Day Care Home

a. Definition
An occupied residence in which custodial care is rendered to one to six children, inclusive, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit, consistent with F.S. 125.0109 as amended. **[Ord. 2011-016]**

b. Signage
Signs shall not be permitted.

5. Farm Residence

a. Definition
A dwelling unit, other than a mobile home, located on a parcel of land used for a Bona Fide Agriculture use and occupied by the owner or operator of the farm operation. **[Ord. 2005-002]**

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

6. Farm Workers Quarters

a. Definition
One or more residential structures providing a complete living environment, occupied by farm workers who provide labor in conjunction with a Bona Fide Agriculture operations.

b. Building Area
One Farm Workers Quarter may be allowed for each 25 acres subject to the following: **[Ord. 2006-004]**

1) Limited to a maximum of four beds; and,
2) The structure shall not exceed 1,000 sq. ft. GFA under a solid roof.

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

d. Mobile Home Removal Agreement
A mobile home may be used for a Farm Workers Quarters. A removal agreement shall be executed and notarized between the Building Division and property owner and recorded on the property in the official records of the PBC Clerk prior to issuance of the building permit. The agreement shall be recorded against the property stating that the mobile home shall be removed within 30 days in the event the property is sold or the Bona Fide Agriculture operation ceases to exist.

7. Garage Sale

a. Definition
Temporary sale of household articles, in the front yard or garage of a dwelling unit, by the occupant.

b. Duration
A maximum of 72 hours.

c. Number of Sales
A maximum of two per year per dwelling unit.

8. Groom's Quarters

a. Definition
On-site living quarters for persons responsible for grooming and caring for horses boarded at a Stable.

b. Zoning Districts - AGR PUD or AGR TMD

1) Twenty Groom's Quarters may be allowed on the preservation area of an AGR PUD or AGR TMD.
2) For more than 20 groom's quarters, the allowable density shall be decreased by one unit for each groom's quarter and shall not exceed a maximum reduction of one-half of the number of dwelling units associated with the Preservation Area. **[Ord. 2006-004]**

c. Number of Groom's Quarters

1) 20 Acres or Less
One Groom's Quarters may be allowed for every four horse stalls.

2) More Than 20 Acres
One Groom's Quarters may be allowed for every three horse stalls.

d. Building Area

1) Each Unit
Each Groom's Quarters shall not exceed 500 square feet of GFA per unit.

2) 20 Acres or Less
The total GFA for all Groom's Quarters shall not exceed 5,000 square feet per lot.

4) Occupancy
Shall be limited to on-site employees and members of the employees' family only.

d. Approval Process

Table 4.B.6.C - Groom's Quarters

Process	Number of Groom's Quarters Permitted
Class A Conditional Use	101 or more
Class B Conditional Use	21 through 100
DRO	Five through 20
Permitted by Right	Maximum of four
[Ord. 2007-001]	

e. Kitchen Facilities Removal

Groom's Quarters may contain individual cooking facilities and/or one common dining facility. An agreement to remove all kitchen equipment shall be executed and notarized between the Building Division and property owner and recorded on the property in the official records of the PBC Clerk prior to issuance of building permit of the groom's quarter. The agreement shall require the kitchen to be removed within 90 days of the unit ceasing to operate as a groom's quarters.

9. Guest Cottage

a. Definition

An accessory sleeping quarters provided for non-paying guests by the owner / occupant of a principal dwelling unit.

b. Building Area

The use shall be subject to the following:

1) On less than one acre: a maximum of 800 square feet.
2) On one acre or more: a maximum of 1,000 square feet.
3) The floor area calculation shall include only the living area of the guest cottage under a solid roof.
4) Floor area under a solid roof that is utilized as a porch, patio, porte cochere, or carport shall not exceed 500 square feet of GFA.

c. Kitchen or Cooking Facilities

There shall be no kitchen or cooking facilities in a Guest Cottage.

d. Compatibility

A Guest Cottage shall be architecturally compatible in character and materials with the principal dwelling unit.

e. No Separate Utility Service

There shall be no separate meters for any utilities. Both the principal dwelling and the Guest Cottage shall be connected to the same utilities.

10. Home Occupation

a. Definition

A business, profession, occupation, trade, artisan, or handcraft conducted in a dwelling unit for commercial gain by a resident of the unit. A Home Occupation shall not include those businesses-that are open to the public including those required by State of Florida agencies. **[Ord. 2009-040]**

b. Incidental Nature

Shall be clearly incidental and subordinate to the residential use of the dwelling property.

c. Location

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

d. No Change to Character of Dwelling

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

e. Employees

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

f. Advertising

No external evidence or sign shall advertise, display, or otherwise indicate the presence of the home occupation, nor shall the street address of the home occupation be advertised through signs, billboards, television, radio, or newspapers. Advertising on vehicles shall be limited to the minimum necessary to meet requirements mandated by F.S. Chapter 489 or Chapter 67-1876 of the PBC Contractor's Certification Division Manual.

g. Cottage Foods

No food preparation shall be allowed, except as allowed in accordance with Section F.S. Section 500.80 cottage food operations, as amended.

h. On-Premise Sale of Goods and Services
A Home Occupation shall not involve the sale of any stock, trade, supplies, products, or services on the premises, except for instructional services, or incidental retail sales where the Home Occupation is a mail order or internet business.

i. Instructional Services
Instructional services shall meet the following additional regulations:

1) Home Instruction, Inside
Teaching which takes place inside the dwelling unit of the instructor. Typical instruction includes music lessons and academic tutoring.

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

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

4) Number of Students
A maximum of three students at a time may be allowed to receive instruction during a lesson.

5) Parking
No more than two vehicles associated with the lessons may be allowed to be parked at the instructor's home at any time.

6) Resident
The instruction must be conducted by a resident of the dwelling where lessons are provided. Only one instructor may be allowed to provide instruction. **[Ord. 2007-013]**

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

k. Nuisances
No Home Occupation shall involve the use of any mechanical, electrical or other equipment, materials or items which produce noise, electrical or magnetic interference, vibration, heat, glare, smoke, dust, odor or other nuisance outside the residential building. There shall be no storage of hazardous or noxious materials on the site of the home occupation. There shall be no noise of an objectionable nature from the Home Occupation audible at adjoining property lines.

l. Violations or Hazard
If any of the above requirements are violated, or if the use, or any part thereof, is determined by the Zoning Director to create a health or safety hazard, then the business tax receipt may be revoked. **[Ord. 2007-013]**

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

11. Kennel, Type 1

a. Definition
A residential lot with a Single Family dwelling designed or arranged to facilitate the non-commercial care of domestic dogs and cats, owned by the occupants of the premises. **[Ord. 2006-036] [Ord. 2008-036] [Ord. 2013-001]**

b. Private Non-Profit
A Kennel Type 1 may include a private non-profit animal organization that is not open to the public. A PBCACC Excess Animal Habitat permit shall be prohibited. **[Ord. 2006-036] [Ord. 2008-037] [Ord. 2013-001]**

c. Hobby Breeder
A person who breeds up to two litters of dogs or cats or 19 dogs or cats per one-year period, on their property. A Hobby Breeder is further defined and regulated by the PBCACC pursuant to Ord. 98-022, as amended. **[Ord. 2006-036]**

12. Limited Pet Boarding

a. Definition
A Single Family dwelling with accessory boarding of domestic cats or dogs not owned by the occupants of the premises.

b. Approval Process
The use shall be subject to Class A Conditional Use approval process in the AGR and AR/RSA and AR/USA Zoning Districts pursuant to Article 2, Development Review Procedures. In addition, the applicant shall submit simultaneously with the Class A Conditional Use application a letter from ACC confirming the applicant's intent to develop the proposed use in the specific location.

c. Lot Size
A minimum of one acre.

d. Separation Distance
Shall not be located within a radius of 1,000 feet of another Limited Pet Boarding use. The separation distance shall be measured from property line to property line.

e. Maximum Number
No more than a total of seven cats or dogs shall be boarded at any given time. The total number of cats and dogs boarded and owned by the resident of the Single Family Dwelling shall not exceed the maximum limits for dogs and cats established by Animal Care and Control pursuant to Palm Beach County Ordinance section 4-22.

f. Boarding
Cats or dogs shall be boarded within the Single Family structure except when outdoor activities take place. Boarding operations not conducted within the Single Family dwelling, but in an accessory structure, must be a legally conforming use as of October 1, 2016.

g. Hours
1) Outdoor activities shall be limited to 7:00 a.m. and 9:00 p.m. unless under the restraint or control of a person by means of a leash.
2) Business hours including drop-off and pickup shall be between 6:00 a.m. to 7 p.m.

h. Outdoor Areas
1) Cats and dogs shall be personally supervised during the outdoor activity; and,
2) Shall be setback a minimum of 25 feet from all property lines.

i. Signage
No signage shall be allowed to advertise the Limited Pet Boarding use.

j. ACC Permit
The operator of the use shall obtain Zoning Approval prior to application for an Operational Permit by the ACC.

Section 2 Commercial Uses

A. Commercial Use Matrix

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TABLE 4.B.2.A - COMMERCIAL USE MATRIX

| STANDARD DISTRICTS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | PLANNED DEVELOPMENT DISTRICTS (PDDs) | | | | | | | | | | | | | | | | | | |

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TABLE 4.B.2.A - COMMERCIAL USE MATRIX

| STANDARD DISTRICTS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | PLANNED DEVELOPMENT DISTRICTS (PDDs) | | | | | | | | | | | | | | | | | | |

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TABLE 4.B.2.A - COMMERCIAL USE MATRIX

| STANDARD DISTRICTS | | |

B. General Commercial Standards

1. Bay Doors

Unless stated otherwise in Art. 4, Use Regulations or Art. 6.B, Loading Standards, service bay doors shall not face any residential use, or vacant parcel of land with a residential FLU designation, except as follows: **[Ord. 2005 – 002] [Ord. 2014 – 025]**

a. When separated by an Arterial or Collector Street a minimum of 80 feet in width.
b. When separated by a Local Commercial Street, provided the R-O-W buffer is upgraded to include a minimum six foot high hedge.
c. When separated by a parcel with a non-residential use such as utilities, canal R-O-W, easements, FDOT or County drainage, a minimum of 80 feet in width, subject to the provision of a Type 3 Incompatibility Buffer with a continuous two foot high berm. The required wall shall be placed on the top of the berm. Canopy Trees shall be one and one half times the required tree quantity.
d. Requests for Type 2 Variance from Bay Doors regulations may be allowed in accordance with Art. 2, Development Review Procedures.

C. Definitions and Supplementary Use Standards for Specific Uses

1. Adult Entertainment

a. Establishment

Any adult arcade, adult theater, adult bookstore/adult video store, adult motel, or adult dancing establishment; or any establishment or business operated for commercial gain where any employee, operator or owner exposes his/her specified anatomical area for viewing by patrons, including but not limited to: massage establishments whether or not licensed pursuant to F.S. §480, tanning salon, modeling studio, or lingerie studio. The following definitions and Supplementary Use Standards shall apply to all Adult Entertainment establishments: **[Ord. 2004-051] [Ord. 2009-040]**

b. Definitions

The following definitions apply for the purposes of the Adult Entertainment Establishment provisions of this Code. **[Ord. 2004-051] [Ord. 2009-040]**

1) Adult Arcade

Any place or establishment operated for commercial gain, which invites or permits the public to view adult material. For purposes of this Code, "adult arcade" is included within the definition of "adult theater." **[Ord. 2004-051] [Ord. 2009-040]**

2) Adult Bookstore/Adult Video Store

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

(a) More than 30 percent of the gross public floor area is devoted to adult material; or,
(b) More than 30 percent of the stock in trade consists of adult material. **[Ord. 2004 – 051] [Ord. 2009-040]**

3) Adult Booth

A small enclosed or partitioned area inside an Adult Entertainment establishment which is: (1) designed or used for the viewing of adult material by one or more persons and (2) is accessible to any person, regardless of whether a fee is charged for access. The term "adult booth" includes, but is not limited to, a "peep show" booth, or other booth used to view adult material. The term "adult booth" does not include a foyer through which any person can enter or exit the establishment, or a restroom. **[Ord. 2004-051] [Ord. 2009-040]**

4) Adult Dancing Establishment

An establishment selling, serving or allowing consumption of alcoholic beverages, where employees display or expose specified anatomical areas to others regardless of whether the employees actually engage in dancing. **[Ord. 2004-051] [Ord. 2009-040]**

5) Adult Entertainment

a) Any adult arcade, adult theater, adult bookstore/adult video store, adult motel, or adult dancing establishment; or any establishment or business operated for commercial gain where any employee, operator or owner exposes his/her specified anatomical area for viewing by patrons, including but not limited to: massage establishments whether or not licensed pursuant to F.S. Chapter 480, tanning salon, modeling studio, or lingerie studio. **[Ord. 2004-051] [Ord. 2009-040]**
b) Excluded from this definition are any educational institutions where the exposure of the specified anatomical area is associated with a curriculum or program. **[Ord. 2004-051] [Ord. 2009-040]**
c) An establishment that possesses an adult entertainment license is presumed to be an adult entertainment establishment. **[Ord. 2004-051] [Ord. 2009-040]**

6) Adult Material

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

a) Books, magazines, periodicals or other printed matter; photographs, films, motion pictures, video cassettes, slides, or other visual representations; recordings, other audio matter; and novelties or devices; which have as their primary or

dominant theme subject matter depicting, exhibiting, illustrating, describing or relating to specified sexual activities or specified anatomical areas; or, **[Ord. 2004-051] [Ord. 2009-040]**

b) Instruments, novelties, devices, or paraphernalia which are designed for use in connection with specified sexual activities. **[Ord. 2004-051] [Ord. 2009-040]**

7) Adult Motel

A hotel, motel or similar commercial establishment which offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" and has a sign visible from the public streets which advertises the availability of this adult type of photographic reproductions. **[Ord. 2004-051] [Ord. 2009-040]**

8) Adult Theater

An establishment operated for commercial gain which consists of an enclosed building, or a portion or part thereof or an open-air area used for viewing of adult material. "Adult motels," "adult arcade," "adult booth" and "adult motion picture theater" are included within the definition of "adult theater". An establishment which has "adult booths" is considered to be an "adult theater". **[Ord. 2004-051] [Ord. 2009-040]**

9) Adult Video Store

See Adult Bookstore. **[Ord. 2004-051] [Ord. 2009-040]**

10) Commercial Gain

Operated for pecuniary gain, which shall be presumed for any establishment which has received a business tax receipt. For the purpose of this Code, commercial or pecuniary gain shall not depend on actual profit or loss. **[Ord. 2004-051] [Ord. 2007-013] [Ord. 2009-040]**

11) Educational Institution

Premises or site within a municipality or within the unincorporated area of PBC upon which there is a governmentally licensed child care facility for six or more children or elementary or secondary (K-12) school, attended in whole or in part by persons under 18 years of age. **[Ord. 2004-051] [Ord. 2009-040]**

12) Employee

Any person who works, performs, or exposes his/her specified anatomical areas in an establishment, irrespective of whether said person is paid a salary or wages by the owner or manager of the business, establishment, or premises. "Employee" shall include any person who pays any form of consideration to an owner or manager of an establishment, for the privilege to work performing or exposing his/her specified anatomical areas within the establishment. **[Ord. 2004-051] [Ord. 2009-040]**

13) Person

Includes an individual(s), firm(s), association(s), joint ventures(s), partnership(s), estate(s), trust(s), business trust(s), syndicate(s), fiduciary(ies), corporation(s), and all other or any other similar entity. **[Ord. 2004-051] [Ord. 2009-040]**

14) Religious Activities

Any daily, weekly, or periodic activity associated with or that occurs at a religious institution. **[Ord. 2004-051] [Ord. 2009-040]**

15) Religious Institution

A premises or site which is used primarily or exclusively for religious worship and related religious ecclesiastical or denominational organization or established place of worship, retreat, site, camp or similar facilities owned or operated by a bona fide religious group for religious activities shall be considered a religious institution. **[Ord. 2004-051] [Ord. 2009-040]**

16) Specified Anatomical Areas

Less than completely and opaquely covered: **[Ord. 2009-040]**

a) Human genitals and pubic region or; **[Ord. 2004-051] [Ord. 2009-040]**

b) the opening between the human buttocks, i.e., the anal cleft or; **[Ord. 2004-051] [Ord. 2009-040]**

c) that portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola (the colored ring around the nipple); this definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not so exposed or; **[Ord. 2004-051] [Ord. 2009-040]**

d) human male genitals in a discernibly turgid state, even if completely and opaquely covered. **[Ord. 2004-051] [Ord. 2009-040]**

17) Specified Sexual Activities

a) Human genitals in a state of sexual stimulations, arousal, or tumescence; **[Ord. 2004-051] [Ord. 2009-040]**

b) acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia,

pederasty, pedophilia, sadism, sadomasochism, sexual intercourse, or sodomy; or **[Ord. 2004-051] [Ord. 2009-040]**

c) fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast; **[Ord. 2004-051] [Ord. 2009-040]** or

d) excretory functions as part of or in connection with any of the activities set forth in subsections of Art. 4.B.1.A.2.b.17)-18), Specified Anatomical Areas and Specified Sexual Activities. **[Ord. 2004-051] [Ord. 2009-040]**

c. Exclusions

Excluded from this definition are any educational institutions where the exposure of the specified anatomical area is associated with a curriculum or program. **[Ord. 2004-051] [Ord. 2009-040]**

d. License per Palm Beach County Adult Entertainment Code

1) An establishment that possesses an Adult Entertainment license as indicated in Art. 4.B.2.C.1.n.1).c), is presumed to be an Adult Entertainment establishment.

2) An Adult Entertainment use approved by the DRO, after this Ordinance is effective, shall hold a valid Adult Entertainment License pursuant to the "Adult Entertainment Code", Chapter 17, Article V of the Palm Beach County Code, as may be amended, prior to issuance of a Business Tax Receipt.

e. Review and Approval Process

1) Applications for new Adult Entertainment establishment or legal nonconforming establishments exceeding the thresholds in Art. 1.F, Nonconformities, shall be subject to DRO approval.

2) An Adult Entertainment establishment shall be exempt from the requirements under Development Thresholds in Art. 4, Use Regulations.

3) The Zoning Director shall determine what DRO agencies shall review the application, including but not limited to the Building Division, Fire Department and Zoning Division. DRO shall approve, approve with conditions, or deny the application within 21 days of a determination of application sufficiency as contained in Art. 2.A.1.G.4, Sufficiency Review.

f. Conditions

The Zoning Director shall take into consideration DRO Agency recommended conditions that clearly implement their specific Agency Code provisions.

g. Relief from a Decision

A Person seeking a DRO approval or a Person holding a previously approved Special Permit or an Adult Entertainment Establishment License, has the right to immediately seek relief from a denial of application sufficiency for a DRO, denial of a DRO application, or revocation or suspension of a Special Permit or DRO approval, as applicable, to the Circuit Court in the Fifteenth Judicial Circuit of the State of Florida. **[Ord. 2004 - 051] [Ord. 2009-040] [Ord. 2011-016]**

h. Purpose and Intent

The following standards are intended to provide for the proper location of Adult Entertainment uses in order to protect the integrity of adjacent neighborhoods, educational uses, religious uses, parks, and other commercial uses. Proper separation of Adult Entertainment uses prevents the creation of "skid-row" areas in unincorporated PBC that results from the concentration of these uses and their patrons. It is also the intent of these standards to limit the secondary effects of Adult Entertainment uses and to ensure that residential districts, religious uses, educational uses, parks and other commercial uses are located in areas free from the secondary effects of Adult Entertainment uses. The location of residential districts, religious uses, educational uses, parks and other commercial uses within viable, unlighted and desirable areas support the preservation of property values and promotes the health, safety and welfare of the public. **[Ord. 2004-051] [Ord. 2009-040]**

i. Findings of Fact

Based on the evidence and testimony presented at the October 5, 2004 preliminary reading and the October 19, 2004 and November 16, 2004 Public Hearings before the BCC, and the August 27, 2009 preliminary reading and the September 24, 2009 and October 22, 2009 Public Hearings before the BCC, and on the findings incorporated in: the "Final Report to the City of Garden Grove: The Relationship Between Crime and Adult Business Operations on Garden Grove Boulevard", October 1991; "Adult Entertainment Businesses in Indianapolis: An Analysis" conducted by the Department of Metropolitan Development, Division of Planning, February, 1984; the "Study of the Effects of Concentration of Adult Entertainment Establishments in the City of Los Angeles" conducted by the Los Angeles City Planning Department for the Los Angeles City Council, June 1977; the study conducted by the City of Austin Texas; the "Presentation to the Orange County Commission" by the Metropolitan Bureau of Investigation (MBI) for the Ninth Judicial Circuit (Orlando area); the expert affidavit prepared for Palm Beach County by Eric Damian Kelly, Ph.D, FAICP, dated September 24, 2004; letter from Dale N. Tarvis, M.D.; "Analysis of Availability of Sites for Adult Entertainment in Palm Beach County" prepared for Palm Beach County by Duncan Associates, November 2003; the "Crime-Related Secondary Effects of Sexually-Oriented Businesses – Report to the County Attorney, Palm Beach County, Florida" prepared by Valerie Jenness, Ph.D.,

Richard McCleary, Ph.D., James W. Meeker, JD, Ph.D, August 15, 2007; the "Survey of Florida Appraisers – Effects of Land Uses on Surrounding Property Values" prepared for Palm Beach County by Duncan Associates, December 2007 (Report 2008); and information from Tampa, Florida detailing the effects of Adult Entertainment establishments in the Tampa area; the BCC hereby finds the following: **[Ord. 2004-051] [Ord. 2009-040]**

1) Commercial uses exist or may exist within unincorporated PBC where books, magazines, motion pictures, prints, photographs, periodicals, records, novelties and/or other devices that depict, illustrate, describe or relate to specified sexual activities are possessed, displayed, exhibited, distributed and/or sold. **[Ord. 2004-051] [Ord. 2009-040]**
2) Commercial uses exist or may exist within unincorporated PBC: **[Ord. 2009-040]**
   a) Where the superficial tissues of one person are manipulated, rubbed, stroked, kneaded, and/or tapped by a second person, accompanied by the display or exposure of specified anatomical areas; **[Ord. 2004-041] [Ord. 2009-040]**
   b) Where dancers, entertainers, performers, or other individuals, who, for any form of commercial gain, perform or are presented while displaying or exposing any specified anatomical area; or **[Ord. 2004-051] [2009-040]**
   c) Where lap dancing occurs. [Ord. 2004-051] [Ord. 2009-040]
3) This competitive commercial exploitation of such nudity and semi-nudity is adverse to the public's interest and the quality of life, tone of commerce, and the community environment in PBC. **[Ord. 2004-051] [Ord. 2009-040]**
   a) When the activities described in Art. 4.B.2.C.2.b.17)-18), Specified Anatomical Areas and Specified Sexual Activities, are presented in commercial uses, other activities that are illegal, immoral, or unhealthful tend to accompany them, concentrate around them, and be aggravated by them. Such other activities include, but are not limited to, prostitution, solicitation for prostitution, lewd and lascivious behavior, possession, distribution, and transportation of obscene materials, sale or possession of controlled substances, and violent crimes against persons and land. **[Ord. 2004-051] [Ord. 2009-040]**
   b) When the activities described in Art. 4.B.2.C.2.b.17)-18), Specified Anatomical Areas and Specified Sexual Activities, are present in commercial uses within PBC, they tend to blight neighborhoods, adversely affect neighboring businesses, lower property values, promote crime, and ultimately lead residents and businesses to move to other locations. **[Ord. 2004-051] [Ord. 2009-040]**
   c) There is a direct relationship between the display and depiction of specified anatomical areas as described in Art. 4.B.2.C.2.b.17)-18), Specified Anatomical Areas and Specified Sexual Activities, and an increase in criminal activities, moral degradation and disturbances of the peace and good order of the community, and the occurrence of these activities are hazardous to the health and safety of those persons in attendance and tend to depreciate the value of adjoining land and harm the economic welfare of the community as a whole. These secondary effects are adverse to the public's interest and quality of life, the tone of commerce and the community environment in PBC. **[Ord. 2004-051] [Ord. 2009-040]**
4) Based upon these findings, the BCC finds that there are a sufficient number of available locations for new Adult Entertainment uses within unincorporated Palm Beach County. **[Ord. 2004-051] [Ord. 2009-040]**
5) Based upon these findings, it is in the interest of the health, safety, morals, and general welfare of the citizens of PBC that Adult Entertainment uses are regulated pursuant to the following standards. **[Ord. 2009-040]**

j. Separation

There shall be no variance to the location standards contained herein.

1) General

An Adult Entertainment use shall be located outside of the minimum distances indicated below including properties within a municipality or within the unincorporated area of PBC: **[Ord. 2004-051] [Ord. 2009-040]**

a) Other Adult Entertainment
2,000 feet. **[Ord. 2004-051] [Ord. 2009-040]**

b) A Place of Worship
1,000 feet. **[Ord. 2004-051] [Ord. 2009-040]**

c) An Educational Institution
1,000 feet. **[Ord. 2004-051] [Ord. 2009-040]**

d) A Public Park
500 feet. **[Ord. 2004-051] [Ord. 2009-040]**

e) A Residential Zoning District
Which is Designated as Residential by any Local Comprehensive Plan,
500 feet. **[Ord. 2004-051] [Ord. 2009-040]**

f) A Cocktail Lounge
750 feet. **[Ord. 2004-051] [Ord. 2009-040]**

2) Measurement of Distance

The distance set forth above shall be measured by drawing a straight line between the nearest point on the perimeter of the exterior wall or bay housing the proposed Adult Entertainment establishment to the nearest point on the property line of the relevant Place of Worship, Educational Institution, Public Park, or residential zoning district. For the purpose of measuring the distance, also see Article 1.C, Rules of Construction and Measurement, between Adult Entertainment uses, the distance shall be measured by drawing a straight line between the nearest point on the perimeter of the exterior wall or bay of the proposed or existing Adult Entertainment establishment and the nearest point on the exterior wall or bay of another Adult Entertainment establishment. Measurement shall be made in a straight line, without regard to intervening structures or objects. **[Ord. 2004-051] [Ord. 2009-040]**

3) WCRA Overlay

Adult Entertainment is prohibited within the boundaries of the WCRAO, as per Article 3.B.14.E. WCRAO Sub-area Use Regulations. **[Ord. 2006-004] [Ord. 2009-040]**

k. Subsequent Development within Location Standards

The subsequent approval of a development order for a Place of Worship,–Educational Institution, Public Park, or residential district within the distances outlined above shall not change the status of the Adult Entertainment use to that of a nonconforming use. **[Ord. 2004-051] [Ord. 2009-040]**

l. Landscaping

A Type 2 incompatibility buffer, pursuant to Article 7.F, Perimeter Buffer Landscape Requirements with canopy trees spaced a minimum of 20 feet on center and a wall a minimum of six feet in height shall be installed along any property line that abuts a residential district. **[Ord. 2004-051] [Ord. 2009-040]**

m. Lighting

Outdoor low-intensity lighting shall be provided that illuminates the entire parking and vehicular use area. The lighting shall be installed on structures that do not exceed 16 feet in height from finished grade. **[Ord. 2004-051] [Ord. 2009-040]**

n. Nonconformity

1) Establishment of Nonconformity

An Adult Entertainment use shall be deemed a nonconforming use, provided the establishment: **[Ord. 2004-051] [Ord. 2009-040]**

a) Was in operation as an Adult Entertainment use, generally known and held out in the neighborhood and community as an Adult Entertainment establishment, and was open to the public as an Adult Entertainment establishment use on November 28, 1988; and, **[Ord. 2004-051] [Ord. 2009-040]**

b) Possessed a valid and current business tax receipt authorizing the general type of use, which would correspond to the Adult Entertainment use being claimed as nonconforming on November 28, 1988; and, **[Ord. 2004-051] [Ord. 2007-013] [Ord. 2009-040]**

c) Submitted an application for an Adult Entertainment license pursuant to the PBC Adult Entertainment Code, Chapter 17, Article V of the PBC Code, as may be amended, with appropriate filing fees by August 15, 1992. **[Ord. 2004-051] [Ord. 2009-040]**

d) Any Special Permit submitted between August 16, 1992 and the effective date of this Ordinance.

2) Standards for Nonconformance

A nonconforming Adult Entertainment use as determined in Article 4.B.2.C.2.n, Nonconformity, above shall be subject to the following Supplementary Use Standards, in addition to Article 1.F, Nonconformities. **[Ord. 2004-051] [Ord. 2009-040]**

a) Landscape Buffer

The Adult Entertainment shall construct and install a Type 2 incompatibility buffer, as defined in Article 7.F, Perimeter Buffer Landscape Requirements, with canopy trees spaced a maximum of 20 feet on center along any property line that abuts a residential district, within 90 days of the date of issuance of the Adult Entertainment license by the occupational licensing department. **[Ord. 2004-051] [Ord. 2009-040]**

b) Building Permit

If a building permit for exterior structural renovation or remodeling or a paving or parking permit is issued for the Adult Entertainment use, the requirements of Article 7, Landscaping, shall apply to the entire site of the Adult Entertainment use. **[Ord. 2004-051] [Ord. 2009-040]**

3) Modification or Improvement to Site Elements

When an Adult Entertainment establishment has been determined to be a non-conforming use, or is located within a nonconforming structure, modifications or improvements to conforming or nonconforming site elements or exterior architecture shall be permitted. The total cost associated with these improvements will not be used in determining the allowable improvements to the interior of the structure, pursuant to Art. 1.F.1. **[Ord. 2015-006]**

o. Accessory Food Service in Industrial Districts
In the IL and IG Zoning Districts, food service may be allowed as an accessory use to Adult Entertainment, only in conjunction with and during the hours of operation for an adult theater or an adult dancing establishment. **[Ord. 2015-006]**

p. Collocated Cocktail Lounge
A Cocktail Lounge may be Permitted by Right as a collocated use only when operated in conjunction with and during the hours of operation for an Adult Entertainment establishment. **[Ord. 2015-006]**

2. Auction

a. Definition
An establishment engaged in the display and sale of merchandise to the highest bidder in an enclosed building or outdoor site. **[Ord. 2009-040]**

b. Use Types

1) Indoor
All activities, display and sale of merchandise shall occur within an enclosed building, unless stated otherwise. An Indoor Auction may include an outdoor display area subject to the following: **[Ord. 2009-040]**

a) The merchandise shall be relocated to the interior of the enclosed building prior to the end of each business day;
b) Shall not exceed ten percent of the GFA of the enclosed building;
c) Shall comply with the minimum setbacks requirements of the applicable zoning district; and,
d) Shall not be located in any required parking spaces, loading or vehicular use areas, fire lanes, or landscape buffers. The outdoor display area shall not encroach upon pedestrian pathways, sidewalks or ADA accessible routes.

2) Outdoor
An auction with all or a portion of the activity, display and sale of merchandise occurring outdoor on-site. **[Ord. 2007-001] [Ord. 2009-040]**

c. Zoning District – AGR District
An Auction shall be limited to only farm equipment and supplies.

3. Bed and Breakfast

a. Definition
An owner-occupied Single Family dwelling that offers transient lodging and meal services only to paying guests.

b. Signage
One sign, a maximum of eight square feet in sign face area, and three feet in height, indicating the business name and contact information only may be allowed.

c. Dwelling Modifications
Only exterior alterations necessary to assure safety of the structure or enhance the compatibility with the surrounding neighborhood shall be made for the purpose of providing a bed and breakfast. A Single Family dwelling may require structural or other modifications to ensure compliance with the applicable Building Code and Fire Rescue regulations.

g. Events
Activities such as weddings, receptions, or social events shall be prohibited, unless approved as Special Event.

4. Car Wash

a. Definition
A permanent establishment engaged in washing or detailing motor vehicles which may use production line methods with a conveyor, blower, or other mechanical devices, and which may employ some hand labor. Detailing includes hand washing and waxing, striping, and interior cleaning.

b. Typical Uses
A Car Wash may include but is not limited to an automatic, full-service, hand wash, or self-service car wash.

c. Collocated – CG, PDD with CH FLU Designation
A Carwash may be Permitted by Right when collocated with a Retail Gas and Fuel Sales establishment.

d. Accessory Use – CL FLU Designation
An Automatic Car Wash may be allowed as an accessory use to a Retail Gas and Fuel Sales subject to DRO Approval when it is located on the same lot. Auto detailing or other extended services shall be prohibited. **[Ord. 2006-004]**

e. LCC District
A maximum of one Car Wash may be allowed. The Car Wash shall be located outside the main street, and may be accessed from a secondary street, alley or from a parking lot. The Car Wash shall not be visible from the main street. **[Ord. 2010-005]**

5. Catering Service

a. Definition
An establishment primarily engaged in providing event-based food services where food and beverages are prepared and delivered for consumption off the premises.

b. Zoning District – CN District
The use shall be limited to 3,000 square feet of GFA.

c. Accessory Use
Catering Service may be Permitted by Right as an accessory use to a Restaurant limited to food preparation. The accessory use shall be limited to three delivery vehicles.

d. Accessory Services
A Catering Service may also provide personnel, serving equipment, and decorations.

e. Delivery Vehicles
Delivery vehicles shall be located at the rear of the property and screened from view when located within 100 feet of a parcel of land with residential FLU designation or use, unless blocked from view by other existing structures.

6. Cocktail Lounge

a. Definition
A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises.

b. Approval Process – CG and TDD or PDD with CH FLU
A Cocktail Lounge located in the CG Zoning District, or in a TDD or PDD with a CH FLU designation, may be Permitted by Right when in compliance with the separation distance below.

c. Typical Uses
A Cocktail Lounge may include but is not limited to taverns, bars, nightclubs, and similar uses.

d. Zoning District – CN District
A Cocktail Lounge shall not exceed 3,000 square feet of GFA.

e. Accessory Use
An accessory Cocktail Lounge to an office, Hotel, or Motel shall not exceed ten percent of the GFA. **[Ord. 2006-004]**

f. Separation Requirements
A Cocktail Lounge, which includes outdoor areas, shall not be located within 250 feet of a parcel of land with a residential FLU designation or use and shall be separated a minimum of 750 feet from another Cocktail Lounge. The Zoning Director may ask for a signed/sealed survey certifying that another lounge does not exist within 750 feet off the subject lounge, a residential district is more than 250 feet from the subject lounge, or the subject lounge is more than 500 feet from a school as required by the State of Florida, F.S. 562.45, as amended. Measurement shall be taken from the rear of the structure to property line of a residential use or FLU designation.

g. Restaurant
A Cocktail Lounge is distinct from a restaurant that sells alcohol when the establishment cannot qualify for a "Consumption on Premises, Special Restaurant Exemption" pursuant to the State Beverage Law.

7. Convenience Store

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

b. Floor Area
A maximum of 7,000 square feet of GFA.

c. Overlay – WCRAO
Convenience Store is prohibited in the NR, NRM, NG, and NC Sub-areas per Table 3.B.14.E, WCRAO Sub-area Use Regulations.

d. Zoning Districts - CN and CC
Shall comply with Article 5.E.1, Major Intersection Criteria.

e. Collocated Use
A Convenience Store that is collocated with a Retail Gas and Fuel Sales shall be reviewed and approved concurrently.

8. Dispatching Service

a. Definition
An establishment for receiving and transmitting messages associated with the tracking of vehicles and equipment, or coordinating mobile or transportation operations, which may include storage of dispatched vehicles or equipment.

b. Typical Uses
A Dispatching Service may include but is not limited to janitorial, pest control or emergency services; and, taxi, limousine or courier operations.

c. Approval Process

1) CH FLU Designation and Commercial Pod of PIPD
A Dispatching Service may be allowed subject to DRO approval in the following situations:

a) Limited to three service or delivery vehicles; or,
b) All dispatched vehicles are stored indoor; or,
c) Outdoor storage of vehicles is separated a minimum of 250 feet from a parcel of land with a residential FLU designation or use.

2) A dispatching service without vehicles on-site and limited to office only may be Permitted by Right in the zoning districts where the use is allowed.

9. Dog Daycare

a. Definition

An establishment which provides daytime care and training for domestic dogs. Overnight care of domestic dogs is prohibited.

b. ACC Permit

The owner or operator shall obtain Zoning approval prior to application for an ACC Operational Permit. All Dog Daycare uses shall be licensed and regulated in accordance with ACC Ord. 98-022, as amended.

c. Waste Disposal

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

d. Runs and Drop-Off

Facilities shall be subject to the following standards:

1) Outdoor runs, outdoor play areas, and yards shall be prohibited;
2) Adequate drop-off areas shall be provided; and
3) Three drop off spaces measuring 12 feet in width by 20 feet in length shall be provided for every 50 dogs.

e. Outdoor Areas

Outdoor activities shall be prohibited except as follows:

1) Shall be personally supervised and under the restraint or control of a person by means of a leash;
2) Shall only be allowed within areas designated for such activities on the Final Site Plan, unless Dog Daycare is sole use of property; and,
3) Waste shall be picked up immediately and disposed of properly within the establishment.

10. Financial Institution

a. Definition

An establishment engaged in deposit banking.

b. Typical Uses

A Financial Institution may include but is not limited to commercial banks, savings institutions, and credit unions. **[Ord. 2013-021]**

c. Approval Process - CC District, CLO PDD, and Commercial Pod of PUD

A Financial Institution 5,000 square feet or less in the CC Zoning District, CLO PDD, or Commercial Pod of a PUD, may be Permitted by Right.

d. Zoning Districts – CN and CLO Districts, and Neighborhood Center of TND

A Financial Institution in the CN and CLO Zoning Districts, and Neighborhood Center of a TND, shall be limited to a maximum of 5,000 square feet.

11. Financial Institution with Drive Thru Facilities

a. Definition

A Financial Institution which includes drive thru teller facilities.

b. Approval Process

1) CC District, Commercial Pod of PUD, CLO PDD, CL LCC and TMD

A Financial Institution 5,000 square feet or less, and with three drive thru lanes or less, may be allowed subject to DRO Approval, in the following zoning districts:

a) CC;
b) PDD or LCC with CLO future land use designation; and,
c) TMD in the Rural, Exurban and AGR Tiers.

2) Single Drive Thru ATM Exception

A maximum of one drive thru ATM lane shall not be considered a drive thru lane for purposes of determining the threshold above.

c. Zoning Districts - TDD and LCC Districts

Drive-up teller units shall be located in the rear of a building with access from an alley, interior parking area, or a street not designated as a main street. **[Ord. 2010-005]**

12. Financial Institution – Freestanding ATM

a. Definition

An entirely automated unstaffed Financial Institution, either located in a stand-alone kiosk or the façade of a building where the owner or tenants have no managerial authority over the operation of the ATM.

b. Zoning Districts - TDD and LCC Districts

A Freestanding ATM with a drive thru ATM lane shall be located in the rear of a building with access from an alley, interior parking area, or a street not designated as a main street. **[Ord. 2010-005]**

c. Thresholds

All Freestanding ATMs shall be subject to the following requirements: **[Ord. 2013-021]**

1) The owner or operator shall maintain at least one manned full service Financial Institution within Palm Beach County; **[Ord. 2013-021]**
2) The structure shall not exceed 100 square feet, excluding canopies provided for decorative aesthetics or protection from weather; **[Ord. 2013-021]**

3) Customer access to the interior of the structure shall be prohibited, except for transparent glass security enclosures; **[Ord. 2013-021]**
4) Shall not be located within 1,000 feet of another Freestanding ATM. When within a TMD, the 1,000 foot separation distance may be reduced to accommodate a maximum of two freestanding ATMs, provided they are constructed in common public plazas; and, **[Ord. 2013-021]**
5) Shall be limited to a maximum of one drive thru ATM lane.

13. Flea Market, Indoor

a. Definition

Retail sales within a building permanently enclosed by walls and roof, in which floor space is rented to individual merchants to display and sell goods.

14. Flea Market, Outdoor

a. Definition

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

15. Gas and Fuel Sales, Retail

a. Definition

An establishment engaged in the sale of gasoline or motor fuels to the general public. **[Ord. 2011-016]**

b. Nonconformities

1) Automotive Service Station or Convenience Store with Gas Sales

A prior approval for an Automotive Service Station or Convenience Store with Gas Sales, shall correspond to Retail Gas and Fuel Sale, and any other collocated uses such as Convenience Store, or Light or Heavy Repair and Maintenance. **[Ord. 2011-016]**

2) Approvals Prior to Establishment of Location Criteria

An Automotive Service Station or Convenience Store with Gas Sales that was a conforming use on the effective date of Ordinance 2001-029 (August 3, 2001), shall be exempt from the Location Criteria of 1) Intersection Criteria, and 2) Separation Criteria, listed below.

c. Approval Process – IRO District with CH FLU Designation

Retail Gas and Fuel located on a parcel with a CH FLU designation within the Core Transect Zone may be allowed subject to DRO approval. **[Ord. 2010-005] [Ord. 2011-016]**

d. Additional Standards for Approval

In addition to the Standards of Art. 2.B.2.B, Standards for Conditional Uses and Development Order Amendments, or Art.2.B.2.G.3, Standards (Type 2 Waiver), when considering a Development Order application for a Conditional Use, DOA or Type 2 Waiver, the BCC shall consider whether or not: **[Ord. 2011-016]**

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

e. Zoning Districts – TMD and LCC

Retail Gas and Fuel Sales shall only be allowed on sites that are within 500 feet of the perimeter of the development. Gasoline pumps shall be located at the side or rear of a building with access from an alley, interior parking area, or a street not designated as a main street. **[Ord. 2010-005] [Ord. 2011-016]**

f. Location Criteria

1) Intersection Criteria

A maximum of two Retail Gas and Fuel Sales establishments may be allowed at an intersection pursuant to Art. 5.E.2.B, Intersection Criteria. **[Ord. 2006-004] [Ord. 2011-016]**

2) Separation Criteria

A Retail Gas and Fuel Sales establishment shall be separated from any other Retail Gas and Fuel Sales establishment pursuant to Art. 5.E.2.C.1. [Related to Separation Criteria]. **[Ord. 2006-004] [Ord. 2011-016]**

3) Major Intersection Criteria for CL FLU in U/S Tier

Retail Gas and Fuel Sales with a CL FLU designation shall comply with Article 5.E.1, Major Intersection Criteria. **[Ord. 2006-004] [Ord. 2011-016]**

4) CL FLU in Rural, Exurban, Glades and Agriculture Reserve Tiers

Retail Gas and Fuel Sales shall be located within 1,000 feet of the intersection of one Collector and Arterial Street, or two Arterial Streets, as listed in the Florida Department of Transportation (FDOT) PBC Federal Functional Classification Table. **[Ord. 2006-004] [Ord. 2011-016]**

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5) **WCRA Overlay**
Retail Gas and Fuel Sales is prohibited in the NR, NRM, NG and NC Sub-areas, per Table 3.B.14.E – WCRAO Sub-area Use Regulations. **[Ord. 2006-004] [Ord. 2011-016]**.

6) **Exceptions**

a) **I-95 Interchanges**
A parcel with a Commercial High (CH) future land use designation within 0.50 miles of an I-95 Interchange shall be exempt from the Location Criteria of 1) Intersection Criteria, and 2) Separation Criteria, listed above. **[Ord. 2012-027]**

b) **MUPD**
Retail Gas and Fuel Sales located within an MUPD may be exempt from the Location Criteria for 1) Intersection Criteria, and 2) Separation Criteria, where in compliance with the following:

(1) Required Perimeter Landscape Buffers, where located between all Retail Gas and Fuel Sales use areas, including ingress/egress, and any R-O-W or parcel of land with a residential FLU designation or use, unless obstructed from view by other existing structures; and,

(2) Direct access from any perimeter R-O-W abutting the MUPD shall be prohibited. All access shall be from entrances established for the overall MUPD, and comply with minimum standards for ingress/egress, stacking, turn-lanes, and pedestrian connectivity.

g. Accessory Use
Retail Gas and Fuel Sales may be allowed as an accessory use to Wholesale Gas and Fuel in industrial districts, subject to Class A Conditional Use approval, and the following:

1) Gas and fuel sold retail shall be limited to motor fuels sold wholesale;
2) Maximum of four fueling positions;
3) Maximum of one wall or freestanding sign, where permitted, not to exceed six feet in height, or 25 square feet of sign face area.
4) Wholesale Gas and Fuel Sales may include regional corporate headquarters or maintenance facility for a State regulated public utility that sells natural gas or other similar fuels.

16. Green Market

a. Definition
Gathering of vendors for the purpose of selling fresh unprocessed fruit, vegetables, flowers, and consumable items such as coffee, bread and prepared food on a retail basis. **[Ord. 2012-027]**

b. Lot Size
A minimum of one acre with the exception of lots located in the WCRAO where a minimum of one-half of an acre is required. **[Ord. 2012-027] [Ord. 2015-031]**

c. Location
Vehicular access shall be from Arterial, Collector or Local Commercial Streets.

d. Accessory Uses - Green Market
A Green Market may be allowed as an accessory use to a Community Vegetable Garden subject to DRO approval and the following:

1) The use shall be located in CCRT areas or the WCRAO;
2) The use shall be operated by a CCRT neighborhood organization or the WCRA;
3) Items for sale shall be limited to those grown or prepared by neighborhood residents.
4) Shall be limited to weekends and holidays between the hours of 7:00 a.m. and 7:00 p.m.
5) A Community Vegetable Garden that complies with the above accessory use standards for Green Market, may be considered a Public and Civic Use for the purposes of determining compliance with 7.F, Perimeter Buffer Landscape Requirements.

e. Duration
The use shall operate no more than three days a week.

f. Vendor Stands
The stand shall remain transportable and shall be removed from the site at the close of the market each week. Motor vehicles such as vans or small trucks may be allowed subject to the preceding removal requirements. **[Ord. 2012-027]**

17. Hotel or Motel

a. Definition
An establishment typically licensed by the State of Florida, used, maintained or advertised as a place where furnished sleeping accommodations are supplied to the guest for a short period of time. **[Ord. 2006-004]**

b. Approval Process

1) CRE District
May only be located in a RR FLU designation subject to a Class A Conditional Use.

2) TMD District - U/S Tier
The use may be Permitted by Right when located in the CH FLU designation.

c. **Zoning District - PO District**
   1) An existing Hotel located in the PO District shall be considered a conforming use. **[Ord. 2009-040]**
   2) **Collocated Hotel**
      a) **Approval Process - PARK FLU**
      A Hotel may be allowed as a collocated use to a PBC Regional Park with a PARK FLU, subject to Class A Conditional Use approval. **[Ord. 2015-006]**
      b) **Park Resource Base**
      The Regional Park shall include a resource base which promotes heritage tourism, eco-tourism, or is otherwise planned to attract patrons from a Countywide or greater population for historical, cultural, scientific, educational or other similar purposes. Such resource base shall be operational prior to approval of a hotel, or approved and permitted concurrently with a hotel. **[Ord. 2015-006]**
      c) **Conceptual Master Plan**
      A Hotel shall be a component of a Conceptual Master Plan or equivalent that is approved by the Board of County Commissioners. **[Ord. 2015-006]**
      d) **Frontage and Access**
      The Regional Park in which a hotel is located shall have frontage on an Arterial or Collector Street(s). Vehicular access to a hotel shall be prohibited from any residential street abutting the park, unless approved by the BCC as part of the Conditional Use approval for the Hotel. **[Ord. 2015-006]**
      e) **Site Plan – Affected Area**
      When a site plan is not required for the overall park site, the required site plan for the hotel shall regulate only the development area for the Hotel and access related thereto. **[Ord. 2015-006]**

d. **Accessory Services**
   Hotels and motels may provide services and facilities, such as food and beverage, recreational, meeting or conference rooms, ballrooms and laundry.

18. Kennel, Type 2 (Commercial)

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

b. **ACC Permit**
   The owner or operator shall obtain Zoning approval prior to application for an ACC Operational Permit. A Type 2 Commercial Kennel shall be licensed and regulated in accordance with ACC Ord. 98-022, as amended.

c. **Lot Size**
   A minimum of two acres. **[Ord. 2006-036]**

d. **Frontage**
   A minimum of 100 feet fronting on and access from a Collector or Arterial Street. **[Ord. 2006-036]**

e. **Outdoor Runs**
   1) **Setbacks**
   Outdoor runs or animal exercise area shall not be located within 50 feet of any property line adjacent to a parcel of land with a residential FLU designation or use, or where mixed use is required, or 25 feet of any property line adjacent to a non-residential district. **[Ord. 2006-036] [Ord. 2008-037]**
   2) **Fencing and Screening**
   A minimum six-foot high safety fence shall be required around outdoor runs. If the safety fence is not opaque or screened from view of adjacent properties or R-O-W, a continuous solid opaque hedge a minimum of four feet at installation shall be provided around the outdoor run\area. **[Ord. 2006-036] [Ord. 2015-031]**
   3) **Waste Disposal**
   A Type 2 Commercial Kennel shall meet the PBCHD ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD and SWA. **[Ord. 2015-031]**

f. **Accessory Residential Use - AGR District**
   A Single Family dwelling unit may be Permitted by Right as an accessory use to a Type 2 Commercial Kennel in the AGR Zoning District. **[Ord. 2006-036] [Ord. 2009-040]**

19. Kennel, Type 3 (Commercial)

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

b. **ACC Permit**
   The owner or operator shall obtain Zoning approval prior to application for an ACC Operational Permit. A Type 3 Commercial Kennel shall be licensed and regulated in accordance with ACC Ord. 98-022, as amended.

c. **Maximum Square Footage**
Shall not exceed 3,000 square feet in the CC and TMD districts, or 7,500 square feet in any other zoning district the use is allowed. **[Ord. 2006-036]**

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

e. **Waste Disposal**
A Type 3 Commercial Kennel shall meet the PBCHD ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD and SWA. **[Ord. 2006-036]**

20. Landscape Service
An establishment engaged in the provision of landscape maintenance or installation services, such as lawn mowing, tree, shrub or hedge trimming, leaf blowing, landscape design, and landscape installation.

a. **AR District in RSA**
A landscape service as a principal use shall be located on a collector or arterial street on a minimum of three acres. **[Ord. 2007-013]**

b. **AGR District**
Shall be permitted subject to DRO approval as an accessory use only in conjunction with a retail or wholesale nursery, excluding those that meet the limitations of a home occupation. **[Ord. 2007-013]**

c. **Landscape Buffer**
An incompatibility buffer as required by Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS, may be waived if the use is adjacent to farm worker quarters or mobile home accessory to a bona fide agriculture use.

d. **Storage**
Outdoor storage of debris shall be prohibited.

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

f. **Yard Waste Storage**
Landscape service with storage of yard waste shall front on a collector or arterial street, and shall comply with the following requirements: **[Ord. 2011-001]**

1) **Setbacks**
Loading and service areas shall be located a minimum of 50 feet from all property lines and 100 feet from adjacent property with residential use or FLU designation. **[Ord. 2011-001]**

2) **Standards**
a) Only one yard waste storage area shall be permitted on site; **[Ord. 2011-001]**
b) Shall not exceed 30 by 40 feet; **[Ord. 2011-001]**
c) Yard waste shall be screened on three sides by a wall with a maximum height of 12 feet. The open end of the wall shall not face any property with residential use or FLU designation; **[Ord. 2011-001]**
d) Yard waste piles shall not exceed the height of the wall; **[Ord. 2011-001]**
e) Surface of the storage area shall be paved with concrete and have positive drainage; and, **[Ord. 2011-001]**
f) Yard waste that is not generated by the landscape service shall be prohibited on site. **[Ord. 2011-001]**

g. **Home Occupation**
A landscape service, not including yard waste or landscape installation services, may be approved as a home occupation subject to the requirements of Article 4.B.1.A.70, Home Occupation and this section, subject to the following exemptions or requirements: **[Ord. 2007-013] [Ord. 2011-001]**

1) **Buffers**
The use shall be exempt from incompatibility buffer requirements. **[Ord. 2007-013]**

2) **AR District in RSA**
A landscape service may be permitted subject to the limitations of Art. 4.B.1.A.70, Home Occupation, except that parcels three acres or more in size may also be eligible for the following: **[Ord. 2007-013]**
a) A maximum of three persons living outside of the home may be employed under the home occupation. **[Ord. 2007-013]**
b) The use shall also be exempt from the outside storage limitations of Article 4.B.1.A.70.i, Outside Storage, provided that outside storage is limited to equipment such as lawnmowers, edgers, weed eaters, and small trailers. Storage shall not include heavy equipment associated with landscape installation services, such as bobcats, loaders, dump trucks, or heavy equipment trailers; and **[Ord. 2007-013]**
c) Storage areas shall be screened from view from any R-O-W or residential parcel through the use of existing or newly planted native vegetation provided the

material provides an opaque screen within one year of the issuance of the business tax receipt. No additional vegetation shall be required where equipment is screened from view behind permitted fences or other structures. **[Ord. 2007-013]**

21. Laundry Service

a. Definition

An establishment that provides washing, drying, dry-cleaning, or ironing services or machines to be used by customers on the premises, or that is engaged in providing cleaning services.

b. Typical Uses

A Laundry Service may include but is not limited to coin laundry establishments, laundromats, neighborhood cleaners and dry cleaners, and industrial cleaning facilities serving commercial cleaners or the hospitality industry.

c. Approval Process

1) In all commercial zoning districts including Commercial pod of PIPD and PUD, where the use is allowed, the use may be:
   a) Permitted by Right if less than 3,000 square feet of GFA.
   b) Allowed subject to DRO Approval if less than 5,000 square feet of GFA.
2) **Industrial Districts, Except Commercial Pod of a PIPD**
   May be allowed subject to DRO approval if less than 15,000 square feet of GFA.

d. Zoning District - CN

The use shall not exceed 3,000 square feet of GFA.

e. Zoning Districts - Industrial Except Commercial Pod of a PIPD

1) The use shall be limited to facilities serving the hospitality industry and commercial cleaner centers; and,
2) Shall not include customer drop-off or pick-up on-site, or utilize customer-operated machinery.

f. Business Vehicles

Shall not be parked or stored in required parking spaces.

g. Environmental Approval

Prior to issuance of a building permit, Laundry Service Permitted by Right shall provide documentation demonstrating that the use is approved by ERM.

22. Marina

a. Definition

A commercial establishment related to boating, located on a navigable waterway. **[Ord. 2009-040]**

b. Typical Uses or Activities

A Marina may include, but is not limited to servicing, fueling, pumping-out, chartering, launching, dry-storage of boats and boating equipment, dockage, yacht clubs, charter boat operations, and boatels.

c. Setbacks

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

d. Boatel Units

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

e. Boat Facility Siting Plan

Any marine facility with five or more slips shall comply with the Boat Facility Siting Plan of the Palm Beach County Manatee Protection Plan. **[Ord. 2009-040]**

23. Medical or Dental Office

a. Definition

An establishment where patients, who are not lodged overnight, are admitted for examination, elective surgical care, immediate but not emergent care or treatment by persons practicing any form of healing or health-building services whether such persons be medical doctors, chiropractors, osteopaths, podiatrists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida. **[Ord. 2005 – 002] [Ord. 2010-009] [Ord. 2011-001] [Ord. 2011-016]**

b. Typical Uses

A Medical or Dental Office may include, but is not limited to, an Ambulatory Surgical Center or urgent care center.

c. INST FLU Designation

A Medical or Dental Office may be allowed subject to DRO approval, within the boundaries of the following five site specific FLUA amendments: **[Ord. 2011-001] [Ord. 2012-027]**

1) SCA 2005-027, Linton/Jog Institutional, Ord. 2006-005; **[Ord. 2012-027]**
2) SCA 2008-015, Jog/Joe Delong Institutional, Ord. 2008-005; **[Ord. 2012-027]**
3) SCA 2009-002, Atlantic/Sims Medical Office, Ord. 2009-008; **[Ord. 2012-027]**
4) LGA 2010-014, Suess Institutional (Southern & Seminole Pratt and Whitney), Ord. 2010-031; and, **[Ord. 2012-027]**
5) LGA 2012-002, Agriculture Reserve Boynton Beach, Ord. 2012-017. **[Ord. 2012-027]**

d. Zoning Districts – CN, CLO and CHO
May be Permitted by Right when not exceeding 3,000 square feet of GFA.

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

1) Building Area
a) An Ambulatory Surgical Center up to 10,000 square feet of GFA may be allowed subject to the approval process for a Medical or Dental Office. **[Ord. 2005-041]**
b) An Ambulatory Surgical Center greater than 10,000 square feet of GFA may only be allowed in developments with a CH FLU designation, subject to Class A Conditional Use approval. **[Ord. 2005-041]**

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

24. Microbrewery

a. Definition
An indoor establishment engaged in the production and packaging of alcohol for distribution, wholesale or retail on or off premise.

b. Approval Process
1) A Microbrewery limited to 5,000 square feet of GFA, where allowed in Commercial and Mixed Use Zoning Districts, may be Permitted by Right; or,
2) A Microbrewery located in the CG Zoning District or in a TDD or PDD with a CH FLU designation, may be Permitted by Right when in compliance with the separation distance below.

c. Zoning Districts – Commercial and Mixed Use Zoning Districts
Where permitted, Microbreweries shall be subject to the following:

1) Commercial Districts
No more than 50 percent of the total GFA shall be used for brewery manufacturing or production, including packaging with the balance consisting of office, retail sales and taprooms, or other permitted collocated uses.

2) Industrial Districts
No more than 30 percent of the total GFA shall be used for accessory office, retail sales, or taprooms.

d. Accessory Uses - Taproom
A Microbrewery where allowed in industrial zoning districts, FLU and Pods, excluding the Commercial Pod of a PIPD, may include a taproom, subject to the following:
1) A taproom shall be limited to the purchasing or consumption of alcoholic beverages produced on-site;
2) Guest taps, consisting of alcohol not produced on-site, may be allowed in conjunction with a tap room not to exceed 30 percent of the number of taps or on-site production;
3) Food service may be permitted; and,
4) Hours of operation shall be limited from 5:00 p.m. to 10:00 p.m. weekdays and 11:00 a.m. to 10:00 p.m. weekends.

e. Separation Distance
1) A Microbrewery with accessory taproom shall not be located within 500 feet from a School as required by F.S. 562.45, as periodically amended.
2) A Microbrewery in a MUPD with a CL FLU designation shall be separated a minimum of 750 feet from another Microbrewery.

25. Office, Business or Professional

a. Definition
An establishment providing executive, management, administrative, or professional services.

b. Typical Uses
A Business or Professional Office may include but is not limited to property and financial management firms; employment, travel, advertising, or real estate agencies; pay day lending offices, check cashing services and currency exchange agencies; contract post offices; professional or consulting services; and business offices of private companies, utility companies, public agencies, and trade associations.

c. Approval Process
The use may be Permitted by Right if limited to the following:
1) A maximum of 10,000 square feet of GFA per parcel in the CN Zoning District.
2) A maximum of 15,000 square feet of GFA per parcel in the CLO Zoning District.
3) A maximum of 20,000 square feet of GFA per parcel in the CC Zoning District.

d. Employment Agencies
Business or Professional Offices that include employment agencies for temporary day or manual labor service for the construction, maintenance, agricultural or industrial trades, shall be subject to the additional standards:

1) Westgate Overlay
Shall be prohibited within the boundaries of the WCRAO, as per Table 3.B.14.E – WCRAO Sub-area Use Regulations.

2) Outdoor Activities
Outdoor loitering, waiting, or seating shall be prohibited on -site. Outdoor seating areas may be allowed provided the site includes one or more architectural focal points such as fountains, architectural shaded structures or gazebos.

e. Accessory Office
Business or Professional Office Supplementary Use Standards shall not apply to:
1) A temporary office in temporary structures associated with the construction of a building or real estate sales;
2) Areas of a building dedicated to the administrative operation of a use listed in the Use Matrix.

26. Parking, Commercial

a. Definition
An establishment used for temporary parking or storage for motor vehicles as a principal use, for a fee.

b. Proximity to Residential
Commercial Parking shall not be located within 200 feet of a parcel of land with a residential FLU designation or use, except as follows:
1) The Perimeter Landscape Buffer along the applicable lot line complies with the minimum standards for a Type 3 Incompatibility Buffer; and,
2) Building openings used by vehicles and unglazed architectural openings shall not face a parcel of land with a residential FLU designation or use.

c. Access
Access from a Residential Street shall be prohibited.

27. Pawnshop

a. Definition
An establishment at which a pawnbroker, as defined in F.S. §539.001(2)(i), does business.

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

c. Setbacks
Shall be setback a minimum of 150 feet from any parcel of land with a residential FLU designation or use.

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

28. Personal Services

a. Definition
An establishment engaged in the provision of recurrent services of a personal nature, or, the provision of informational, instructional, personal improvement or similar professional services. **[Ord. 2011-016]**

b. Typical Uses
Personal Services may include but are not limited to art, music and driving schools, beauty salon, barbershops, licensed therapeutic massage studios, photography studios, spas, saunas, tattoo parlors, diet and weight reducing centers, pet grooming, and tanning salons.

c. Approval Process – CN District
The use may be Permitted by Right in the CN Zoning District, when limited to 3,000 square feet of GFA.

d. Accessory Use
Personal Service may be Permitted by Right as accessory to Business or Professional Office; or, Medical or Dental Office in CLO and CHO Zoning Districts and PDDs with CLO and CHO FLU designation.

e. Sale or Dispensing of Controlled Substances
The limited accessory retail sale of products does not include the sale or dispensing of controlled substances, unless in compliance with the requirements for Medical or Dental Office, or General Retail Sales. **[Ord. 2011-016]**

29. Repair and Maintenance, Heavy

a. Definition
An establishment engaged in the repair and maintenance of automobiles, recreational vehicles, boats, motorcycles, personal watercraft; or the repair and maintenance of heavy equipment or machinery, commercial vehicles or trailers, marine vessels, or similar; or, media blasting, paint stripping, and paint or body work.

b. Typical Uses
Heavy Repair and Maintenance may include but is not limited to:
1) Machine shops, welding services, engine and transmission shops, radiator shops;

2) Paint or body shops, collision damage repairs and frame straightening, fiberglass repair, media blasting or paint stripping, powder coating, and steam cleaning;
3) Garages for general engine type repair including rebuilding, repairing or removing engines, transmissions, starters, alternators, radiators, air conditioners, compressors, brake systems, hydraulics, fuel systems, cooling systems, exhaust, electrical or electronic systems, propulsion systems, drive train, and steering systems; or,
4) Any Light Repair and Maintenance Use, which involves any of the above or requires outdoor storage or activities.

c. Overlays – Westgate Community Redevelopment Area Overlay (WCRAO)
Heavy Repair and Maintenance uses are prohibited in the NR, NRM, NG and NC Sub-areas, as outlined in Table 3.B.14.E, WCRAO Sub-area Use Regulations. **[Ord. 2006-004]**

d. Setbacks
No repair or maintenance building, structure or activity shall be allowed within 100 feet of a parcel of land with a residential FLU designation or use.

e. Nuisances
1) Enclosed Repair Activities
All repair and maintenance activities shall be conducted within an enclosed structure, except in the IL and IG districts, and PDDs with an IND FLU designation, where in compliance with Art. 5.B.1.A.3, Outdoor Storage and Activities. **[Ord. 2005 – 002]**
2) Vehicle or Equipment Testing on Residential Streets
Testing of vehicles or equipment shall be prohibited on residential streets. **[Ord. 2005 – 002]**

g. Outdoor Parking or Storage
1) The outdoor storage of disassembled vehicles, equipment or parts shall be prohibited, except in the IL and IG districts, and PDDs with an IND FLU designation. **[Ord. 2005 – 002]**
2) All vehicles or equipment shall be parked in designated storage areas, except for the following:
a) Automobiles dropped off by customers may be temporarily parked in designated parking spaces, not to exceed a maximum of one 24-hour period; and,
b) Automobiles placed for customer pickup may be temporarily parked in designated parking spaces, not to exceed a maximum of one 24-hour period.

30. Repair and Maintenance, Light

a. Definition
An indoor establishment engaged in the minor repair or maintenance of automobiles, light duty commercial vehicles rated one ton capacity or less, boats, motorcycles, personal watercraft, golf carts, mopeds, lawn mowers, major household appliances, or household furniture.

b. Typical Uses
Light Repair and Maintenance establishments may include but are not limited to tune-up stations, glass shops, quick-lube stations, muffler shops, upholstery shops, tire installation and service, alignment shops, replacement of brake linings, and lawn mower repair and maintenance.

c. Overlay – Westgate Community Redevelopment Area Overlay (WCRAO)
Light Repair Maintenance uses are prohibited in the NR, NRM, NG and NC Sub-areas, as outlined in Table 3.B.14.E, WCRAO Sub-area Use Regulations. **[Ord. 2006-004]**

d. Zoning Districts – CN and CC District and Commercial Pod of PUD
Shall be limited to a maximum of 5,000 square feet of GFA. **[Ord. 2005 – 002]**

e. Accessory Use
Light Repair and Maintenance may be Permitted by Right as an accessory use to Heavy Repair and Maintenance.

f. Setbacks
No repair or maintenance building, structure or activity shall be allowed within 100 feet of any parcel of land with a residential FLU designation or use.

g. Nuisances
1) Enclosed Repair Activities
All repair and maintenance activities shall be conducted within an enclosed structure. **[Ord. 2005 – 002]**
2) Vehicle or Equipment Testing on Residential Streets
Testing of vehicles, equipment or other similar shall be prohibited on residential streets.

h. Outdoor Parking or Storage
1) The outdoor storage of disassembled vehicles, equipment or parts shall be prohibited. **[Ord. 2005 – 002]**
2) All vehicles or equipment shall be stored in designated storage areas, except for the following:
a) Automobiles dropped off by customers may be temporarily parked in designated parking spaces, not to exceed a maximum of one 24-hour period; and,
b) Automobiles placed for customer pickup may be temporarily parked in designated parking spaces, not to exceed a maximum of one 24-hour period.

31. Repair Services, Limited

a. Definition

An establishment engaged in the minor repair of personal apparel or household appliances, and similar items.

b. Typical Uses

Limited Repair Services may include but are not limited to apparel repair and alterations, small appliance repair (excluding major appliances such as washers and dryers, refrigerators, stoves and dishwashers), bicycle repair, clock and watch repair, and shoe repair shops.

c. Zoning Districts - CN District, Commercial Pod of PUD, and TND Neighborhood Center

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

d. Enclosed Repair Activities

All repair activities shall be conducted within an enclosed structure. **[Ord. 2005 – 002]**

e. Storage

Outdoor storage shall be prohibited.

32. Restaurant, Type 1

a. Definition

An establishment equipped to sell food and beverages in one of the following methods: drive-thru sales to patrons in automobiles for takeout who place orders through a window or remote transmission device; or sales to patrons for takeout or dining in, that includes three or more of the following: food or beverage choices are advertised on a menu board; countertop sales where payment is made prior to consumption; disposable containers and utensils; limited service dining facilities with no hostess or waiters; and self service or prepackaged condiments. **[Ord. 2006-004] [Ord. 2012-027]**

b. Approval Process

1) DRO Approval

A Type 1 Restaurant without a drive-through where the use is allowed provided the GFA including outdoor dining areas does not exceed 5,000 square feet. **[Ord. 2006-004] [Ord. 2007-001] [Ord. 2007-013] [Ord. 2011-016]**

2) Permitted by Right

A Type 1 Restaurant without a drive-through or located in an out parcel, may be Permitted by Right in any PDD or TDD with a commercial or institutional FLU designation, or Pod; the commercial or recreational pod of a PUD, MHPD or RVPD; and all commercial zoning districts, provided the GFA including outdoor dining areas does not exceed 1,500 square feet. **[Ord. 2006-004] [Ord. 2011-016]**

c. Tier Specific - Exurban and Rural

A Type 1 Restaurant shall comply with the following: **[Ord. 2009-040]**

1) Shall not be the sole use on the property; **[Ord. 2009-040]**
2) Shall be located in a MUPD or TDD; **[Ord. 2009-040]**
3) Shall not have direct ingress/egress to an adjacent Arterial or Collector Street. Ingress/egress shall be from the interior of the overall vehicular circulation system for the development or interior streets, whichever is applicable; and, **[Ord. 2009-040]**
4) Shall comply with the design requirements outlined under Article 4.B.2.C.32.f.3), Exception. **[Ord. 2009-040]**

d. Zoning Districts – TMD and LCC

A Type 1 Restaurant shall be limited to: **[Ord. 2005-002] [Ord. 2006-004] [Ord. 2009-040] [Ord. 2010-005]**

1) 5,000 square feet of indoor dining area, for a maximum of 6,500 square feet of GFA. **[Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-001]**
2) Located in an outparcel or freestanding building; or **[Ord. 2005-002] [Ord. 2007-001]**
3) A drive-thru, unless it is located in the rear of a building, with access from an alley or the interior of a parking area, and is covered by a canopy or the second story of a building. **[Ord. 2005-002] [Ord. 2006-004]**

e. Accessory Alcohol Sales

A Type 1 Restaurant may include the on-premise sale, service and consumption of alcoholic beverages as an accessory use.

f. Location Criteria

A Type 1 Restaurant with a drive-through shall be subject to the following: **[Ord. 2006-004] [Ord. 2007-001]**

1) Intersection Criteria

A maximum of two Type 1 Restaurants shall be permitted at an intersection in accordance with Art. 5.E.2.B, Intersection Criteria. **[Ord. 2006-004]**

2) Separation Criteria

A Type 1 Restaurant shall be separated from any other Type 1 Restaurant in accordance with Art. 5.E.2.C.2. **[Ord. 2006-004] [Ord. 2009-040] [Ord. 2012-027]**

3) Exceptions

a) Design Criteria

A Type 1 Restaurant may be exempt from the location criteria if the site is designed to: address the additional trips associated with a drive through restaurant; as well as enhance pedestrian circulation, safety and accessibility

while limiting vehicular circulation using exemplary site design and architectural treatment that incorporates the following: **[Ord. 2006-004] [Ord. 2012-027]**

(1) Drive through facilities, including queuing and by-pass lanes that run parallel and are visible from adjacent streets, shall provide additional landscaping to mitigate views of the vehicular use areas. **[Ord. 2006-004] [Ord. 2012-027]**

(2) If located in a non-residential Planned Development District or a commercial pod, all the required parking spaces shall be located in close proximity to the restaurant that they serve. Required parking shall not be separated from the restaurant main entrance by a distance of more than 150 feet. The applicant may request an increase to this distance up to a maximum of ten percent of the dimensional requirement through a Type 1 Waiver; **[Ord. 2006-004] [Ord. 2012-027]**

(3) If located in standard zoning districts and required by the Zoning Director, cross-access shall be provided to all abutting parcels that have Commercial FLU designation. If required, the cross-access easement shall be recorded prior to Final Approval by the DRO. The Zoning Director may elect not to require the cross-access easement based on review of the existing or approved use for the abutting property. **[Ord. 2012-027]**

(4) Consideration shall be given to site design that promotes a safe pedestrian environment and addresses vehicular circulation and maneuvering. A restaurant located on a single parcel with a standard zoning district is allowed continuous vehicular circulation: **[Ord. 2012-027]**

(a) on all four sides of the building if the site is limited to only one access point to the subject property; or, **[Ord. 2012-027]**

(b) on all three sides of the building if site is limited to two access points to the subject property. **[Ord. 2012-027]**

(5) Landscape plans and architectural elevations shall be required as part of any application for a Conditional Use, or any DOA affecting the items listed herein. **[Ord. 2006-004]**

b) MUPD

Type 1 Restaurant located within an MUPD may be exempt from the Location Criteria of 1) Intersection Criteria, and 2) Separation Criteria, where in compliance with the following:

(1) Required Perimeter Landscape Buffers, where located between all Type 1 Restaurant areas, including ingress/egress, and any R-O-W or parcel of land with a residential FLU designation or use, unless obstructed from view by other existing structures; and,

(2) Direct access from any perimeter R-O-W abutting the MUPD shall be prohibited. All access shall be from entrances established for the overall MUPD, and comply with minimum standards for ingress/egress, stacking, turn-lanes, and pedestrian connectivity.

g. Major Intersection Criteria for CL FLU

A Type 1 Restaurant with a CL FLU designation shall comply with Article 5.E.1, Major Intersection Criteria, unless the restaurant meets the requirements of one or more of the following: Article 4.B.2.C.32.b.1), DRO Approval, Article 4.B.2.C.32.b.2), Permitted by Right, is located within a TMD, or complies with the design requirements outlined under Article 4.B.2.C.32.e.3), Exceptions. **[Ord. 2006-004] [Ord. 2009-040]**

h. Outdoor Dining

Shall comply with the principal structure setbacks.

33. Restaurant, Type 2

a. Definition

An establishment with no drive-thru, equipped to sell food and beverages, served and consumed primarily on the premises, that includes three or more of the following: host or hostess assists patrons upon entry; food and beverage choices are offered from a printed menu provided by wait staff at a table; orders are taken at the table; food is served on dishes and metal utensils are provided; and, payment is made after meal consumption. **[Ord. 2006-004] [Ord. 2007-001]**

b. Approval Process – DRO Approval

1) CLO and CHO Districts; PDDs with a CLO or CHO FLU; TNDs NC

A Type 2 Restaurant less than 3,000 square feet of GFA per establishment including outdoor dining areas, may be approved by the DRO, provided the total of all Type 2 Restaurants do not exceed 30 percent of the GFA of the development. **[Ord. 2006-036] [Ord. 2007-013]**

2) CHO District; and PDDs with a CHO FLU

If contained in an office, hotel or motel structure that does not exceed 30 percent of the GFA of the structure, or 5,000 square feet, whichever is less, may be approved by the DRO. **[Ord. 2006-036] [Ord. 2007-013]**

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3) **CRE District; PDDs with a CL or CR FLU; PUD Commercial Pods and PIPD Commercial Use Zone**
A Type 2 Restaurant less than 5,000 square feet of GFA per establishment, including outdoor dining areas, may be approved by the DRO. **[Ord. 2006-036] [Ord. 2007-013]**

c. **Zoning Districts - TND, TMD, and LCC**
Take out windows designed for vehicular use are prohibited unless located in the rear of a building, with access from an alley or the interior of a parking area, and covered by a canopy or the second story of a building. **[Ord. 2006-004] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2010-005]**

d. **Accessory Alcohol Sales**
A Type 2 Restaurant may include the on-premise sale, service and consumption of alcoholic beverages as an accessory use. **[Ord. 2006-004]**

e. **Accessory Take Out Service**
Take out service may be allowed as an accessory use provided there are no vehicle take out windows that include exterior menu boards, queuing lanes or order services. **[Ord. 2006-004] [Ord. 2006-036]**

f. **Outdoor Dining**
Shall comply with the principal structure setbacks.

34. **Retail Sales**

a. **Definition**
An establishment providing general retail sales or rental of goods, but excluding those uses specifically classified as another use type. **[Ord. 2011-016]**

b. **Typical Uses**
Retail Sales may include but are not limited to clothing stores, bookstores, business machine sales, food and grocery stores, window tinting, marine supply sales (excluding boat sales), auto accessories and parts, building supplies and home improvement products, monument sales, printing and copying, and pharmacies. Uses shall also include the sale of bulky goods such as household goods, lawn mowers, mopeds.

c. **Zoning Districts**

1) **TND District**
In a Neighborhood Center, Retail Sales shall not exceed 5,000 square feet of GFA per establishment.
a) A Maximum of 40,000 square feet of GFA for a food store or 20,000 square feet of GFA for a food store when the TND is developed as part of a TTD.
b) In a Multifamily building with more than 50 units, a "corner store" may be allowed, provided it does not exceed 1,000 square feet of GFA and is integrated into the building and at a corner location.

2) **TMD District**
a) In a TMD, a single establishment shall not exceed the following:
(1) 100,000 square feet of GFA in the U/S tier;
(2) 50,000 square feet of GFA in the Exurban and Rural tiers; and,
(3) 65,000 square feet of GFA in the AGR.
b) A drive-thru facility for a drug store is allowed subject to the following:
(1) If located in the rear of a building;
(2) Access shall be from an alley, an interior parking area, or a street not designated as a Main Street; and,
(3) The drive-thru facility shall be covered by a canopy or the second story of a building. **[Ord. 2005 – 002]**

3) **CN District**
Shall be limited to a maximum of 3,000 square feet of GFA per establishment.

d. **Outdoor Display Areas – Monument Sales**
An outdoor display area for the Retail Sale of monuments, gravestones, markers, or headstones for placement on graves shall be exempt from the provisions in Art. 5.B.3, Outdoor Storage and Activities when located in a designated display area on the Final Site Plan.

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

1) **Exception**
Temporary sale of sparklers, subject to a Special Permit.

f. **Sale or Dispensing of Controlled Substances - Pharmacy**
A pharmacy shall be subject to the following: **[Ord. 2011-016]**
1) No more than 15 percent of the total number of prescriptions filled within a thirty (30) day period can be derived from the sale of controlled substances that are identified in Schedule II in accordance with F.S. § 893.03, and as further amended by F.S. § 893.035, 893.0355, or 893.0356, as determined by audits or information provided through the Florida Department of Health or any other government agency having the legal right to view such records. **[Ord. 2011-016]**

g. Unmanned Retail Structure

An unmanned structure which stores or dispenses items for sale, rent, or customer pick up.

1) Definition and Typical Uses

a) Freestanding

Includes Unmanned Retail Structures that are not attached to a building and located further than 15 feet from the nearest principal structure.

b) In-Line

Includes Unmanned Retail Structures that are adjacent to, attached to, or located within 15 feet of a principal structure, and not separated by vehicular access drives.

2) Accessory Use - Industrial Zoning Districts

May be allowed as an accessory use to Data and Information Processing, Research and Development, Government Services, or Wholesaling.

3) Size

Shall not exceed 150 square feet, excluding canopies provided for decorative aesthetics or protection from weather.

4) Number

Shall not exceed one per development.

5) Design Standards

Shall not encroach any required site design elements, including but not limited to: drive aisles, easements, landscaping, parking spaces, and ADA paths.

a) Freestanding

(1) Shall achieve architecturally compatibility with the other structures in the development, including texture, paint and similar building materials.

(2) Shall be limited to one story, not to exceed 15 feet in height.

b) In-Line

(1) Shall not exceed eight feet in height, or nine feet if including a weather protection canopy.

(2) Shall not obstruct more than 20 percent of the windows.

6) Signage

a) Freestanding

Wall signs may be allowed for buildings that meet the requirements for Art. 5.C.1.H, Guidelines for Nonresidential Design Elements.

b) In-Line

Shall be limited to a maximum of 20 percent of each side's facade of the structure, or a maximum of four square feet, per side, whichever is less.

35. Rooming and Boarding House

a. Definition

A Single Family dwelling with lodging for a maximum of up to five persons, where meals may or may not be regularly prepared and served, and facilities such as kitchen and bathrooms may be shared with other residents.

b. Zoning District

A Rooming and Boarding House shall only be allowed in the RM Zoning District with an HR FLU designation.

c. Dwelling Modifications

Only exterior alterations necessary to assure safety of the structure or enhance the compatibility with the surrounding neighborhood. A Single Family dwelling may require structural or other modifications to ensure compliance with the applicable Building Code and Fire Rescue regulations.

36. Self-Service Storage

a. Definition

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

1) Types Permitted

Self Service Storage facilities may include but are not limited to Limited or Multi Access storage units, with or without Outdoor Storage areas, limited to the storage of personal or household goods, automobiles, recreational vehicles, boats, or personal watercraft, only, subject to the following:

a) Limited Access

Limited Access is a Self Service Storage facility with limited access points from the exterior of the building to interior halls that serve individual storage units.

b) Multi-Access

Multi-Access is a one story Self Service Storage facility with multi-access points from the exterior of the building to individual storage units.

b. Overlay – Westgate Community Redevelopment Area Overlay (WCRAO)

Self-Service Storage is prohibited in the NR, NRM, NG and NC Sub-areas, as outlined in Table 3.B.14.E, WCRAO Sub-area Use Regulations. **[Ord. 2006-004]**

c. Zoning Districts – Commercial Pod of PUD or Neighborhood Center of TND

Self Service Storage in Commercial Pods of a PUD or Neighborhood Center of a TND, shall be limited as follows:

1) Maximum of 50 percent of the overall GFA; and,
2) Multi-Access shall be prohibited; and,
3) Outdoor Storage shall be limited to a maximum of 30 percent of overall Self Service Storage building square footage.

d. Accessory Uses – Industrial Districts

Where permitted in Industrial districts, a Self Service Storage use may include accessory retail use, limited to the rental and sale of retail items used for moving and storage, such as hand trucks, cartons, tape and packing materials. **[Ord. 2005-002]**

e. Architecture

1) Storage Unit Door Orientation

a) First Floor Door Orientation

Storage unit doors shall not face a residential use or vacant parcel with a residential FLU designation, or public street.

b) Door Orientation on the Second Story or Above

Limited Access storage unit doors and access points located on the second story or above shall be oriented toward the interior of the site where fenestration is used to allow visibility into interior corridors.

2) Storage Access or Storage Unit Door Screening

Access points and storage doors shall be screened from all public streets, residential uses or vacant parcels with a residential FLU designation, through the use of buildings, walls, opaque vehicular gates which primarily remain closed, or other similar barriers.

3) Fenestration

The use of fenestration purposely designed in conjunction with interior signage, logos, lighting, or paint schemes intended to expand permitted exterior signage shall be prohibited.

f. Landscaping – Incompatibility Buffer Screening Requirements

Where an incompatibility buffer is required, the minimum six foot screening requirement may be waived, subject to the following:

1) Facades

The exterior facades of storage structures present an unbroken, wall-like appearance when seen from adjacent lots and streets.

2) Wall

Separate storage structures are connected by a solid opaque wall to give the appearance of structural continuity. This option may be permitted where Fire Rescue may require access for emergency purposes upon demonstration that any required gates are designed and constructed to provide the same visual barrier as the required wall.

3) Access Isles

No aisle-ways or other vehicle access ways are located in the area between the building and the adjacent property line.

g. Storage

1) Hazardous Materials Prohibited

The storage of flammable, hazardous or explosive materials, goods or products shall be prohibited.

2) Outdoor Storage Standards

Outdoor storage shall be subject to the following:

a) Permitted Vehicles

Shall be limited to the storage of vehicles of the type customarily maintained by households for personal use such as recreational vehicles or pleasure boats, or a Home Occupation Vehicle.

b) Location

The storage shall occur only within a designated area.

c) Storage Area

The storage area shall not exceed 50 percent of the lot area.

d) Screening

The storage area shall be completely screened from view from adjacent properties and public streets by landscaping, fences, walls or buildings.

e) Mobility

All vehicles and trailers shall be licensed for use on public streets. Other vehicles, including recreational vehicles, boats and personal watercraft, shall be stored on wheeled trailers.

f) Repair Prohibited

Vehicle repair shall be prohibited.

h. Supplemental Circulation Standards for Multi- Access Facilities

1) Interior

The minimum width of aisle ways between storage structures shall be 20 feet for one-way traffic, and 30 feet if two-way traffic.

2) Flow

Traffic flow patterns in aisle ways shall be clearly marked. Markings shall consist at a minimum of standard directional signage and painted lane markings with arrows.

i. **Business Uses Prohibited**
Businesses shall be prohibited from operating within any Self Service Storage facility or storage unit or outdoor storage area, except as follows:
1) **Storage of Business Goods**
A storage unit shall not be used to store inventory, equipment or material required on a daily or recurring basis necessary for a business trade or occupation.
2) **Home Occupation Vehicles**
A maximum of one business related vehicle per storage customer a maximum of 8,000 pounds curb weight may be stored in a Multi-Access storage unit or outdoor storage area.

37. Single Room Occupancy (SRO)
a. **Definition**
An establishment with lodging for five or more persons housed in individual rooms, where meals may or may not be regularly prepared and served, and facilities such as kitchen and bathrooms may be shared with other residents.
b. **Zoning District - CRE**
SRO may only be allowed in the RR FLU designation.

38. Theater and Performance Venue
a. **Definition**
An establishment that hosts live performances, viewings, seminars or exhibitions.
b. **Typical Uses**
Typical uses may include but are not limited to movie theaters, theaters, conference centers and exhibition halls.
c. **Approval Process**
1) In the CRE Zoning District, the use shall not be allowed in RR FLU designation.
2) May be Permitted by Right if it is indoor and less than 15,000 square feet of GFA, and located in the zoning districts where the use is allowed, unless stated otherwise. **[Ord. 2010-005]**
d. **Building Area - CN Zoning District**
Shall be limited to 3,000 square feet of GFA.

39. Vehicle or Equipment Sales and Rental, Heavy
a. **Definition**
An establishment engaged in the sale, retail or wholesale, rental, or lease of new or used mobile homes or commercial vehicles, as may be defined by the Florida Department of Motor Vehicles, or equipment, including but not limited to the following: heavy trucks, truck tractors, road tractors, straight trucks, special mobile equipment, buses, school buses, farm tractors, farm implements, heavy equipment including construction and earth moving equipment, trailers, and semitrailers.
b. **Typical Uses**
Typical uses include independent dealers, franchise dealers, wholesale dealers, or mobile home dealers or brokers, or, moving truck or trailer rental, construction or farm equipment sales or rental yards, and large implement sales or rental.
c. **Approval Process**
1) **Moving Truck and Trailer Rental**
Moving Truck and Trailer Rental, limited to a maximum of five vehicles per lot, may be permitted as an accessory use to Retail Gas and Fuel Sales or a Large Scale Commercial Development, subject to DRO approval.
2) **IL District, MUPD with IND FLU Designation and Light Industrial Pod of a PIPD - Rental Equipment**
The rental of construction equipment, moving trucks or trailers, farm equipment, and farm implement and machinery sales and rental uses may be allowed subject to DRO approval.
3) **Rural Tier Farm Equipment - MUPD with CL FLU Designation**
Heavy Vehicle or Equipment Sales and Rental limited to farm equipment that supports the residents of the Rural Tier may be allowed in an MUPD with a CL FLU designation, subject to Class A Conditional Use approval.
d. **Overlay – Westgate Community Redevelopment Area (WCRA) Overlay**
Heavy Vehicle or Equipment Sales and Rental is prohibited in the NR, NRM, NG and NC Sub-areas, as per Table 3.B.14.E – WCRAO Sub-area Use Regulations. **[Ord. 2006-004]**
e. **Lot Size**
1) **Commercial Districts**
A minimum of three acres.
2) **IL District**
A minimum of one acre.
f. **Accessory Uses**
1) **Accessory Retail Sales**
Retail sale of parts may be provided as an accessory use.
2) **Accessory to Heavy Repair and Maintenance**
Limited Heavy Vehicle Sales and Rental, may be permitted as an accessory use to Heavy Repair and Maintenance facilities, subject to DRO approval, and the following:

a) Limited to the display or advertising of a maximum of five vehicles per lot.
b) All storage spaces shall be located indoors, or setback a minimum of 100 feet from the front and side street property lines, or in a location which is screened from view from any public street by a combination of buildings or walls, or opaque fences or landscaping.
c) Vehicles on display shall be located within 100 feet of a repair bay.

g. Nuisances – Test Drives

Test drives of motor vehicles shall be prohibited on Residential Streets.

h. Storage or Display

Outdoor storage or display of vehicles or equipment shall only be permitted in areas designated for storage or display on an approved Development Order, subject to the following requirements:

1) General

a) Vehicle Operating Conditions

(1) The storage or display of inoperable vehicles or equipment shall be prohibited, with exception to designated storage areas permitted under an approved Accessory or Collocated use.

(2) No vehicles or equipment shall be stored or displayed on-site except those intended for sale, rental or lease. An exception shall be permitted for new motor vehicle or equipment inventory owned by another dealership, provided that such vehicles or equipment is of the same type approved for the subject site.

b) Loading Spaces

Loading spaces shall be setback a minimum of 100 feet from an existing residential use or vacant parcel with a residential FLU designation.

c) Required Parking

Parking for vehicle storage, sales or display may not be counted toward meeting the number of off-street parking spaces required for customers and employees.

2) Standards for Bull Pen Storage

a) Location or Design

Bull Pen Storage areas shall be located towards the side or rear of the property and designed in a manner that clearly distinguishes the storage area from vehicle showroom or Outdoor Display areas, by placement behind buildings, or through use of opaque fences, walls or landscape barriers a minimum of six feet high.

b) Outdoor Storage

Bull Pen Storage areas shall comply with the Outdoor Storage area requirements of Art. 5, Supplementary Standards. This shall not preclude the ability to seek Variance relief.

3) Standards for Display Areas

a) General

No vehicle shall be parked, stored or displayed with its hood or trunk open. Motor vehicles on display shall not be elevated in full or in part.

b) Barrier

A barrier shall be provided between display areas, and customer parking, related driveway access or drive isles. This barrier may be in the form of a landscape strip, curbing, removable bollards, or other suitable barrier approved by the DRO.

c) Design Standards

Display areas shall conform to Article 6, Parking, except for space striping.

4) Standards for Moving Truck and Trailer Rental

Designated storage spaces for each truck or trailer shall be depicted on the approved site plan. All storage spaces shall be setback a minimum of 100 feet from the front and side street property lines, or in a location which is fully screened from view from any public street by a combination of walls, fences or landscaping.

40. Vehicle Sales and Rental, Light

a. Definition

An establishment engaged in the sale, retail or wholesale, rental, or lease of new or used motor vehicles as may be defined by the Florida Department of Motor Vehicles, or boats, and recreational vehicles, including but not limited to the following vehicles typically acquired for personal non-commercial use:

1) Automobiles, sport utility vehicles (SUVs) and light trucks or vans with a curb weight of 8,000 lbs. or less; or,
2) Boats, personal watercraft, recreational vehicles (RV), off-highway vehicles (OHV), motorcycles, golf carts, or swamp buggies.

b. Typical Uses

Typical uses include independent dealers, franchise dealers, wholesale dealers, or new and used recreational vehicle dealers, auto and truck rental, and boat or personal watercraft rental and sales.

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c. **Approval Process**

1) **Indoor Vehicle Showroom**

An indoor Vehicle Sales and Rental facility located in the CG or MUPD districts shall be exempt from the minimum three-acre lot size requirement, and may be permitted subject to DRO approval and the following criteria.

a) **Floor Area**

A maximum of 30,000 square feet and 15 display vehicles.

b) **Test Drives**

Test drives shall not be permitted from the indoor vehicle showroom or on-site.

c) **Vehicle Operations**

Display vehicles shall not operate engines during store hours. Engines shall only be permitted to operate during the transport of vehicle into or out of the showroom.

d) **Parking**

Vehicles for sale or lease shall not be parked or displayed outside of the showroom.

e) **Stand Alone Exception**

Stand Alone with lot frontage on an Arterial Street or Planned Collector Street, may be exempt from the limitations of a) through c) above, provided that all vehicle display, storage, detailing, or other Collocated uses or activities occur indoors. **[Ord. 2015-031]**

2) **Neighborhood Vehicle Rental Facility**

A Neighborhood Vehicle Rental Facility may be permitted in the CN, CC, and CG Zoning Districts; the Commercial Pod of a PUD; PDDs with a CH or CL FLU designation; or the Neighborhood Center (NC) of a TDD, subject to DRO approval and the following:

a) **Vehicle Limitations**

A maximum of six vehicles stored on-site, limited to cars, SUVs, standard pick-up trucks, and minivans. **[Ord. 2009-040]**

b) **Minimum Lot Size**

The lot size shall comply with the minimum required for the applicable zoning district. Legal nonconforming lots of record shall be able to develop a Neighborhood Vehicle Rental Facility provided all other minimum site development regulations can be met. **[Ord. 2009-040]**

c) **Parking**

The rental vehicles shall be parked in specifically designated spaces or located in bull pen storage. **[Ord. 2009-040]**

d) **Outdoor Activities**

Maintenance, repair, detailing, washing, cleaning or related activities shall not be conducted on-site. **[Ord. 2009-040]**

d. **Overlay – Westgate Community Redevelopment Area (WCRA) Overlay**

Light Vehicle Sales and Rental is prohibited in the NR, NRM, NG and NC Sub-areas, as per Table 3.B.14.E – WCRAO Sub-area Use Regulations. **[Ord. 2006-004]**

e. **Zoning Districts**

1) **Commercial Pod of PUD and Neighborhood Center of TND**

Shall be limited to a Neighborhood Vehicle Rental Facility.

2) **LCC and TMD**

Shall be limited to Indoor Vehicle Showroom.

3) **Districts with Commercial Low FLU Designation**

The sale or rental of OHVs, RVs, boats, or motorcycles shall be subject to the standards for Accessory Uses.

4) **IL District - Automobile Rental**

Automobile rental may be permitted in the IL district when located on an Arterial Street, subject Class A Conditional Use approval.

f. **Lot Size**

A minimum of three acres, excluding the following:

a) Indoor Vehicle Showrooms,
b) Motorcycle or OHV sales and rental,
c. Boat or watercraft sales and rental when collocated with a Marina Facility; or
d) Where otherwise stated within this Sub-section.

g. **Accessory Uses**

1) **Marinas**

Vehicle Sales and Rental limited to boats and personal watercraft may be permitted as an Accessory Use to Marina Facilities in the CRE district or an MUPD with CR FLU designation, and shall be exempt from the minimum three-acre lot size requirement.

2) **Accessory to Heavy Repair and Maintenance**

Limited Light Vehicle Sales and Rental, may be permitted as an accessory use to Heavy Repair and Maintenance facilities, subject to DRO approval, and the following:

a) Limited to the display or advertising of a maximum of five vehicles per lot.

b) All storage spaces shall be located indoors, or setback a minimum of 100 feet from the front and side street property lines, or in a location which is screened from view from any public street by a combination of buildings or walls, or opaque fences or landscaping.
c) Vehicles on display shall be located within 100 feet of a repair bay.

h. Nuisances – Test Drives
Test drives of motor vehicles shall be prohibited on Residential Streets.

i. Storage or Display
Outdoor storage or display of vehicles shall only be permitted in areas designated for storage or display on an approved Development Order, subject to the following requirements:

1) General

a) Vehicle Operating Conditions
(1) The storage or display of inoperable vehicles or equipment shall be prohibited, with exception to designated storage areas permitted under an approved Accessory or Collocated use.
(2) No vehicles or equipment shall be stored or displayed on-site except those intended for sale, rental or lease. An exception shall be permitted for new motor vehicle or equipment inventory owned by another dealership, provided that such vehicles or equipment is of the same type approved for the subject site.

b) Loading Spaces
Loadings spaces shall be setback a minimum of 100 feet from an existing residential use or vacant parcel with a residential FLU designation.

c) Required Parking
Parking for vehicle storage, sales or display may not be counted toward meeting the number of off-street parking spaces required for customers and employees.

2) Standards for Bull Pen Storage

a) Location or Design
Bull Pen Storage areas shall be located towards the side or rear of the property and designed in a manner that clearly distinguishes the storage area from vehicle showroom or Outdoor Display areas, by placement behind buildings, or through use of opaque fences, walls or landscape barriers a minimum of six feet high.

b) Outdoor Storage
Bull Pen Storage areas shall comply with the Outdoor Storage area requirements of Art. 5, Supplementary Standards. This shall not preclude the ability to seek Variance relief.

3) Standards for Display Areas

a) General
No vehicle shall be parked, stored or displayed with its hood or trunk open. Motor vehicles on display shall not be elevated in full or in part.

b) Barrier
A barrier shall be provided between display areas, and customer parking, related driveway access or drive isles. This barrier may be in the form of a landscape strip, curbing, removable bollards, or other suitable barrier approved by the DRO.

c) Design Standards
Display areas shall conform to Article 6, Parking, except for space striping.

41. Veterinary Clinic

a. Definition
An establishment engaged in providing medical care, treatment and temporary boarding for animals.

b. Approval Process – AGR, AR, CLO Zoning Districts and MUPD with CL, CLO FLU Designation
A Veterinary Clinic may be Permitted by Right in AGR, AR, CLO Zoning Districts and MUPD with CL, CLO FLU designation, subject to the following limitations: **[Ord. 2010-055]**
1) GFA shall not exceed 5,000 square feet; and, **[Ord. 2010-055]**
2) Shall not include outdoor runs. **[Ord. 2010-055]**

c. Lot Size – AR and AGR Districts
Shall be located on a minimum of five acres. **[Ord. 2010-055]**

d. Zoning District
A Veterinary Clinic shall not have outdoor runs and limited to the following:

1) CC and CN Zoning Districts
Shall not occupy more than 3,000 square feet of GFA. **[Ord. 2010-055]**

2) MUPD with CL FLU Designation, LCC and TDD Districts
Shall not occupy more than 5,000 square feet of GFA. **[Ord. 2010-005] [Ord. 2010-055]**

3) Infill Redevelopment Overlay
Boarding facilities shall comply with the standards for a Type 3 Commercial Kennel. **[Ord. 2010-005] [Ord. 2010-055]**

e. Outdoor Runs
A Veterinary Clinic with outdoor runs shall comply with the following standards: **[Ord. 2010-055]**

1) Lot Size
A minimum of one acre.

2) Setbacks
Outdoor runs shall not be located within 50 feet of any property line adjacent to a parcel of land with a residential FLU designation or use; or 25 feet from any property line adjacent to a non-residential zoning district, use, or FLU. **[Ord. 2010-055]**

3) WCRAO
Outdoor runs shall not be located within 25 feet of any property line.

4) Standards
A six foot high fence shall be required around the runs. If the fence is not opaque or screened from view of adjacent properties or R-O-W, a continuous opaque hedge, a minimum of four feet at installation, shall be provided around the run. **[Ord. 2010-055] [Ord. 2015-031]**

5) Waste Disposal
A Veterinary Clinic shall meet the ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD and SWA. **[Ord. 2015-031]**

f. Facility without Outdoor Runs
A Veterinary Clinic without outdoor runs shall be required to make accommodations to ensure animal waste is properly disposed of within the facility. **[Ord. 2010-055]**

42. Vocational Institution

a. Definition
An establishment, that is not an elementary or secondary school, offering regularly scheduled instruction and training in industrial, mechanical, construction, technical, commercial, clerical, managerial or artistic skills.

b. Typical Uses
A Vocational Institution may include but is not limited to business, real estate, building and construction trades; machinery operation and repair; electronics, computer programming and technology; automotive or aircraft mechanics and technology; beauty or art school or instruction leading to a high school diploma.

c. Zoning District - CN and CC
Shall be limited to 3,000 square feet of GFA.

d. FLU Designation - Industrial
A Vocational Institution that requires the use of heavy machinery, mechanical, construction or industrial equipment such as auto repair, masonry, automotive operation or repair, metal fabrication, welding, mechanical or electrical repair shall be limited to sites with Industrial FLU designation excluding Commercial pod of a PIPD. **[Ord. 2012-027]**

e. Nuisances
The use shall be conducted within an enclosed building in a non-industrial zoning district where the use is allowed unless separated 250 feet from a parcel of land with a Residential FLU designation or use.

43. Work/Live Space

a. Definition
A space within a building that is used jointly for residential and any non-residential use permitted in the zoning district, where permitted by the FBC, where the residential space is accessory to the primary use as a place of work. **[Ord. 2004-040] [Ord. 2006-004] [Ord. 2007-013] [Ord. 2010-005]**

b. Non-residential Designation
Both residential and non-residential square footage shall be counted towards the maximum FAR allowed for the district. **[Ord. 2010-005]**

c. Floor Area
Shall not exceed 1,000 square feet of living area. **[Ord. 2004-040]**

d. Office Space
A minimum of ten percent of the living area shall be designated as office space. **[Ord. 2004-040]**

e. WCRAO
Work/ Live is prohibited in the NR Sub-area per Table 3.B.14.E, WCRAO Sub-area Use Regulations. **[Ord. 2007-013]**

Section 3 Recreation Uses

A. Recreation Use Matrix

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TABLE 4.B.3.A – RECREATION USE MATRIX

| STANDARD DISTRICTS | | |

B. General Recreation Standards

1. Tier Specific

Pari-mutuel betting or gaming is prohibited in the Agricultural Reserve (AGR) Tier.

C. Definitions and Supplementary Use Standards for Specific Uses

1. Arena or Stadium or Amphitheater

a. Definition

An establishment open, partially or fully enclosed primarily used or intended for commercial spectator sports, or performance.

b. Typical uses

Typical Uses include sports arenas, jai alai frontons, racetracks, and concert halls.

c. Location

A minimum of 200 feet of frontage on a Collector or Arterial Street from which primary point of vehicular access shall be provided.

2. Campground

a. Definition

A parcel of land used for temporary camping and recreational vehicle (RV) uses, and not as permanent living quarters. **[Ord. 2005-002]**

b. Lot Size

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

c. Use

1. Campsite

Campsites are predominantly intended for use by patrons occupying tents, pop-up style campers, or Camping Cabins.

2. RV Site

RV sites are primarily intended to accommodate RVs, and shall be improved with a paved parking pad for the RV and one passenger vehicle.

d. Intensity

Campgrounds may be developed at the following intensities:

Table 4.B.3.C – Campground Intensity

Zoning Districts		# of Sites/Acre (2)	
Standard		Campsites	RVs
AP (1)		10/Acre	N/A
PC		10/Acre	N/A
PO		12/Acre	6/Acre
IPF		12/Acre	
CRE		12/Acre	
PDD			
MUPD	CR FLU	16/Acre	8/Acre
RVPD	RR FLU (3)	10/Acre (3)	4/5 Acres
	CR FLU	24/Acre	12/Acre

[Ord.]

Notes:

1. In the LOSTO only.
2. The acreage used to calculate campsites cannot be used to calculate RV sites, or vice versa. Campsites and RV sites may be interspersed throughout the site.
3. RVPDs existing prior to the adoption of this ordinance shall be considered conforming for intensity.

e. Setback for RV or Camp Sites

All sites shall be set back a minimum of 50 feet from any property line.

f. Duration of Stay

1) Campsites and Camping Cabins

A maximum of 30 consecutive days in a six month period.

2) RV Sites

a) No person shall reside or be permitted to reside in a RV site for more than 180 days per calendar year.

b) Record Keeping

The Campground owner or operator shall keep the following records:

(1) the make, model, and year of each RV;
(2) the lot on which each RV is/was located;
(3) the dates of occupancy for each RV owner; and,
(4) the name and permanent address of each RV owner.

c) Mobility

The mobility of each recreational vehicle shall be maintained at all times. All recreational vehicles shall be currently licensed by the State of Florida, or the state of residency of the RV owner. The license plate shall be visible at all times.

g. Accessory Use

1) Camping Cabin

a) **Definition**
A rental cabin used for temporary occupancy.
b) **Use**
A camping cabin may be allowed as an accessory use to a campground.
c) **Number**
A maximum of 30 percent of the total approved campsites may be used for camping cabins.
d) **Floor Area**
A camping cabin shall not exceed 800 square feet of GFA.
e) **Additional Floor Area**
Floor area under a solid roof that is utilized as a porch, patio, porte cochere, or carport shall not exceed 500 square feet.
f) **Amenities**
A camping cabin may contain electrical outlets (excluding 220 volt), heating, lighting, air conditioning, cooking facilities and plumbing.

2) **Retail Sales, General**
A camp store selling goods intended for consumption and use by the patrons of a campground shall be allowed pursuant to the following:
a) **Size**
Shall not exceed 2,500 square feet of GFA, including storage.
b) **Location**
Shall be located to the interior of the campground, and shall not be accessible from any external roads abutting the campground property.
c) **Parking**
Shall provide one parking space per 500 square feet of GFA, plus one space per employee on duty.
d) **Signage**
Signage shall be limited to a maximum of 25 square feet of wall signage located on the front façade of the building, and shall not be visible from the exterior of the campground. Freestanding signs shall be prohibited.

h. **LOSTO**
A Campground or Camping Cabins may be located on parcels within the LOSTO where the use is not allowed by the Use Matrix, subject to the following:
1) **Campground**
A campground without RV sites may be allowed in the LOSTO subject to DRO approval.
2) **Camping Cabins**
A camping cabin may be allowed as a principal use, or as an accessory use to a Single Family dwelling, subject to approval as a Special Permit and the following:
a) **Density**
A maximum of ten camping cabins per acre when developed as principal use.
b) **Setback**
A minimum of 25 feet from all property lines,
c) **Occupants**
Only users of the LOSTO Trail, such as hikers, bikers and tourists, shall be allowed to occupy the cabins.

3. **Entertainment, Indoor**
a. **Definition**
An establishment offering recreational opportunities or games of skill to the general public for a fee in a wholly enclosed building. **[Ord. 2005-002] [Ord. 2012-007]**
b. **Typical Uses**
Indoor Entertainment may include, but not be limited to: bowling alleys, bingo parlors, pool halls, billiard parlors, banquet and reception facilities, and video game arcades.
c. **Approval Process - CC, CG, MUPD, MXPD and PIPD Zoning Districts**
An Indoor Entertainment use encompassing less than 3,000 square feet of floor area may be Permitted by Right.

4. **Entertainment, Outdoor**
a. **Definition**
An establishment offering recreational opportunities or games of skill to the general public where any portion of the activity takes place in the open for a fee, excluding golf courses and public parks. **[Ord. 2005-002]**
b. **Typical Uses**
Typical uses include athletic fields, batting cages, golf driving ranges, water skiing facilities, tennis courts, go-cart tracks, miniature golf courses, paintball fields, jet skiing, and wind surfing. **[Ord. 2005-002]**
c. **Location**
Access to an Outdoor Entertainment use shall be from a Collector or Arterial Street.
d. **Setbacks**
No building, structure, trailer, vehicle, mechanical device, or outdoor area shall be located closer to the property line than as follows:

Table 4.B.3.C – Outdoor Entertainment Setbacks

Adjacent Use	Minimum Setback
Non-residential and streets	50 feet
Residential District or Use	100 feet

5. **Fitness Center**
   a. **Definition**
   An establishment containing multi-use facilities for conducting recreational sport activities.
   b. **Typical Activities**
   Typical sport activities may include but is not limited to aerobic exercises, weight lifting, running, swimming, racquetball, handball, squash, dance studios and martial arts studios.
   c. **Approval Process – CC Zoning District**
      1) A Fitness Center that has less than 8,000 square feet of GFA shall be Permitted by Right.**[Ord. 2010-005]**
      2) A Fitness Center with more than 8,000 square feet but less than 15,000 square feet shall be subject to DRO approval.
   d. **Zoning District - CN Zoning District**
   The use shall be limited to 3,000 square feet of GFA when located in CN Zoning District and shall not include outdoor activities.
   e. **Existing Approvals – IL Zoning District and Industrial Light pod of PIPD**
   A Fitness Center legally established in the IL Zoning District or Industrial Light pod of a PIPD prior to the effective date of this ordinance shall be considered legal conforming.
6. **Golf Course**
   a. **Definition**
   An establishment providing a golf recreation area designed for executive or regulation play along with accessory support facilities, excluding miniature golf.
   b. **Accessory Use**
      1) **Clubhouse**
      A Golf Course use may include a clubhouse. In addition to traditional and customary services, the clubhouse may also contain uses such as food service, catering, related retail sales, financial services, and other personal services.
      2) **Fencing**
      Fencing or netting may be erected to protect neighboring property, vehicles, pedestrians, or bicyclists from golf balls, subject to the following restrictions:
         a) **Maximum Height Adjacent To**
            (1) **Residential Use**
            15 feet.
            (2) **Street or Easement**
            30 feet.
            (3) **Non-Residential Use**
            30 feet.
         b) **Variance Relief**
         Request for Type 2 Variance from fence or netting maximum height shall be permitted in accordance with Art. 2, Development Review Procedures.
7. **Park, Neighborhood Infill**
   a. **Definition**
   A Public Park facility operated by PBC located in the Revitalization and Redevelopment Overlay as designated by the BCC. **[Ord. 2006-004]**
   b. **Lot Size**
   A maximum of five acres.
   c. **Minimum Setbacks**
      1) **Playground Surface Areas**
      Ten feet.
      2) **Structures, Park Furniture and Playground Equipment**
      15 feet.
      3) **Active Recreation Facilities**
         a) A minimum of 15 feet when adjacent to R-O-Ws and parcels of land with a non-residential FLU designation or use.
         b) A minimum of 25 feet when adjacent to parcels of land with a residential FLU designation or use. The Parks and Recreation Director may authorize a setback reduction to 15 feet, when compatibility issues are addressed with any adjacent residential uses.
   d. **Restrictions**
   Sports lighting, parking spaces and permanent sanitary facilities shall be prohibited.

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

8. Park, Passive

a. Definition
A public or private outdoor recreation area relying on a natural or man-made resource base and developed with a low intensity of impact on the land.

b. Typical Uses
Typical uses include trail systems, wildlife management and demonstration areas for historical, cultural, scientific, educational or other purposes that relate to the natural qualities of the area, and support facilities for such activities.

c. Zoning District - PC
A Passive Park use shall generally include but not be limited to nature and foot trails; canoe trails; wildlife management performed by official game, fish and wildlife commissions; public hunting and fishing camps; the use of boats, airboats and wheeled and tracked vehicles under policies and regulations prescribed by the appropriate government agencies; hunting and fishing camps on private property under policies prescribed by official game, fish and wildlife commissions; exploration, observation and archeological studies supervised by recognized authorities or persons granted permission to proceed by the State of Florida; preserves and passive recreation areas, and residences for preservation management officers or substantially similar recreational conservation accessory uses. **[Ord. 2006-004]**

9. Park, Public

a. Definition
A park publicly owned or operated by government agencies that provide opportunities for active or passive recreational activities to the general public.

b. Type of Parks
The use includes Regional Park, District Park, Beach Park, and Community Park.

c. Collocated Uses
The following shall be collocated uses Permitted by Right in the PO Zoning District when included as part of a Public Park:

1) Outdoor Shooting Range limited to non-mechanical equipment archery;
2) Arena or Stadium or Amphitheater separated at least 1,500 feet from parcels of land with a Conservation and Residential FLU designation or use.
4) Commercial Equestrian Arena;
5) Marina limited to docks, wet slips or boat ramps; and,
6) Security or Caretakers Quarters.

10. Shooting Range, Indoor

a. Definition
An indoor establishment used for the discharge of firearms or projectiles at targets for sport or training, excluding private gun ranges where preempted by state law. **[Ord. 2014-025]**

b. Approval Process
An Indoor Shooting range allowed subject to a Class A Conditional Use may be approved by the DRO when limited to archery.

c. Nuisances
All use areas shall be within an enclosed building constructed, maintained and operated so that no noise nuisances related to the range operations can be detected outside the building.

d. Separation Distance
An Indoor Shooting Range shall not be located within 500 feet of a parcel of land with a civic or residential FLU designation or use or a park, unless limited to archery.

e. Site Design
Except where preempted by State law, during Zoning or Building Permit review, whichever occurs first, the applicant shall provide documentation demonstrating acceptable industry design and configuration standards, based on type of shooting activity, to address potential adverse safety and nuisance concerns. Range design shall include but not be limited to: ventilation, safety baffles, bullet traps, and impenetrable backstops, floors, walls and ceilings.

11. Shooting Range, Outdoor

a. Definition
An outdoor establishment used for the discharge of firearms or projectiles at targets for sport or training, excluding private gun ranges where preempted by State law. **[Ord. 2014-025]**

b. Separation Distance
An Outdoor Shooting Range shall not be located within 1,320 feet of a property line with a civic or residential use, zoning district, or FLU designation, unless the adjacent properties are owned by a government agency and utilized for other than civic or residential purposes. **[Ord. 2014-025]**

c. Site Design

Except where preempted by State law, during Zoning or Building Permit review, whichever occurs first, the applicant shall provide documentation demonstrating acceptable industry design, configuration and operational standards, based on type of shooting activity, to address potential adverse safety and nuisance concerns. Range design shall include, but not be limited to: backstops, sideberms, sidewalls, sound and visual baffles and target placement. **[Ord. 2014-025]**

d. Archery Range

1. DRO Approval Process

An Outdoor Shooting Range allowed subject to a Class A Conditional Use may be approved by the DRO when limited to non-mechanical archery equipment. **[Ord. 2014-025]**

2. Separation Distance

Shall not be subject to the 1,320 foot separation distance when limited to non-mechanical archery equipment. An alternative separation distance may be required if warranted based on the site design requirements contained above. **[Ord. 2014-025]**

12. Zoo

a. Definition

An establishment where animals are kept in captivity for the public to view or for educational purposes.

b. Accessory Uses

A Veterinary Clinic, gift shop, and food service may be Permitted by Right as accessory uses to a Zoo.

c. Setbacks

No animal containment area shall be located within 500 feet of any residential district.

Section 4 Institutional, Public and Civic Uses

A. Institutional, Public and Civic Use Matrix

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TABLE 4.B.4.A - INSTITUTIONAL, PUBLIC AND CIVIC USE MATRIX

| STANDARD DISTRICTS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | PLANNED DEVELOPMENT DISTRICTS (PDDs) | | | | | | | | | | | | | | | | | | |

EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

1

TABLE 4.B.4.A INSTITUTIONAL, PUBLIC AND CIVIC USE MATRIX

| STANDARD DISTRICTS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | PLANNED DEVELOPMENT DISTRICTS (PDDs) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | TRADITIONAL DEV. DISTRICTS (TDDs) | | | | | | | | | | | | | | | | | | |

B. General Institutional, Public and Civic Standards

1. Agricultural Reserve (AGR) Tier

In the AGR Tier, Institutional, Public and Civic uses are prohibited west of State Road 7.

C. Definitions and Supplementary Use Standards for Specific Uses

1. Animal Shelter

a. Definition

A nonprofit establishment used for the protection of unwanted or abandoned domesticated animals. **[Ord. 2008-037]**

b. Typical Services

Typical services provided by an Animal Shelter may include, but are not limited to: sheltering, adoption, fostering, providing rescue or old age homes, medical or behavioral rehabilitation, or other accessory uses as may be permitted by ACC that are not regulated elsewhere by this Code. **[Ord. 2008-037]**

c. Approval Process - ACC Permit

All Animal Shelters shall be licensed and regulated in accordance with ACC Ord. 98-022, as amended. The owner or operator shall obtain Zoning Approval prior to application for an ACC Operational Permit.

d. Frontage

Facilities that are open to the public shall have a minimum of 100 feet of frontage on and access from a Collector or Arterial Street. **[Ord. 2008-037]**

e. Landscaping

Any outdoor animal use area located within 300 feet of a residential use or property with a residential FLU designation, shall upgrade the incompatibility buffer with either of the following: **[Ord. 2008-037]**

(1) A six foot high fence, and double the required buffer width and planting requirements; or, **[Ord. 2008-037]**

(2) A six foot high CBS or concrete panel wall. **[Ord. 2008-037]**

f. Waste Disposal

An Animal Shelter shall meet the PBCHD ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD and SWA. **[Ord. 2008-037]**

g. Accessory Residential Use

A Single Family dwelling unit may be permitted as an accessory use to an Animal Shelter provided the property has an underlying residential FLU designation. **[Ord. 2008-037]**

2. Assembly Institutional Nonprofit

a. Definition

An establishment open to the public, owned or operated by a nonprofit organization for social, educational or recreational purposes.

b. Typical Uses

An Assembly Institutional Nonprofit use may include, but is not limited to: museums, cultural centers, recreational facilities, botanical gardens and community services such as after school care or tutorial services, medical services, and employment services.

c. Zoning District - TND District

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

d. Frontage and Access

The use shall have frontage on and access from a Collector, Arterial or Local Commercial Street, unless stated otherwise herein. An Assembly Institutional Nonprofit with collocated uses, or more than 15,000 square feet of GFA or 350 seats, including accessory uses, shall have frontage on and access from a Collector or Arterial Street. **Ord. 2006-013]**

e. Redevelopment, Revitalization and Infill Overlay (RRIO)

An Assembly Institutional Nonprofit use owned or operated by a neighborhood group, working with the Office of Community Revitalization (OCR) within a Countywide Community Revitalization Team (CCRT) designated area, may be allowed subject to the following:

1) DRO approval in the zoning districts where the use is subject to a Class A Conditional Use;

2) Located on a Local Residential Street provided the building square footage is limited to a maximum of 5,000 square feet. An Assembly Institutional Nonprofit greater than 5,000 square feet, including accessory uses, shall be located on local commercial, Arterial or Collector Street.

3) No outdoor activities after 10:00 pm; and,

4) The following accessory uses shall be Permitted by Right: Limited Day Care, Day Camp, and, Government Services limited to Community Police Substation.

3. Assembly Membership Nonprofit

a. Definition

An establishment owned or operated by a nonprofit organization for social, education or recreational purposes where paid membership is required.

b. Typical Uses
An Assembly Membership Nonprofit use may include but is not limited to: fraternal or cultural organizations, and union halls.

c. Zoning Districts

1) AR/RSA District
May be allowed in the AR/RSA with a SA FLU, subject to a Class A Conditional Use approval. **[Ord. 2005-002]**

2) TND District
Nonprofit Membership Assembly shall be limited to a maximum of 10,000 square feet of GFA. **[Ord. 2006-013]**

d. Frontage and Access
The use shall have frontage on and access from a Collector, Arterial or Local Commercial Street. An Assembly Membership Nonprofit with collocated uses, or more than 15,000 square feet of GFA or 350 seats, including accessory uses, shall have frontage on and access from a Collector or Arterial Street. **[Ord. 2006-013]**

4. Cemetery

a. Definition
Land used or intended to be used for human interment. **[Ord. 2013-001]**

b. Zoning District - MUPD
A MUPD developed to include a Cemetery shall be limited to have Place of Worship or other Cemeteries as collocated uses.

c. Frontage
Where permitted in a residential zoning district, a Cemetery shall have frontage on and access from an Arterial or a Collector Street.

d. Lot Size

1) A Cemetery shall be located on a site with a minimum contiguous area of 30 acres. Exceptions to the minimum acreage requirement may be permitted, as follows: **[Ord. 2013-001] [Ord. 2015-006]**
   a) Cemeteries owned and operated by a Place of Worship located within Palm Beach County, whether collocated or remotely located, on sites less than 5 acres, and equal to or greater than 2 acres, which provides only single-level ground burial. **[Ord. 2015-006]**
   b) County and municipal cemeteries. **[Ord. 2015-006]**
   c) Community and nonprofit association cemeteries, which provide only single-level ground burial and do not sell burial spaces or burial merchandise. **[Ord. 2015-006]**
   d) Cemeteries owned and operated or dedicated by a Place of Worship prior to June 23, 1976. **[Ord. 2015-006]**
   e) A columbarium consisting of less than one-half acre which is collocated with a Place of Worship. **[Ord. 2015-006]**
   f) A mausoleum consisting of two acres or less which is collocated with a Place of Worship. **[Ord. 2015-006]**
   g) A columbarium consisting of five acres or less which is located on the main campus of a state university as defined in F.S. §1000.21(6). **[Ord. 2015-006]**
2) An existing Cemetery having less acreage shall not be considered a non-conforming use if the acreage shown is consistent with a prior approval. **[Ord. 2015-006]**

e. Pet Cemetery

1) May be allowed only in the IPF Zoning District subject to Class A Conditional Use approval. **[Ord. 2013-001]**
2) May be allowed as an accessory use to a Cemetery, provided the area dedicated for pet cemetery is in addition to the minimum lot size required for the Cemetery.

5. College or University

a. Definition
An institution of higher learning offering undergraduate or graduate degrees.

b. Approval Process
A College or University may be approved by the DRO, subject to the following:

1) The property is separated from parcels of land with a residential FLU designation or use by a minimum of 150 feet;
2) A maximum of 30,000 square feet of GFA; and,
3) The use has frontage on and access from an Arterial, Collector or Local Commercial Street.

c. Accessory Use - Dormitories
Dormitories may be allowed as an accessory use. If owned or operated by the College or University shall be calculated as FAR.

6. Crematory

a. Definition
A facility used for the incineration of human or animal remains. **[Ord. 2013-001]**

b. Equipment Location
Crematory equipment shall be located within a fully enclosed building. **[Ord. 2013-001]**

c. Services Prohibited
Services such as public observances, sermons or other similar activities shall be prohibited, unless collocated with an approved funeral home. **[Ord. 2013-001]**

d. Collocated Use
In the RM Zoning District, a Crematory may be collocated with a Cemetery subject to Class A Conditional Use approval, provided the use is restricted to those being buried within that Cemetery. **[Ord. 2013-001]**

7. Day Care

a. Definition
An establishment that provides care, protection and supervision for children when licensed by the Palm Beach County Health Department, or for adults when licensed by the Agency for Health Care Administration (AHCA). **[Ord. 2011-016]**

b. Types

1) Day Care Limited
A Day Care for six to 20 children, or three to 20 adults, for a period of less than 13 hours per day on a regular basis.

a) Collocated Use - AGR Zoning District
A Limited Day Care may be allowed as a collocated use to a Non-profit Assembly Institutional subject to DRO approval.

b) Use Limitations
Limited Day Care use does not include nighttime or overnight care. **[Ord. 2011-016]**

2) Day Care General
A Day Care for 21 or more children or adults for a period of less than 24 hours per day on a regular basis. **[Ord. 2011-016]**

3) Large Family Child Care Home (LFCCH)
An occupied single family residence in which custodial care is regularly provided for up to 12 children, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and has at least two full-time child care personnel on the premises during the hours of operation. One of the full-time child care personnel must be the owner or occupant of the residence. The use shall be subject to the following: **[Ord. 2011-016]**

a) Applicability
The applicant or owner shall provide documentation that the establishment has operated as a licensed Family Day Care Home for at least two years and meet other licenses and regulations established by the PBC Health Department including the maximum number of children permitted. **[Ord. 2011-016]**

b) Approval Process
The use shall be Permitted by Right when located on lots 20,000 square feet or greater. **[Ord. 2011-016]**

c) Site Requirements
In addition to the Property Development Regulations applicable to Single Family Residential, the following shall apply: **[Ord. 2011-016]**

(1) Outdoor Activity Area
All outdoor activity area provisions applicable to a Day Care shall apply. **[Ord. 2011-016]**

(2) Drop Off
Shall comply with all drop-off access standards applicable to Day Care. **[Ord. 2011-016]**

(3) Parking
Shall provide at least four parking spaces including those required for a Single Family residential unit. Parking dimensions shall comply with Art. 6, Parking. **[Ord. 2011-016]**

(4) Site Egress
Shall not allow backward egress from a driveway or parking area into a street. **[Ord. 2011-016]**

(5) Signage
Shall not be permitted. **[Ord. 2011-016]**

4) Family Day Care Home
See Supplementary Use Standards under Residential Use Classification, Accessory Residential Use Standards.

c. Lot Size
A minimum of 6,000 square feet, or the minimum required by the zoning district in which the Limited or General Day Care is located, whichever is greater.

d. Airport Zoning Overlay
The establishment of new Limited or General Day Care facilities shall be prohibited in accordance with Art. 16.C.1.E.2, Prohibited Land Uses. **[Ord. 2011-016]**

e. Zoning District - CRE District
A General Day Care shall not be located in a CRE Zoning District with an RR FLU designation.

f. Floor Area

1) Child Care

a) For a Day Care with 40 children or less, the minimum floor area, exclusive of any area devoted to a kitchen, office, storage and toilet facilities, shall be 1,500 square feet.

b) An additional 35 square feet of floor area or the amount required by the PBCHD shall be provided for each child over 40 children.

2) Adult Care

For an Adult Day Care, the total amount of net floor space available for all participants shall be in accordance with F.A.C. Chapter 58A-6.013, as may be amended, and as determined by the AHCA. **[Ord. 2013-021]**

g. Outdoor Activity Area for Child Care

1) General

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

2) Square Footage

Shall be in compliance with the Palm Beach County Rules and Regulations Governing Child Care Facilities contained in Section D of Article X of Chapter 1 of Appendix D to the Palm Beach County Code, as may be amended. **[Ord. 2011-016]**

3) Location of Outdoor Play Equipment

Stationary outdoor play equipment permanently anchored to the ground shall be setback a minimum of 25 feet from any residentially zoned or used property line, and ten feet from any other property line. Outdoor play equipment shall not be located in any required landscape area or easement.

4) Shade Trees

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

5) Fence/Wall

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

h. Drop-off Access

1) Drop-Off

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

2) Sidewalk Access

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

8. Funeral Home

a. Definition

An establishment which arranges and manages funerals and prepares human or animal remains for interment. **[Ord. 2013-001]**

b. Zoning Districts - IL, IG, or MUPD with IND FLU

A Funeral Home shall be limited to preparation for interment. No public observances, sermons or funerals shall be permitted. **[Ord. 2013-001]**

c. Collocated Use

In the RM Zoning District, a Funeral Home may be collocated with a Cemetery subject to Class A Conditional Use approval, provided the use is restricted to those being buried within that Cemetery. **[Ord. 2013-001]**

9. Government Services

a. Definition

Buildings or facilities owned or operated by a government entity and providing services for the public, excluding utility and recreational services, and Prisons, Jails or Correctional Facilities.

b. Typical Uses

A Government Service use may include but is not limited to: Administrative offices for government agencies, public libraries, and police and fire stations.

c. ACC Animal Control Facilities

An ACC operated Animal Control Facility shall be considered a Government Services use in the PO and IPF Zoning Districts. **[Ord. 2008-037]**

10. Homeless Resource Center

a. Definition

A public or private establishment that provides multiple services for the homeless population.

b. Typical Services

Typical services provided by a Homeless Resource Center may include but are not limited to: Counseling, kitchen and dining facilities, medical and dental outpatient facilities, temporary housing, intake, social services, employment services, and administrative offices.

c. Approval Process

A Homeless Resource Center owned or operated by a governmental entity may be allowed where Government Services uses are allowed by Table 4.B.4.A., Institutional,

Public and Civic Use Matrix, subject to Class A Conditional Use Approval; or, may be Permitted by Right where Government Services uses are allowed in non-residential districts, provided that prior to development, or any modification to a previously approved development, program or operation, an eligible government entity complies with the following:

1) Schedule and make a presentation to the BCC at a duly noticed Public Meeting(s);
2) Prepare a report documenting compliance with Palm Beach County Facilities, Development and Operations, FDO PPM-071, Public Outreach and Community Involvement for Homeless Resource Centers;
3) Provide notice of intent to the Zoning Director a minimum of 30 days prior to requesting placement on a BCC Public Meeting agenda, to include the aforementioned report;
4) The BCC shall make a finding that the governmental entity has complied with FDO PPM-071, which may include Conditions of Approval; and,
5) A BCC finding of compliance, or compliance subject to conditions, may remain valid for three years, or as otherwise provided by Condition of Approval.

d. Location and Separation Requirements

For the purpose of required separations, measurements shall be made from facade to facade, except where the separation required is between a structure and a zoning district boundary. **[Ord. 2009-040]**

1) A minimum 250 foot separation shall be required from the property line of residentially zoned parcels. Type II variance relief, in accordance with Article 2.B, Public Hearing Process, may be requested if this standard cannot be met. **[Ord. 2009-040]**
2) A Homeless Resource Center shall not be located within a 1,200 foot radius of another Homeless Resource Center. **[Ord. 2009-040]**
3) Facilities owned or operated by a governmental entity and located in the PO Zoning District may request a PO Deviation from Location and Separation Requirements, subject to BCC approval, utilizing the standards in Art. 5.A.3, Deviations for the PO Zoning District.

e. Facility Use

A minimum of twenty-five percent of the GFA shall be reserved for accessory service delivery other than temporary housing. **[Ord. 2009-040]**

f. Nonconformities

The subsequent approval of a development order for a residential zoning district shall not change the status of the HRC to a nonconforming use. **[Ord. 2009-040]**

g. Existing Approvals

A prior approval for a government owned or operated Homeless Resource Center shall be considered a legal conforming use for sites approved between October 28, 2009, (Ordinance 2009-040), and the effective date of this ordinance.

11. Hospital

a. Definition

An establishment that maintains and operates organized facilities for medical or surgical diagnosis, overnight and outpatient care, and treatment of human illness. **[Ord. 2005-002]**

b. Licensing

A Hospital shall be required to be licensed by the State of Florida.

c. Lot Size

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

d. Frontage

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

e. Incinerator

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

1) Setbacks

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

12. Nursing Home or Convalescent Facility

a. Definition

An establishment where care is offered or provided for three or more persons suffering from illness, other than a contagious disease, sociopathic or psychopathic behavior which is not of sufficient severity to require hospital attention, or for three or more persons requiring further institutional care after being discharged from a Hospital, other than a mental hospital. Patients usually require domiciliary care in addition to nursing care.

b. Licensing

A Nursing Home or Convalescent Facility shall be required to be licensed by the State of Florida.

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

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

e. Access
If located in a residential FLU designation, access shall be provided from a Collector or Arterial Street.

f. Maximum Number of Patient Beds
1) All FLU designations except RR: One bed per 1,000 square feet of lot area.
2) RR FLU designation: 0.25 bed per 1,000 square feet of lot area.

13. Place of Worship

a. Definition
An establishment which may include a retreat, convent or other similar use, owned or operated by a tax-exempt religious group that is used periodically, primarily or exclusively for religious worship, activities or related services. **[Ord. 2005-041] [Ord. 2006-013]**

b. Existing Approvals
Applicants may seek abandonment of the existing Place of Worship approval and apply for DRO Approval at any time. Prior approvals may be continued to be utilized subject to the limitations in Art. 2.D.1.G, Modifications to Prior Development Orders. A Development Order exceeding the thresholds in Art. 2.D.1.G shall be subject to a Development Order Abandonment (ABN) and a concurrent request for a DRO Approval.

c. Location
A Place of Worship shall be prohibited unless in compliance with one of the following:
1) A Place of Worship greater than or equal to 15,000 square feet, including accessory uses, shall have frontage on and access from an Arterial or Collector Street.
2) A Place of Worship greater than or equal to 5,000 square feet and less than 15,000 square feet, including accessory uses, shall have frontage on and access from an Arterial, Collector or Local Commercial Street.
3) A Place of Worship less than 5,000 square feet, including accessory uses, may have frontage on and access from a Local Residential Street.

d. Development Thresholds
A Place of Worship shall be exempt from the requirements under Development Thresholds in Art. 4, Use Regulations.

e. Limited Temporary Sales
Temporary sales, such as rummage, or bake sales, shall be Permitted by Right as an accessory use to a Place of Worship for a period of up to three consecutive days, limited to four times a year.

14. Prison, Jail or Correctional Facility

a. Definition
A government owned or operated facility in which people are legally held as a punishment for crimes they have committed or while awaiting trial.

b. Approval Exemption
Expansion of existing facilities shall be exempt from the Class A Conditional Use approval.

15. School - Elementary or Secondary

a. Definition
An institution of learning, whether public, private or charter, which conduct regular classes and courses of study required for accreditation as an elementary or secondary school approved by the Department of Education.

b. General

1) Setbacks
All Schools shall comply with the zoning district setbacks unless stated otherwise herein. No setback shall be less than 25 feet regardless of the zoning district. **[Ord. 2012-027]**

2) South Florida Water Management District (SFWMD)
Boardwalks and education learning stations may be constructed within wetland areas subject to approval by the SFWMD.

a) Preservation
Prior to commencement of construction, lot clearing or any other site development, preparation, all applicable permits shall be obtained in conformance with Article 9, Archaeological and Historic Preservation.

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

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

3) **Overlay - Airport Zoning Overlay (AZO)**
New schools shall not be located within five miles of either end of a runway, pursuant to Article 16, Airport Regulations, and State Statutes.

c. **Private School**
The following standards shall apply to all Private Schools: **[Ord. 2012-027]**

1) **Pedestrian Access/Bike Path**
Pedestrian access, bike paths and crosswalks showing access to the school site from surrounding neighborhoods shall be shown on the site plan.

2) **Vehicular Circulation**
Designated bus and parental drop off/pick up areas, shall be provided. Pathways, which cross vehicular use areas, shall be defined by special paving, brick, striping, or other methods acceptable to the DRO. **[Ord. 2012-027]**

3) **Approval Process**
This use shall be subject to the applicable approval process pursuant to the use matrices of Article 3 and Article 4. **[Ord. 2012-027]**

d. **Charter Schools**
Charter schools are considered public schools pursuant to F.S. Chapter 1002.33 and shall be subject to the standards and procedures applicable to Public Schools. If constructed by the PBC School Board or otherwise considered a public school facility pursuant to F.S. Chapter 1013, the use shall be treated as public schools for the purposes of this Code. Charter schools with 200 or fewer students in a commercial, industrial, or nonresidential planned development district shall be subject to DRO approval. **[Ord. 2012-027]**

e. **Public Schools**

1) **Applicability**
Public Schools are subject to site requirements contained in Section 423 of the Florida Building Code per F.S. 1013.37. Public Schools are not subject to the approval process contained in the Use Matrices of this Code unless specified herein. Other types of School Board developments, such as administrative offices, warehouse buildings, etc., shall comply with the regulations of the applicable zoning district. **[Ord. 2012-027]**

2) **Previous Approvals and Future Amendments**
Public Schools approved prior to June 16, 1992 shall be considered conforming uses. **[Ord. 2012-027]**

3) **Review by Zoning**

a. **School Site Acquisition**
Comply with the procedures established by the Intergovernmental Agreement R-93-1600D adopted on 12-7-93, as amended from time to time. **[Ord. 2012-027]**

b. **Development Review Officer (DRO) Administrative Review**
Application shall comply with the DRO Administrative Review process as stated in Article 2.D, Administrative Process. **[Ord. 2012-027]**

4) **Accessory Uses**
The following uses, subject to special regulations, shall be allowed as customarily incidental and subordinate to a Public School:

a) **Accessory Radio Towers**

(1) **Height**
Towers shall have a maximum height of 100 feet or less measured from the finished grade at the base of the tower. Towers over 100 feet in height and Commercial Communication Towers shall comply with Art. 4.B.9. **[Ord. 2005 – 002]**

(2) **Setbacks**
(a) Towers shall meet a minimum setback equal to 50 percent of the height of the tower from all property lines. **[Ord. 2005 – 002]**
(b) Commercial Communication Towers shall comply with Art. 4.B.9. ITV antennas shall not be subject to these requirements. **[Ord. 2005 – 002]**

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

(4) **Fencing**
Security fencing or a security wall shall be installed around the base of each tower, each anchor base and each tower accessory building to limit access.

(5) **Sign-Off**
The School Board shall provide a written sign-off from the County Department of Airports stating the tower will not encroach into any public or private airport approach space as established by the Federal Aviation Administration.

(6) **Removal**
Obsolete or abandoned towers shall be removed within 12 months of cessation of use.

5) Setbacks

Setbacks for Public Schools shall be a minimum of 25 feet. **[Ord. 2005-002] [Ord. 2012-027]**

6) Supplemental Design Standards

a) All fences height shall be in compliance with Art. 5, Supplementary Standards and Art. 7, Landscaping. **[Ord. 2012-027]**

b) Landscape shall comply with State Statutes 1013.64(5)(a). **[Ord. 2012-027]**

c) R-O-W Dedication

Within six months of a request by the County Engineer, the School Board shall convey to the BCC all portions of the site necessary to achieve the ultimate R-O-W, as required by Article 11, Subdivision, Platting and Required Improvements, or as warranted by the School District's Traffic Study, as well as additional right of way for turn lanes and corner clips, as determined by the County Engineer and warranted by the School District's Traffic Study for any affected road. The conveyance shall include documentation acceptable to the County Engineer that the land is free of all encumbrances and encroachments and shall be in the form of a warranty deed acceptable to the County Attorney. Time extension for R-O-W dedication may be granted if approved by the County Engineer and the School District. **[Ord. 2012-027]**

d) Road Improvements

Prior to School occupancy, the School Board shall fund and construct all road improvements directly associated with the school such as paving-drainage, turn lanes, traffic circulation, sidewalks, and driveway connections as determined by the County Engineer and warranted by the School District's Traffic Study. **[Ord. 2005 – 002] [Ord. 2012-027]**

Section 5 Industrial Uses

A. Industrial Use Matrix

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EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

1

TABLE 4.B.5.A - INDUSTRIAL USE MATRIX

| STANDARD DISTRICTS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | PLANNED DEVELOPMENT DISTRICTS (PDDs) | | | | | | | | | | | | | | | | | | |

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TABLE 4.B.5.A - INDUSTRIAL USE MATRIX

| STANDARD DISTRICTS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | PLANNED DEVELOPMENT DISTRICTS (PDDs) | | | | | | | | | | | | | | | | | | |

B. General Industrial Standards

Reserved for future use.

C. Definitions and Supplementary Use Standards for Specific Uses

1. Contractor Storage Yard

a. Definition

The storage of construction material, mechanical equipment used in construction activity, or commercial vehicles used by building trades and services, other than construction sites. **[Ord. 2005-002]**

b. Overlay - WCRAO

1) Approval Process

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

2) Accessory Office

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

3) Nonconformities

Uses approved prior to the effective date of this ordinance shall be considered legal conforming uses.

c. Home Occupation – AR/RSA

A limited Contractor Storage Yard use, may be allowed as a Home Occupation subject to Special Permit approval, when located in the Agriculture Residential (AR) Zoning District within the Rural Service Area (RSA) on lots a minimum of five acres in size, subject to the requirements of Art. 4.B.1.E.10, Home Occupation, and the following:

1) General

a) Buffers

The use shall be exempt from incompatibility buffer requirements.

b) Hours of Operation

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

c) Additional Employees

A maximum of three persons living outside of the home may be employed under the Home Occupation, provided employee vehicles shall not be parked on unimproved surfaces nor in the front or side yard unless within the business owners driveway or enclosed storage area.

d) Outdoor Storage

1) Where additional vehicles or equipment are allowed below, the use may be exempt from the outside storage limitations of Art. 4.B.1.E.10.j, provided that outside storage areas shall be screened from view from any R-O-W or parcel of land with a residential FLU designation or use, through use of opaque fences, walls or existing or newly planted native vegetation, prior to issuance of the Business Tax Receipt;

(2) No additional vegetation shall be required where equipment is screened from view behind permitted fences or other structures;

(3) Outdoor storage shall be prohibited within the front yard, and shall be a minimum of 15 feet, or 25 feet for vehicles or equipment greater than eight feet in height, from any abutting parcel with a residential FLU or use; and,

(4) Additional vehicles or equipment shall only be permitted where parked or stored on improved surfaces such as asphalt, pavement or shell rock.

e) Ownership

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

2) Trucks and Equipment

The following additional vehicles or equipment owned by the business owner, may be permitted, in accordance with the outdoor storage provisions above:

a) Semi truck with or without trailer; or,

b) One dump truck; and

c) One trailer and one item of heavy equipment, such as a bobcat or loader, but excluding large equipment such as cranes.

3) Additional Vehicles or Equipment

One additional vehicle, trailer or piece of equipment permitted under Trucks and Equipment above may be allowed for each additional 10 acres.

2. Data and Information Processing

a. Definition

An establishment for business offices of an industrial nature, including corporate centers, associated with uses such as: manufacturing and processing plants or similar industrial complexes; mass/bulk mail processing; and telemarketing centers. The use is often integrated into a campus style development, and not frequented by the general public. This term does not include such uses as: Business or Professional Offices; computer-

related Retail Sales establishments; and Personal Services and Medical or Dental Offices.

3. **Distribution Facility**
   a. **Definition**
   An establishment for the loading, unloading, and interchange of freight or package express between modes of transportation.
   b. **Typical Uses**
   Typical uses include truck terminals, railroad depots and yards (including temporary storage), and major mail-processing centers.
4. **Equestrian Waste Management Facility**
   a. **Definition**
   An establishment used for the recovery, recycling, or transfer of equestrian waste, provided used bedding is limited to organic materials, such as wood shavings, chips or sawdust, straw or hay, peat moss, or paper limited to newspapers, but excluding plastics, textiles or sand. Recovery may include collection, separation or sorting, or limited processing necessary to reduce volume, render materials safe for transport, storage or disposal, or the cleaning and packaging of materials for reuse. The facility may include manufacturing of products utilizing the equestrian waste including, but not limited to, bedding, fertilizer, pellets, and logs. Transfer may include the transfer of equestrian manure or bedding from smaller vehicles used for collection to larger vehicles for shipment to another destination.
   b. **Approval Process - AP Zoning District with SA FLU Designation**
   An Equestrian Waste Management Facility may be allowed in the AP Zoning District with an SA FLU designation, subject to BCC approval as a Class A Conditional Use.
   c. **Location**
   Shall have frontage and access from an Arterial or Collector Street. Access from residential streets shall be prohibited.
   d. **Separation Distance**
   An Equestrian Waste Management Facility shall be separated a minimum of 1,000 feet from a food processing or packing plant.
   e. **Landscaping Adjacent to Residential**
   The landscape buffer for any Equestrian Waste Management Facility located within 250 feet of a parcel with a residential use or FLU designation, shall be upgraded to a minimum of 30 feet in width, a two foot berm, and double the number of required trees, planted in two staggered rows. Where outdoor activities are permitted within this distance but an Incompatibility Buffer is not required, the buffer shall also be upgraded to include a minimum six foot hedge, fence or wall.
   f. **Accessory Use**
   Manufacturing and Processing shall be limited to a maximum of 30 percent new material for supplementing recycling horse bedding, or for the production of other useful products comprised of Equestrian Waste.
   g. **Storage or Waste Processing Areas**
      1) **Best Management Practices**
      All storage areas, including the temporary or overnight parking of loaded trucks or trailers, and any outdoor waste processing areas, shall comply with Art. 5.J.3.A, Storage [Related to Storage or Spreading of Livestock Waste].
      2) **U/S Tier**
      Outdoor storage shall be prohibited in the U/S Tier.
      3) **Outdoor Storage**
      Where permitted, the pile height of equestrian waste shall not exceed 12 feet, and bollards shall be provided to delineate pile locations and height, tied to a finished grade location designated on site.
   h. **Application Requirements – Operation Functions**
   An application for an Equestrian Waste Management Facility shall include a Justification Statement and supporting documentation demonstrating acceptable industry design, configuration and operational standards, including but not limited to:
      1) **Site Plan**
      The Plan shall illustrate how the operation functions, including circulation routes, and the location and size of loading and processing areas, and storage piles.
      2) **Waste Volume**
      An explanation of the quantity of waste to be received, expressed in cubic yards per day or tons per day.
      3) **Dust Control Program**
      A program to address how dust generated from traffic, storage and processing areas will be managed pursuant to Art. 5.E.4.D.3, Dust and Particulate.
      4) **Odor and Pest Control Program**
      A program to address how odors and pests resulting from any vehicles transporting waste, or storage and processing areas will be managed pursuant to Art. 5.E.4.D.4, Objectionable Odors.

5. Gas and Fuel, Wholesale

a. Definition

An establishment engaged in the storage of gas and fuels for wholesale distribution, to businesses.

b. Overlay – Airport Zoning Overlay (AZO)

Wholesale of gas and fuel shall be allowed in the AZO Overlay as an airport-related use only when associated with sales of aviation fuel.

c. Location

This use shall not be located within any Prohibited Land Use Area/Five Mile Runway Buffer Zone.

d. Separation Distance

A separation distance shall be established between this use and any adjacent uses. The separation distance shall be that prescribed by PBC Fire Rescue Department based upon recognized standards and guidelines,

6. Heavy Industry

a. Definition

An establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable, hazardous, or explosive materials, or processes which potentially involve hazardous or commonly recognized offensive conditions.

b. Typical Uses

Typical uses include asphalt or concrete plant; manufacturing and warehousing of chemicals, dry ice, fertilizers, fireworks and explosives; pulp and paper products; radioactive materials; fat rendering plants; slaughterhouses and tanneries; and, steel works.

c. FLU Designation - EDC

Heavy Industry shall be prohibited in the EDC FLU designation.

d. Fireworks

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

7. Machine or Welding Shop

a. Definition

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

8. Manufacturing and Processing

a. Definition

An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products. This use also includes incidental storage, sales and distribution of such products, but excludes heavy industrial processing.

b. Typical Uses

Typical uses include factories, large-scale production, wholesale distribution, publishing, and food processing.

9. Medical or Dental Laboratory

a. Definition

An establishment for the construction or repair of medical equipment, such as dental, optical, orthopedic, or prosthetic devices; or medical testing laboratories primarily engaged in providing analytic or diagnostic services exclusively on the written work order of a licensed member of the medical profession and not for the public.

10. Multi-Media Production

a. Definition

The use of a lot or building for the production of films or videos such as digital, audio and motion pictures; production or broadcasting of television, radio or internet programs; or recording of music.

b. Typical Uses

Typical uses include but are not limited to: film laboratories, stock footage film libraries, mass video publication, broadcasting studios, or soundstages.

c. Approval Process

Indoor Multi-Media Production establishments shall be Permitted by Right in the zoning districts where the use is allowed.

d. Zoning District – LCC

Film production studios shall not be located on a main street. **[Ord. 2010-005]**

e. Transmission Facilities

Communication towers, antennas and satellite dishes shall be subject to the applicable approval and Supplementary Standards contained in this Code.

f. Film Permit in Public Properties

Films in public properties such as parks, beaches, Rights of way or public buildings are not subject to these standards. Permits are issued by the Film and Television Commission.

11. Recycling Center

a. Definition

A permanent facility designed and used for collecting, purchasing, storing, dropping-off and redistributing of pre-sorted, recovered materials that are not intended for disposal. **[Ord. 2013-001]**

b. Approval Process – DRO

A Recycling Center that is subject to a Class A Conditional Use approval may be approved by the DRO, provided that the use complies with one of the following: **[Ord. 2013-001]**

1) Located completely within enclosed buildings; or, **[Ord. 2013-001]**
2) The use shall be located a minimum of 500 feet from a parcel with a residential, civic, institutional, recreation or conservation FLU designation, zoning district or use. **[Ord. 2013-001]**

c. Access

Access shall be limited to Arterial, Collector, or Local Commercial Streets which do not serve residential lots. **[Ord. 2013-001]**

d. Operation Functions

The Zoning application shall include a Justification Statement and supporting documentation demonstrating acceptable industry design, configuration and operational standards, based on the type of materials stored. The supporting documentation shall include but not limited to the following:

1) Site Plan

The Site Plan shall illustrate how the operation functions including circulation routes; the location of the operation areas, and storage piles.

2) Dust Control

A plan to address how dust generated from traffic and storage areas will be managed pursuant to Art, 5.E.4.D.3, Dust and Particulate.

3) SWA Permit

Prior to operation of the facility, the owner or operator shall obtain a SWA Permit.

12. Recycling Plant

a. Definition

An establishment used for the recovery of non-hazardous recyclable materials that are not intended for disposal to be collected, separated and sorted, or processed, for reuse. Recyclable materials include Construction and Demolition Debris, plastic, glass, metal, all grades of paper, textiles or rubber.

b. Approval Process

A Recycling Plant requiring Class A Conditional Use approval may be approved by the DRO subject to the following:

1) When surrounded by parcels having an IND FLU designation that are vacant or developed with industrial uses providing a 500 foot separation between the use and any parcels having a residential, civic, recreation or conservation FLU designation or use; or,
2) When all recycling activities are located within enclosed structures that have no openings oriented or visible from surrounding parcels having a residential, civic, recreation or conservation FLU designation or use.

c. Access

Access from a Residential Street shall be prohibited. Entrances shall be gated to prevent access from unauthorized persons.

d. Setbacks

No part of a recycling plant and its accessory ramps, on site circulation system, or storage areas shall be located within 50 feet of any property line, unless adjacent to another property with an IND FLU designation that is vacant or has an existing industrial use.

e. Lot Size

The minimum lot size shall be five acres for any Recycling Plant with outdoor activities.

f. Drainage

Untreated surface water runoff shall not be permitted to discharge directly into lakes, streams, drainage canals, or navigable waterways other than into or through approved on-site containment areas.

g. Storage Areas

All outdoor storage of recyclable materials shall be in leak-proof containers or located on a paved area that is designed to capture all potential run-off associated with the stored material. Run-off shall be handled in a manner that is in conformance with local, state and Federal regulations.

h. SWA Permit

Verification that the applicant has obtained a permit from and posted a bond with the SWA prior to Final Site Plan approval or Building Permit, whichever occurs first.

13. Research and Development

a. Definition

An establishment engaged in industrial, scientific or medical research, testing, and analysis.

b. Typical Uses
Typical uses include natural science/manufacturing research facilities, bioscience research/biotechnology and product testing/quality control facilities.

c. Overlay –Bioscience Research Protection Overlay (BRPO)
A Research and Development establishment located in the BRPO shall not be subject to the limitations of Table 4.A.3.A, Thresholds for Projects Requiring Board of County Commissioner Approval.

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

14. Salvage or Junk Yard

a. Definition
An establishment used primarily for the collecting, storage and sale of scrap metal or discard material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition; or for the sale of parts thereof. Salvage may also include architectural salvage which consists of building materials and fixtures recovered prior to the demolition of buildings or structures.

b. Approval Process
Architectural salvage may be allowed subject to DRO approval in the following zoning districts:
1) IL or IG;
2) MUPD with an IND FLU designation; or,
3) IND/L or IND/G Pod of a PIPD.

15. Towing Service and Storage

a. Definition
The use of a portion of an establishment for the temporary storage of operable or inoperable vehicles in conjunction with a commercial towing service. This shall not include retail sales, repair, or salvage of towed vehicles occurring within the storage area.

16. Truck Stop

a. Definition
An establishment which provides services primarily for transient commercial vehicle operators, such as fueling, day and overnight parking. A Truck Stop may also serve other travelers.

b. Location
Truck Stops shall have a minimum of 200 linear feet of frontage on an Arterial Street.

c. Lot Size
Shall be a minimum of five acres.

d. Setbacks
Parking areas, parking spaces, maneuvering areas, and drive aisles, shall be setback a minimum of 200 feet from any existing residential use, zoning district or FLU designation.

e. Landscaping
Incompatibility landscape buffers shall be required adjacent to an existing residential use, zoning district or FLU designation. The buffer shall include a six foot high berm with a six foot high opaque wall or fence installed at the plateau of the berm. Variances may be requested from these requirements.

f. Collocated Uses
For purposes of this section, collocated uses shall mean a use that is mainly oriented to serving transient commercial vehicle operators. The following collocated uses shall be allowed in conjunction with a Truck Stop subject to DRO Approval:
1) Type 1 Restaurant;
2) Type 2 Restaurant;
4) Car wash;
5) Hotel or Motel;
6) Personal Services;
7) Financial Institution;
8) Financial Institution with Drive Thru;
9) Financial Institution – Freestanding ATM;
10) Gas and Fuel Retail;
11) Laundry Service; and,
12) Retail Sales.

g. Site Design:
The site shall be designed to ensure the provision of adequate vehicular circulation and parking patterns. Collocated uses listed above shall be designed and located to mainly serve transient commercial vehicle operators.

17. Warehouse

a. Definition
An establishment used for the storage of raw materials, equipment, or products.

b. Typical Uses
Typical uses include moving companies, cold storage, and dead storage facilities, but excludes self-service storage facilities.

c. Overlay – WCRAO

Office/warehouse uses shall be allowed as specified in Table 3.B.14.E, WCRAO Sub-area Use Regulations. The office/warehouse development shall have a minimum of 25 percent ~~of~~ office space per gross floor area for each bay. **[Ord. 2006-004]**

d. Accessory Office

Unless approved as a Class A Conditional Use, or as specified in the Overlay – WCRAO standard, office space in each warehouse bay shall be a maximum of 30 percent of the GFA of that bay.

e. Sales

General Retail Sales shall be prohibited, except where allowed in conjunction with Flex Space.

f. Freestanding Structures

Freestanding structures for Warehouse developments located in an MUPD with an IND FLU designation shall not be subject to the provisions of Table 3.E.3.B, Freestanding Buildings. **[Ord. 2010-022]**

18. Wholesaling

a. Definition

An establishment engaged in: the maintenance and display of inventories of goods for distribution and sale of goods to other firms for resale; or, the supplying of goods to various trades such as landscapers, construction contractors, wholesale building supplies, institutions, industries, or professional businesses. These establishments also sort and grade goods from large to small lots, and engage in delivery. This use excludes vehicle sales, and the wholesaling of nurserie-supplies, and gas and fuel.

Section 6 Agricultural Uses

A. Agricultural Use Matrix

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TABLE 4.B.6.A - AGRICULTURAL USE MATRIX

| STANDARD DISTRICTS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | PLANNED DEVELOPMENT DISTRICTS (PODs) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | TRADITIONAL DEV. DISTRICTS (TDDs) | | | | | | | | | | | | | | | | | | |

EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

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TABLE 4.B.6.A - AGRICULTURAL USE MATRIX

| STANDARD DISTRICTS | | |

B. General Agricultural Standards

Reserved for Future Use

C. Definitions and Supplementary Use Standards for Specific Uses

1. Agriculture, Bona Fide

a. Definition

Any plot of land where the principal use consists of the growing, cultivating and harvesting of crops; the raising of animals, inclusive of aviculture, aquaculture, horses and livestock; the production of animal products such as eggs, honey or dairy products; or the raising of plant material. The following standards shall apply to a Bona-Fide Agriculture use, except where pre-empted by State law. **[Ord. 2009-040] [Ord. 2013-021]**

b. Agricultural Uses in the U/S Tier

1) Applicability

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

2) Uses Not Listed

Agricultural uses not listed in Table 4.B.6.A, Agricultural Use Matrix, as permitted in the U/S Tier shall only be permitted as an interim use, subject to Class A Conditional Use approval.

3) AR Zoning District

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

4) Temporary Agricultural Uses

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

c. Groves and Row Crop

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

1) Lot Size

A minimum of five acres.

2) Setback

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

3) Hours of Operation

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

4) Loading

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

5) Spraying

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

d. Dipping Vats

Dipping vats shall not be allowed in the AR Zoning District, unless approved as a Class B Conditional Use.

e. Pens and Cages

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

f. Game and Exotic Animals

The Florida Fish and Wildlife Conservation Commission (FWC) regulates game farms or game animal care for private or commercial purposes. **[Ord. 2012-003]**

1) Exotic Animals

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

2) Dangerous or Class I and II Animals

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

g. Livestock Raising

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

1) Urban Service Area (USA)

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

a) Lot Size

A minimum of five acres.

b) Setback

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

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

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

e) **Palm Beach County Animal Control Department (PBCACD)**
The property owner shall notify PBCACD as to the type of livestock and details of animal care to be provided.

f) **Processing and Slaughtering**
Processing and slaughtering shall be prohibited.

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

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

i) **Compatibility**
The use shall assure that there is no incompatibility with surrounding land uses. In the event that an incompatibility exists, the petitioner shall satisfactorily mitigate the incompatibility prior to receiving Conditional Use or DRO approval.

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

i. **Agriculture Marketplace**
A use that is accessory, incidental and subordinate, to a Bona-Fide Agriculture use in the AGR Tier, conducted to allow for the sale of agricultural products or enhanced opportunities for visitors, which generates income for the owner or operator of the Bona-Fide Agriculture use, adding economic viability to farming operations. **[Ord. 2012-027]**

1) **Approval Process**
Class A Conditional Use. **[Ord. 2012- 027]**

2) **Location Criteria**

a) **Tier and Zoning District**
AGR Tier and Zoning District only. **[Ord. 2012-027]**

b) **Location**
The Agriculture Marketplace shall be located adjacent to an arterial road designated on the PBC Functional Classification of Roads Map. **[Ord. 2012-027]**

c) **Proximity to Residential Uses**
The parcel or area designated on the Final Site Plan for an Agriculture Marketplace shall be located at least 500 feet measured from the property line, if adjacent to existing residential uses, or approvals for PUD or TMD development areas with residential uses. **[Ord. 2012-027]**

3) **Minimum Acreage and Production**
May be allowed if the land area has a minimum of 75 contiguous acres. A Unity of Control shall be required at the time for the approval of the Class A Conditional Use. **[Ord. 2012-027]**

a) **Agriculture Preserve Parcels**
The minimum acreage requirements may include parcels under an agricultural conservation easement, identified as an AGR PUD Preserve or AGR TMD Preserve, or other similar protections, provided that the Agriculture Marketplace is not located on those parcels. **[Ord. 2012-027]**

b) **Agriculture Production**
A minimum of 70 percent of the overall land area must meet the requirements for Bona-Fide Agriculture. **[Ord. 2012-027]**

4) **Use Limitations and Sale of Products**
The area designated as an Agriculture Marketplace shall be limited to the retail sales of agricultural products such as fruits, vegetables, flowers, containerized house plants and other agricultural food products such as jelly, jam, honey and juice. This shall not preclude any structures from being used for the coordination of activities for permitted collocated uses, or other accessory, educational or recreational uses permitted on the Bona-Fide Agriculture operation. The sale of grocery or

convenience-type foods or products shall not be permitted nor shall vending machines or other similar equipment be permitted, unless stated otherwise herein. **[Ord. 2012-027]**

a) Floor Area

A maximum of 24,000 square feet of GFA, including outdoor display areas. The floor area shall not include any FAR transferred from the portions of the site that is dedicated to Bona-Fide Agriculture production or otherwise encumbered with a conservation easement, preserve area or other similar protection. **[Ord. 2012-027]**

b) Outdoor Open Space Area

Areas set aside as outdoor open space for collocated uses and outdoor permanent activities shall be limited to a maximum of 12,000 square feet. Permanent shelters, such as Seminole chickee huts shall be limited to a maximum of 2,000 square feet. **[Ord. 2012-027]**

c) Collocated Uses

Additional uses may be permitted subject to compliance with the Supplemental Use Standards for each use and the following: **[Ord. 2012-027]**

(1) General Retail Sales

Ten percent or 2,000 square feet, whichever is less, of the GFA of the Agriculture Marketplace may be devoted to General Retail Sales. There shall be no exterior signage advertising to the public of the sale of grocery or other retail products. Approval shall be part of the Class A Conditional Use. **[Ord. 2012-027]**

(2) Permanent Green Market

Subject to DRO approval. An Open Flea Market may be permitted in conjunction with a Green Market. The Open Flea Market shall be limited to ten percent of the total square footage of the Permanent Green Market. **[Ord. 2012-027]**

(3) Retail Sales, Mobile or Temporary

Mobile sales shall be permitted subject to approval of a Special Permit. **[Ord. 2012-027]**

(4) Special Event

Subject to approval of a Special Permit. **[Ord. 2012-027]**

d) Outdoor Permanent Activities

Activities shall be clearly shown and labeled on the Site Plan and shall function with other uses on the site. Impacts from these uses, including but not limited to, traffic, parking, rest rooms, or nuisances, shall be addressed as part of the Class A Conditional Use approval. The BCC may impose conditions of approval to address these activities. Additional activities, such as: cooking classes and charity events, shall be permitted by right, subject to the following: **[Ord. 2012-027]**

(1) Shall be located within the GFA of the Agriculture Marketplace or permitted Outdoor Open Space areas; **[Ord. 2012-027]**

(2) The maximum number of participants, including a combination of special activities, shall not exceed 50 attendees; and, **[Ord. 2012-027]**

(3) Overflow parking is provided. A minimum of one parking space shall be provided for each three attendees. This shall require the posting of adequate onsite directional signage to preclude any inappropriate parking activity, such as parking in rights of way or on adjacent properties. **[Ord. 2012-027]**

e) Outdoor Display

Shall be limited to agricultural products only, located along the property's frontage or other area, except within required setbacks. **[Ord. 2012-027]**

f) Storage

Motor vehicles, including vans, trucks, semi-trucks, mobile homes, travel trailers, and other permanent or temporary structures shall not be used for storage or display purposes. **[Ord. 2012-027]**

g) Parking

Off-site parking within a public or private R-O-W, or to areas accessed by other than an approved access way, shall be prohibited. **[Ord. 2012-027]**

h) Hours of Operation

1) 8:00 a.m. to 6:00 p.m. Monday through Saturday; and,
2) 10:00 a.m. to 6:00 p.m. Sunday. **[Ord. 2012-027]**

j. Landscape Curbing

A Bona-Fide Agriculture use may use railroad ties or landscape lumber as an alternate to the curbing requirement in Article 7.G, Off-Street Parking Requirements.

k. Barbed Wire in AGR, AP, and AR Zoning Districts; and AGR-PDD Preserve Parcels

1) Barbed wire may be installed pursuant to Art. 5.B.1.A.2.h, Dangerous Materials. **[Ord. 2005-002] [Ord. 2010-005] [Ord. 2011-001]**
2) In the AR Zoning District with any Bona-Fide Agriculture use, other than nurseries, provided it is setback a minimum of 25 feet from any property line. **[Ord. 2011-001]**

2. Agriculture, Light Manufacturing

a. Definition

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

b. Setbacks

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

c. Accessory Use

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

d. Landscaping

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

3. Agriculture, Packing Plant

a. Definition

A facility used for the packing of produce not necessarily grown on site.

b. Typical Activities

Activities may also include canning, dehydration, washing, cutting, or basic preparation of raw produce prior to shipment. **[Ord. 2005-002] [Ord. 2012-027]**

c. Approval Process - AR/RSA Zoning District

May be permitted in the AR/RSA Zoning District with a SA FLU, subject to a Class A Conditional Use approval. **[Ord. 2005-002]**

d. Zoning District AGR-PUD Preserve Area

An Agriculture Packing Plant located in an AGR Preserve Area, including where permitted as an accessory use as specified above, shall comply with the following: **[Ord. 2012-027]**

1) Located on a roadway classified as an Arterial Street on figure TE 3.1 – Functional Classification of Roads; and, **[Ord. 2012-027]**
2) Located on or adjacent to active agricultural crop production. **[Ord. 2012-027]**

e. Setbacks

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

f. Accessory Use

A packing plant in the AP and AGR Zoning Districts, or the Preserve Area of an AGR PUD, may be allowed as an accessory use to a related Farm use on the same property, provided it does not exceed 25,000 square feet. **[Ord. 2012-027]**

g. Landscaping

An incompatibility buffer as required by Article 7.F, Perimeter Buffer Landscape Requirements, may be omitted if the use is adjacent to farm worker quarters or a mobile home accessory to a Farm use.

h. Storage

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

4. Agriculture, Renewable Fuels Production

a. Definition

Any facility using biomass as its principal source of feed stock for the production of renewable fuel or fuels and other related renewable products including but not limited to ethanol or fuel ethanol. **[Ord. 2008-037]**

b. Setbacks

The facility shall be located a minimum of 750 feet away from parcels with a residential zoning or future land use designation that accommodate an existing residential structure. **[Ord. 2008-037]**

c. Review Procedures and Standards

1) The applicant shall submit a site plan, for informational purposes only, to the Zoning Division prior to Building Permit application. The site plan shall be consistent with the requirements indicated in the Technical Requirements Manual. **[Ord. 2008-037]**
2) The owner or operator shall obtain the required approval and permits from all applicable federal, state, and local agencies prior to operating the facility. **[Ord. 2008-037]**
3) The owner or operator shall perform a daily visual inspection of all wood material and similar vegetative matter to be used as feed stock. **[Ord. 2008-037]**
4) Any toxic or hazardous waste generated at the site shall be handled pursuant to Rule 62-730 FAC. **[Ord. 2008-037]**

d. Prohibitions

1) The generation of toxic or hazardous waste effluent into the sanitary system shall be prohibited unless adequate pretreatment facilities have been constructed and are

being utilized. The pretreatment facilities are subject to approval by DEP and the appropriate sewage works provider. **[Ord. 2008-037]**

2) Feed stock observed to contain prohibited materials shall not be used. **[Ord. 2008-037]**

e. Separation Distance

Facilities shall be separated two miles from an existing agricultural related use. **[Ord. 2008-037]**

5. Agriculture, Research and Development

a. Definition

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

b. Approval Process - AR/RSA Zoning District

May be permitted in the AR/RSA Zoning District with a SA FLU subject to a Class B Conditional Use approval. **[Ord. 2005-002]**

c. Outdoor Activities

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

d. Landscape

A bona fide agricultural use may use railroad ties or landscape lumber as an alternate to the curbing requirement in Article 7.G, Off-Street Parking Requirements.

6. Agriculture, Sales and Service

a. Definition

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

b. Approval Process - AR/RSA Zoning District

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

c. Storage

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

d. Grocery Sales

Five percent or 1,000 square feet, whichever is less, of the merchandise sales area use may be devoted to retail grocery sales. Shelves, floor area, counter space and overhead display areas shall be included in the calculation of the grocery sales area. There shall be no exterior signage and no external evidence of the availability of grocery products for sale.

e. Repair Service

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

7. Agriculture, Storage

a. Definition

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

b. Storage

1) Storage of hazardous waste or regulated substances shall comply with local, state and federal regulations.

2) Outdoor Agriculture Storage shall comply with the following standards:

a) Urban Service Area

(1) Setbacks

Outdoor Agriculture Storage shall meet the principal use setbacks of the zoning district in which it is located.

(2) Screening

Outdoor Agriculture Storage shall be screened from view by a solid fence, wall or building.

(3) Outdoor Agriculture Storage

b) Outdoor Agriculture Storage is only permitted in the RE, RT, RS, RM, CN, CC and CG Zoning Districts as a Class B Conditional Use.

(1) Exception

Outdoor Agriculture Storage is not permitted in a PDD with a commercial FLU designation.

3) Indoor agricultural storage shall be permitted in conjunction with a bona fide agricultural use with or without a principal structure. Indoor storage shall be contained within a permanent structure. Agricultural Storage in a mobile home shall not be permitted. Agricultural Storage in a shipping container shall only be permitted in conjunction with a bona fide agricultural use.

1) **AR Zoning District in Urban Service Area (USA)**
An enclosed structure shall be setback 100 feet from the front and side street and 50 feet from the side and rear property lines.
2) **All Other Zoning Districts in Urban Service Area (USA)**
An enclosed structure shall meet the principal use setbacks of the zoning district in which it is located.

8. Agriculture, Transshipment

a. Definition
A facility engaged in the transferring of agricultural products between two modes of transport, such as from a truck to a railroad car or from local vehicles to long-haul trucks.

ab. Zoning District - AGR and AP

1) **Accessory Use**
Agricultural Transshipment facilities not exceeding 25,000 square feet shall be permitted as an accessory use.
2) **Setback**
A minimum 100 foot setback shall be required along all property lines which are adjacent to an existing residential use, district or FLU as of the effective date of this Code excluding farm worker quarters and mobile homes accessory to agriculture.

9. Aviculture, Hobby Breeder

a. Definition
The raising and care of birds in captivity.

b. Lot Size
The minimum lot size shall be as follows:
1) Two acres: 40-200 birds.
2) Five acres: 201 or more birds.

c. Hobby Breeder

1) **AR/USA**
The raising of birds as a hobby in the AR/USA shall be permitted subject to the following: **[Ord. 2009-040]**
a) The hobby breeder shall not engage in the sale of more than 24 birds to the public during any consecutive 12 month period;
b) The hobby breeder shall not provide care for more than 40 birds on a parcel of land at any time;
c) The minimum lot size of two acres;
d) Shelters, cages, and accessory structure shall be setback a minimum of 50 feet from all property lines;
e) Outdoor shelters and cages shall be contained to specific areas on the site and screened from view on all sides by a minimum six foot high opaque fence or wall. The fence or wall shall be located within 20 feet of the containment area;
f) The hobby breeder shall locate birds which excessively screech, chirp, crow, or make loud noises away from residential properties to the maximum extent possible. Birds considered a nuisance by the Sheriff's Office shall be removed from the site; and
g) Care, licensing, registration, and inspections shall be as required by the Animal Care and Control Ordinance and other applicable statutes.

10. Community Vegetable Garden

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

b. Setbacks
Accessory activities shall maintain a setback of five feet from all property lines adjacent to residential zoning districts. Accessory structures shall meet the setbacks of the district.

c. Accessory Structures
Accessory structures shall be limited to 400 square feet.

d. Parking
Overnight parking shall be prohibited.

e. Loading
All loading and unloading activities shall be restricted to the site and shall not encroach into any setbacks.

f. Storage
Outdoor storage shall be prohibited. Storage of all accessory equipment or products shall be contained within an accessory structure.

g. Spraying
Aerial application of fertilizer or pesticides shall be prohibited.

11. Equestrian Arena, Commercial

a. Definition
An establishment engaged in commercial spectator activities involving equestrian events, but excluding any establishment engaged in gaming, pari-mutual wagering, off-track betting, events or activities held or broadcast for similar purposes.

b. Tier

1) **Urban/ Suburban (U/S)**

a) **Lot Size**
The minimum lot size shall be five acres.

b) **Frontage**
The project in which an equestrian arena is located shall front on and access from Collector or Arterial Street.

c) **Hours of Operation**
Outdoor activity shall be limited from hours of 6:00 a.m. to 10:00 p.m. daily.

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

2) **Rural, Exurban, Agricultural Reserve (AGR) and Glades**

a) **Location**
The project in which an equestrian arena is located shall have frontage on a paved street.

b) **Operating Hours**
Outdoor activity shall be limited to the hours of 5:00 a.m. and 10:00 p.m. daily.

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

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

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

12. Farmers Market

a. **Definition**
An establishment for the wholesale sale of farm produce.

b. **Approval Process - AR/RSA Zoning District**
May be permitted in the AR/RSA District with a SA FLU, subject to a Class A Conditional Use approval. **[Ord. 2005-002]**

c. **Frontage**
Shall be located on an Arterial Street.

d. **Setback**
A Farmers Market shall be setback a minimum of 100 feet from property lines adjacent to a residential use existing as of the effective date of this Code, excluding Farm Worker Quarters and Mobile Homes accessory to agriculture.

e. **Accessory Use**
A Produce Stand shall be permitted as an accessory use to a Farmers Market.

13. Nursery, Retail

a. **Definition**
The retail sale of horticultural specialties such as flowers, shrubs, sod, trees, mulch and accessory hardscape materials such as decorative stones intended for ornamental or landscaping purposes. **[Ord. 2009-040]**

b. **Frontage**
Shall front on and access from a Collector or Arterial Street.

c. **Lot Size**
A minimum of one acre is required in a residential zoning district.

d. **Setbacks**
All structures and outdoor storage areas shall be setback a minimum of 50 feet from the property line. Shade houses shall be subject to the requirements pursuant to Art. 4.B. 6.C.17, Shade House. **[Ord. 2009-040]**

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

f. **Accessory Uses**
An office is permitted as an accessory use, provided it is not a Mobile Home.

g. **Landscaping**
A buffer shall be provided along all property lines that are not screened by plant material.

1) **Incompatibility Buffer**
A Type 3 incompatibility buffer shall be required adjacent to all retail, office, parking, loading and other non-growing areas within 50 feet of a property line. The buffer requirements may be satisfied by plant material for sale provided that the plant material is grown in the ground, ten feet on center, six feet high, and the growing area is at least 20 feet wide. The width of the buffer may be reduced to ten feet if the buffer contains permanent landscaping only and not for-sale plant inventory.

2) **Compatibility Buffer**
A compatibility buffer shall be provided around all growing areas less than 50 feet in width. The buffer requirements may be satisfied by plant material for sale provided that the plant material is grown in the ground, ten feet on center, six feet high and the growing area is a minimum of five feet wide.

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

4) Barbed Wire
The use of barbed wire shall be prohibited.

h. Storage
Mulch, rock, soil, or similar material shall comply with the outdoor storage standards in Article 5.B, Accessory Uses and Structures. In residential zoning districts, outdoor bulk storage shall be setback a minimum of fifty feet or the zoning district setback, whichever is greater.

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

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

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

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

14. Nursery, Wholesale

a. Definition
The wholesale of horticultural specialties such as flowers, shrubs, sod, and trees, mulch and accessory hardscape materials such as decorative stones intended for ornamental or landscaping purposes. **[Ord. 2009-040]**

b. Approval Process

Table 4.B.6.C - Residential Districts in the USA

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

Table 4.B.6.C. – AR District in RSA

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

1) All Other Districts
Permitted.

c. Tier
In addition to the above standards, a Wholesale Nursery in the U/S Tier shall comply with the following standards:

1) Lot Size
A minimum of one acre.

2) Setbacks
All structures and outdoor storage areas shall be setback a minimum of 50 feet from the property line. Shade houses shall be subject to the requirements pursuant to Art. 4.B.6.C.17, Shade House. **[Ord. 2009-040]**

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

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

d. Zoning District - AR
May be operated in conjunction with a residence.

e. Accessory Use

1) A retail nursery may be permitted as an accessory use to a wholesale nursery in the AGR Tier.
2) An office is permitted as an accessory use, provided it is not a mobile home.

f. Parking and Loading

All parking and loading shall occur on site.

g. Landscaping

A buffer shall be provided along all property lines that are not screened by plant material.

1) Incompatibility Buffer

A Type 3 incompatibility buffer shall be required adjacent to all office, parking, loading, internal roads and other non-growing areas within 50 feet of a property line. The buffer requirements may be satisfied by plant material for sale provided that the plant material is grown in the ground, ten feet on center, six feet high, and the growing area is at least 20 feet wide. The width of the buffer may be reduced to ten feet if the buffer contains permanent landscaping only and not for-sale plant inventory.

2) Compatibility Buffer

A compatibility buffer shall be provided around all growing areas less than 50 feet in width. The buffer requirements may be satisfied by plant material for sale provided that the plant material is grown in the ground, ten feet on center, six feet high and the growing area is a minimum of five feet wide.

3) R-O-W Buffer

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

4) Barbed Wire

The use of barbed wire shall be prohibited.

h. Storage

Outdoor bulk storage of mulch, rock, soil or similar material shall comply with the outdoor storage standards contained in Article 5.B, Accessory Uses and Structures. Outdoor bulk storage in residential zoning districts shall be setback a minimum of 50 feet or the district setback, whichever is greater.

i. Hours of Operation

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

j Limitations of Sales

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

k. Site Plan

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

15. Potting Soil Manufacturing

a. Definition

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

b. Approval Process - AR/RSA

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

c. Location

The facility shall front on and access from a Collector or Arterial Street.

d. Setbacks

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

e. Collocated Uses

If a Potting Soil Manufacturing facility includes chipping, mulching, grinding, or air curtain incinerator, adherence to the Supplementary Use Standards applicable to such uses shall also be required.

f. Storage

Storage of unprocessed material shall be limited to 45 days and pile height of storage material shall be limited to 15 feet. Outdoor storage piles shall be setback a minimum of 25 feet from any property line or 50 feet from any property line abutting a residential zoning district or use. Storage areas shall be screened from view, pursuant to Article 5.B, Accessory Uses and Structures.

g. Supplemental Application Requirements

1) Site Plan

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

2) Dust Control
A plan to address dust control in traffic, storage and processing areas. Dust control measures may include: additional setbacks, full or partial enclosure of chipper or grinder and watering or enclosing mulch piles.

16. Produce Stand

a. Definition
An establishment engaged in the retail sale of fruits, vegetables, flowers, containerized house plants and other agricultural food products. The sale of grocery or convenience-type foods or products shall not be permitted, unless stated otherwise herein. **[Ord. 2012-003]**

b. Permanent

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

2) Outdoor Display and Storage
Outdoor storage shall be subject to the provisions in Article 5.B, Accessory Uses and Structures. Outdoor display of only fresh fruits and vegetables is permitted, along the property's frontage, except within the required setbacks.

3) Sale of Products

a) General
Includes sales of agricultural food products such as jelly, jam, honey and juice. No Special Permits shall be permitted in conjunction with the stand except for seasonal sales. Seasonal sales that require additional storage area may be permitted in accordance with Art. 4.B.11.C.8, Temporary Retail Sales. No vending machines or other similar equipment shall be permitted on site. **[Ord. 2005-002] [Ord. 2012-003]**

b) Urban/Suburban Tier
The sale of packaged or canned food products may be permitted, where in compliance with the following: **[Ord. 2012-003**
(1) The parcel has Commercial Future Land Use designation; and, **[Ord. 2012-003]**
(2) Sales area is limited to five percent of the total square footage of the structure, or 1,000 square feet, whichever is less. **[Ord. 2012-003]**

4) Building Construction
The Produce Stand shall be contained in either an entirely enclosed or roofed open-air structure. Motor vehicles, including vans, trucks, semi-trucks, mobile homes, travel trailers, and other permanent or temporary structures shall not be used for storage or display purposes.

5) AR/RSA and AGR Tiers
In addition to the standards above, permanent produce stands shall comply with the following:

a) Locational Criteria
The structure and accessory area shall be:
(1) Located on an arterial designated on the PBC Thoroughfare Plan; and
(2) Located at least 500 feet from adjacent existing residential uses.

b) Lot Size
The stand shall be located on a legal lot of record. A minimum of one acre shall be allocated to the exclusive use of the stand and accessory parking area.

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

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

(1) AR and AGR Zoning Districts
The area devoted to the permanent produce stand exceeding 3,000 square feet shall be approved subject to a Class A Conditional Use. **[Ord. 2005 – 002]**

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

a) Paving
The surface parking lot may be constructed of shell rock or other similar material. At a minimum, the following areas shall be paved in accordance with Article 6.A, Parking, of this Code:
(1) A paved driveway apron area, connecting the streets to the site shall be subject to approval by the County Engineer; and
(2) Handicap parking spaces and handicap access.

7) Wholesale
Wholesale of produce shall be allowed in the AGR Zoning District only.

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

1) Use Limitations

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

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

c) Approval
Subject to Special Permit approval.

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

e) Size and Configuration
The stand shall not exceed 300 square feet. The accessory area shall be limited to display, storage and cashier purposes and shall be covered by a removable cantilevered canopy or umbrellas. No outdoor display or storage shall occur outside of the stand, umbrella, or canopy area.

2) Uses
No on-site food preparation or processing shall be permitted. No vending machines shall be permitted on site. No additional Special Permits shall be permitted in conjunction with the stand except for seasonal sales.

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

4) Special Regulations

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

b) Building Materials
The stand shall be constructed of durable materials such as but not limited to metal, fiberglass, wood, etc. The structure used for a stand shall be constructed for the sole purpose of selling agricultural products. Semi-truck trailers, mobile homes, and other permanent or temporary structures shall not be used as a stand. Motor vehicles, including vans and small trucks may be permitted provided the vehicle is removed from site at the end of each business day. These vehicles shall not be used for permanent or temporary residential purposes.

c) Refrigeration
Refrigeration shall be contained within the confines of the stand. If a motor vehicle is used for the stand, portable refrigeration may be used if contained as part of a motor vehicle and removed from the site daily.

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

e) Existing Stands
All stands with a valid permit in effect on July 11, 1995, and which have been operating continually with a valid business tax receipt since issuance of the valid permit, shall be considered conforming uses. These operations may continue in the configuration as existed on July 11, 1995 in accordance with the laws and ordinances of PBC, Florida, and as provided herein: **[Ord. 2007-013]**
(1) the enclosed portion of the stand shall not exceed 300 square feet unless provided for below;
(2) display of products immediately adjacent to the stand, whether or not displayed under an umbrella or canopy, may continue in the same configuration as existed on July 11, 1995;
(3) the stand shall not sell any products unless permitted in accordance with the uses permitted to be sold in an agricultural stand as set forth in this Subsection, as amended;

(4) portable refrigeration may be permitted if confined within the 300 square foot stand and all required electrical permits have been obtained;
(5) the use of vending machines shall not continue; and,
(6) expansion of existing stands shall not be permitted. Any future expansion of an existing stand shall comply with the regulations of this Section. If an existing stand is expanded, repaired, or altered, the affected area shall comply with the regulations herein.

17. Shade House

a. Definition

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

b. Permits

A shade house used for Bona-Fide Agriculture purposes less than 12 feet in height shall not be required to obtain a building permit.

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

Front and Street	15 feet
Side and Rear	7.5 feet

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

Front and Street	25 feet
Side and Rear	15 feet

c. Commercial Greenhouse

Commercial greenhouses having roofs and walls made of rolled plastic or other similar materials, used for the indoor cultivation of plants, including hydroponic farming using water containing dissolved inorganic nutrients, may be permitted in the AGR Zoning Districts, subject to the following: **[Ord. 2006-004]**

1) DRO Approval

Commercial greenhouses that exceed the FAR limitations of FLU Element Table III.C.2 of the Plan, or with five or more acres of building coverage must be approved by the DRO. **[Ord. 2006-004]**

2) Property Development Regulations

Setbacks for greenhouses in excess of 25 feet in height must be in accordance with Table 3.D.1.A, Property Development Regulations. Setbacks for greenhouses less than 25 feet in height may be reduced by 50 percent. FAR and Building Coverage may be increased up to a maximum of .75 to accommodate commercial greenhouses. **[Ord. 2006-004]**

3) Landscaping and Buffering

Commercial greenhouses are exempt from the interior and foundation planting requirements of Table 7.C.3, Minimum Tier Requirements. A Type III incompatibility buffer shall be required along property lines where greenhouses are adjacent to or visible from a public R-O-W or parcels with a civic, conservation, commercial, recreational or residential FLU designation or use. Buffers shall be a minimum of 25 feet in width for greenhouses up to 25 feet in height, and 50 feet for greenhouses greater than 25 feet in height. **[Ord. 2006-004]**

a) Exceptions

(1) Visual Screening

Landscape buffer and planting requirements may be waived in areas where it can be demonstrated that greenhouse structures are not visible from the subject property lines or use areas. **[Ord. 2006-004]**

(2) Alternative Planting

Planting requirements may be satisfied by the use of existing native vegetation or the placement of other related plant material, provided that the growing area is at least 25 feet wide and meets the buffering requirements for a Type III incompatibility buffer. **[Ord. 2006-004]**

4) Parking

All parking and loading shall occur in the designated areas indicated on the site plan. **[Ord. 2006-004]**

a) Parking

If vans, buses, or commercial loading vehicles are used for employee transportation, required parking shall be configured to accommodate these vehicles. **[Ord. 2006-004]**

b) Loading

Loading zones shall not be oriented towards residential uses, and shall be setback from property lines a minimum of 250 feet, unless approved as a Type I Waiver. **[Ord. 2006-004] [Ord. 2012-027]**

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5) **Storage**
Only equipment directly related to the facility may be stored on site. All stored equipment must be screened from view from adjacent properties and streets. **[Ord. 2006-004]**

6) **Interior Lighting**
Greenhouses shall not be illuminated between 9:00 p.m. and 6:00 a.m. if light is visible from outside of the structure from any adjacent R-O-W, or properties with a residential FLU designation or use. **[Ord. 2006-004]**

7) **Accessory Office**
An office is permitted as an accessory use, subject to the following and all other applicable requirements: **[Ord. 2006-004]**

a) Less than five acres of commercial greenhouse: 1,000 square feet. **[Ord. 2006-004]**

b) Greater than five acres of commercial greenhouse: 2,000 square feet. **[Ord. 2006-004]**

c) Bathroom facilities shall not be included in the calculation of office square footage. **[Ord. 2006-004]**

8) **Signage**
Signage for commercial greenhouses shall be limited to one freestanding sign located at the projects primary entrance. **[Ord. 2006-004]**

18. Stable, Commercial

a. Definition
An establishment for boarding, breeding, training or raising of horses not necessarily owned by the owners or operators of the establishment; rental of horses for riding or other equestrian activities, excluding uses classified as an equestrian arena.

b. Use Limitations
A Commercial Stable shall be limited to raising, breeding, training, boarding, and grooming of horses, or rental (livery) of horses for riding and instruction.

c. Overlay - LOSTO
A Commercial Stable with 20 or fewer stalls shall be allowed as a Special Permit.

d. Frontage
The minimum required frontage on a public street to be used from the primary point of access shall be 100 feet, or the minimum standard of the Tier in which the stable is located, whichever is greater.

e. Lot Size
A minimum of five acres.

f. Setbacks
A minimum of 25 feet from any property line, or the minimum setback of the zoning district, whichever is greater.

g. Collocated Uses
A Commercial Stable may be operated in conjunction with a residence and shall comply with the PBCACC.

19. Stable, Private

a. Definition
The breeding, boarding, training, or raising care of horses owned by the occupants or owners of the premises. A private stable shall comply with the PBCACC.

b. Setbacks

1) **Accessory Structure**
A Private Stable with twelve stalls or fewer located on a parcel with a single family residence shall be considered an accessory structure and shall meet the setback requirements for an accessory structure, or 25 feet, whichever is greater.

2) **Principal Structure**
A Private Stable with more than twelve stalls located on a parcel with a single family residence, or a vacant parcel, shall be considered a principal structure and shall meet the applicable setback requirements for a principal structure.

c. Boarding
On sites of at least two acres, boarding for up to four horses not owned by the owner or occupant of the premises shall be permitted.

20. Sugar Mill or Refinery

a. Definition
An establishment for the extraction and refining of sugar from agricultural products.

b. Setback
Shall be setback 300 feet from off-site residentially occupied or zoned property. In the AR Zoning District, a sugar mill or refinery shall be permitted on land in a RR FLU designation as a Class A Conditional Use.

Section 7 Utility Uses

A. Utility Use Matrix

1

TABLE 4.B.7.A - UTILITY USE MATRIX

| STANDARD DISTRICTS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | PLANNED DEVELOPMENT DISTRICTS (PDDs) | | | | | | | | | | | | | | | | | | |

B. General Utility Standards

Space reserved for future use.

C. Definitions and Supplementary Use Standards for Specific Uses

1. Chipping and Mulching

a. Definition

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

b. Approval Process

1) A Chipping and Mulching Use accessory to a Bona Fide Agriculture use in the AP Zoning District may be Permitted by Right.
2) Chipping and Mulching may be allowed in the AR Zoning District of the RSA with a SA FLU designation, subject to Class A Conditional Use approval. **[Ord. 2005 – 002]**

c. Access

Access shall be limited to Arterial, Collector, or Local Commercial Streets which do not serve residential lots. Entrances shall be gated and set back from the road as required by the County Engineer to prevent access during non-operating hours from unauthorized persons.

d. Lot Size

A minimum of five acres.

e. Separation Distance

The use shall be located a minimum of 500 feet from a parcel of land with a residential FLU designation or uses.

f. Collocated Uses to Recycling Plant

Chipping and Mulching may be approved by the DRO subject to the Supplementary Use Standards for Chipping and Mulching.

g. Outdoor Storage

1) Outdoor storage shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a parcel with a residential FLU designation or use.
2) Bollards or other acceptable barricade to the Zoning Division shall be provided to delineate pile locations.
3) The pile height of storage materials shall be limited to 15 feet or less if required by the F.A.C 62-709, as amended. Bollards shall be maintained to indicate maximum permitted height, and tied to a finished grade benchmark delineated on site.
4) Outdoor storage of material shall be limited to 45 days.

h. Hours of Operation

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

i. Operation Functions

The Zoning application shall include but not limited to a Justification and supporting documentation demonstrating acceptable industry design, configuration and operational standards, based on the type of materials processed and stored, including but not limited to the following:

1) Site Plan

The Site Plan shall illustrate how the operation functions including circulation routes; and, the location and size of loading and processing areas, and storage piles.

2) Waste Volume

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

3) Dust Control

A plan to address how dust generated from traffic, storage and processing areas will be managed pursuant to Art. 5.E.4.D.3, Dust and Particulate.

4) SWA Permit

Prior to operation of the facility, the owner or operator shall obtain a SWA Permit.

2. Composting Facility

a. Definition

A facility designed and used for transforming yard waste, clean wood and other organic material into soil or fertilizer through biological decomposition.

b. Approval Process

1) A Composting Facility accessory to a Bona Fide Agriculture use in the AP Zoning District may be Permitted by Right.
2) A Composting Facility may be allowed in the AR Zoning District in the RSA with a SA FLU designation, subject to Class A Conditional Use approval. **[Ord. 2005 – 002]**

c. Access

Access shall be limited to Arterial, Collector, or Local Commercial Streets which do not serve residential lots. Entrances shall be gated and setback from the road as required by the County Engineer to prevent access during non-operating hours from unauthorized persons.

d. Lot Size

A minimum of five acres.

e. Separation Distance
The use shall be located a minimum of 500 feet from a parcel of land with a residential FLU designation or uses.

f. Outdoor Storage
1) Outdoor storage shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a parcel with a residential FLU designation, zoning district or use.
2) Outdoor storage of material shall be limited to 45 days
3) The pile height of storage materials shall be limited to 15 feet or less if required by the F.A.C 62-709, as amended.
4) The height of materials shall be tied to a finished grade benchmark delineated on site.
5) Bollards or other acceptable barricade to the Zoning Division shall be provided to delineate pile locations.

g. Hours of Operation
The hours of operation shall be limited to 9:00 a.m. to 5:00 p.m. Monday through Friday if within 1,000 feet of a residential FLU designation or use.

h. Operation Functions
The Zoning or Building application, whichever is submitted first, shall include a Justification Statement and supporting documentation demonstrating acceptable industry design, configuration and operational standards, based on the type of materials processed and stored, including but not limited to the following:

1) Site Plan
The Site Plan shall illustrate how the operation functions including circulation routes; and, the location and size of loading and processing areas and storage piles.

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

3) Dust Control
A plan to address how dust generated from traffic, storage and processing areas will be managed pursuant to Art. 5.E.4.D.3, Dust and Particulate.

4) SWA Permit
Prior to operation of the facility, the owner or operator shall obtain a SWA Permit.

i. Backyard Composting
This use does not include backyard-composting bins serving individual families.

3. Electric Distribution Substation

a. Definition
Defined in accordance with F.S. 163.3208, as an electric substation which takes electricity from the transmission grid and converts it to a lower voltage so it can be distributed to customers in the local area on the local distribution grid through one or more distribution lines less than 69 kilovolts in size. **[Ord. 2007-013]**

b. Landscaping
The use shall comply with the following additional requirements unless variance relief is obtained from landscaping regulations:

1) Landscape Buffering – General
Pursuant to F.S. 163.3208, as may be amended from time to time, required perimeter buffers or landscape material located under overhead lines to the substation equipment shall not exceed a mature height of 14 feet. **[Ord. 2007-013]**

2) Landscape Buffering in Residential Areas
Pursuant to F.S. 163.3208 as may be amended from time to time, where located in or adjacent to a parcel of land with residential FLU designation or use, landscape buffering shall be upgraded as follows: **[Ord. 2007-013]**

a) An eight-foot high wall or fence and native vegetation shall be installed around the substation where equipment or structures are setback less than 50 feet from the property line. **[Ord. 2007-013]**

b) An open green space shall be maintained between required security fencing, equipment or structures, by installing native landscaping, including trees and shrub material, around the substation where equipment or structures are setback between 50 and 100 feet from the property line. **[Ord. 2007-013]**

c. Standard Residential Zoning Districts
Electric Distribution Substations shall not be collocated with Neighborhood Recreation Facilities.

4. Electric Power Plant

a. Definition
An electric generating facility that uses any process or fuel, and includes any associated facility that directly supports the operation of the electrical power facility. **[Ord. 2006-004] [Ord. 2009-040] [Ord. 2010-005]**

b. Setbacks and Separation
1) An Electric Power Plant, for electrical generation only, shall not be located within 1,000 feet of a parcel with a residential FLU designation or use.

2) Principal uses and structures (excluding electric poles) shall be setback a minimum of 500 feet from all property lines.
3) Accessory uses and structures (excluding electric poles) shall be setback a minimum of 50 feet from all property lines.

c. Ash Disposal and Wood Recycling Facilities - AP Zoning District

Ash disposal and wood recycling facilities shall be permitted on sites in the AP Zoning District as an accessory use to biomass Electric Power Plant. The primary use for the site shall be consistent with the underlying zoning designation. **[Ord. 2007-001]**

1) Ash disposal facilities shall not exceed 220 feet in height measured from the existing grade at the base of the facility. **[Ord. 2007-001]**
2) Ash disposal facilities shall be used only for the disposal of ash produced onsite by the biomass Electric Power Plant. **[Ord. 2007-001]**
3) Ash disposal facilities shall not be constructed until the plans for its construction and operation have been reviewed and approved by all applicable governmental agencies. **[Ord. 2007-001]**
4) Ash disposal facilities shall be constructed as a Class I landfill in compliance with the applicable standards adopted by the Florida Department of Environmental Protection and set forth in Section 403.707, Florida Statutes and Chapter 62-701, F.A.C., for Class I landfills. **[Ord. 2007-001]**

d. Screening and Perimeter Buffers

A Type 3 incompatibility buffer shall be required when the subject site is adjacent to or visible from any street or parcels with a conservation (when open to the public), commercial or residential FLU designation or use. Palms may not be substituted for required canopy trees. **[Ord. 2006-004]**

e. Collocated Use - Electric Transmission Substation Facility

An Electric Transmission Substation collocated with a new request or DOA for an Electric Power Plant may be reviewed and approved as one application, and shall comply with the requirements of Art. 4.B.7.C.5, Electric Transmission Substation. **[Ord. 2006-004]**

5. Electric Transmission Substation

a. Definition

A facility associated with the transfer of bulk electrical energy from Electric Generating Plants to Electric Distribution Substations, including transmission voltage facilities or switching substations.**[Ord. 2006-004]**

b. Setbacks

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

1) Buildings used for Electric Transmission Substations shall be setback a minimum of 50 feet from all property lines. **[Ord. 2006-004]**
2) Setbacks for mechanical equipment, related structures and fencing shall be a minimum of 75 feet, or a minimum of 150 feet when adjacent to or visible from a street or parcels with a conservation (when open to the public), commercial or residential FLU designation or use. Setbacks may be reduced to 100 feet, if the incompatibility buffer is increased to 50 feet in width and the number of required trees are doubled. Setbacks may also be reduced to 75 feet when adjacent to commercial properties, or when separated from adjacent properties by a R-O-W 100 feet in width or greater, if the applicant can demonstrate that structures will not be visible from residential or public use areas. **[Ord. 2006-004]**
3) One additional foot of setback shall be provided in addition to the minimum setback for each one foot in height, or fraction thereof, over 35 feet. **[Ord. 2006-004]**

c. Landscaping

A Type 3 incompatibility buffer shall be required when the subject site is adjacent to or visible from any street or parcels with a conservation (when open to the public), commercial or residential FLU designation or use. Palms shall not be substituted for required canopy trees. **[Ord. 2006-004]**

3) Standard Residential Zoning Districts

An Electric Transmission Substation shall not be collocated with Neighborhood Recreation Facilities.

6. Landfill or Incinerator

a. Definition

A facility for the disposal or incineration of solid waste for which a permit is required by the Florida Department of Environmental Protection, which receives solid waste for disposal in or upon the land. The term does not include a land-spreading site, injection well or surface impoundment.

b. SWA Permit

Prior to operation of the facility, the owner or operator shall obtain a SWA Permit.

7. Minor Utility

a. Definition

An above-ground facility associated with utility distribution, collection, or transmission networks, required by their nature to be relatively dispersed throughout their service area other than electric generation and transmission facilities.

b. Typical Uses
Gas and water regulators, chlorine injection and potable water booster pump stations; water reclamation treatment, storage and distribution facilities, membrane bioreactor plants, sewage lift stations, telephone exchange buildings, and communication substations. **[**

c. Floor Area

1) Residential Zoning Districts
A maximum of 3,000 square feet of gross enclosed floor area of buildings. Square footage calculations shall not include tanks and unoccupied facilities and structures. **[Ord. 2004-040] [Ord. 2007-013]**

2) Non-residential Zoning Districts
A maximum of 10,000 square feet of gross enclosed floor area of buildings. Square footage calculations shall not include tanks and unoccupied facilities and structures. **[Ord. 2004-040] [Ord. 2007-013]**

3) A minor utility exceeding either standard above may be approved as a Class A Conditional Use. **[Ord. 2004-040]**

d. Lift Station

1) New Subdivisions
Facilities located in new subdivisions may be allowed subject to DRO approval concurrent with the subdivision approval.

2) Streets
Facilities located within streets or utility easements shall not be subject to DRO approval.

e. States of Emergency
The PZ&B Executive Director may waive the review timeframes in the event of a declared state of emergency. **[Ord. 2007-013] [Ord. 2012-027]**

f. Hours of Operation
Minor Utilities are not subject to the hours of operation in Art. 5, Supplementary Standards.

8. Renewable Energy Solar Facility

a. Definition
A facility that uses photovoltaic, thermal or other systems with a principal use of producing electric or thermal power from the sun. **[Ord. 2009-040]**

b. Lot Size
Lots shall comply with the minimum lot dimension requirements pursuant to Table 3.D.1.A, Property Development Regulations, or the applicable PDD requirements. **[Ord. 2009-040]**

c. Setbacks
Accessory electric poles, distribution and transmission lines shall be exempt from the minimum setback requirements indicated below: **[Ord. 2009-040]**

1) Lots 50 Acres or Greater
Setbacks shall be a minimum of 25 feet from the side and rear property lines. The facility shall comply with the minimum front and side street setbacks of the applicable zoning district. **[Ord. 2009-040]**

2) Lots Less than 50 Acres
Setbacks shall be a minimum of 15 feet from the side and rear property lines. The facility shall comply with the minimum front and side street setbacks of the applicable zoning district. **[Ord. 2009-040]**

3) Lots Adjacent to Existing Residential Uses
Setbacks shall be a minimum of 35 feet or the zoning district setback, whichever is greater, along the affected property line. **[Ord. 2009-040]**

4) Additional Setback
One additional foot of setback shall be required in addition to the minimum setback indicated above for each one foot of height, or fraction thereof, over 20 feet. **[Ord. 2009-040]**

d. Perimeter Buffers and Interior Tree Requirements

1) A six foot high hedge shall be incorporated into the required compatibility or R-O-W buffer in addition to the requirements of Article 7.F, Perimeter Buffer Landscape Requirements. Palms may be substituted for 50 percent of the required canopy trees. **[Ord. 2009-040]**

2) These facilities shall be exempt from interior landscape requirements for the developable area pursuant to Table 7.C.3, Minimum Tier Requirements. **[Ord. 2009-040]**

e. Collocation with Existing Electric Power Plant
Solar facilities located on a site with an existing Electric Power Plant may be approved pursuant to the approval process indicated in the appropriate use matrix, and shall not be subject to a Development Order Amendment pursuant to Article 2.B.2.H, Development Order Amendment. **[Ord. 2009-040] [Ord. 2010-022]**

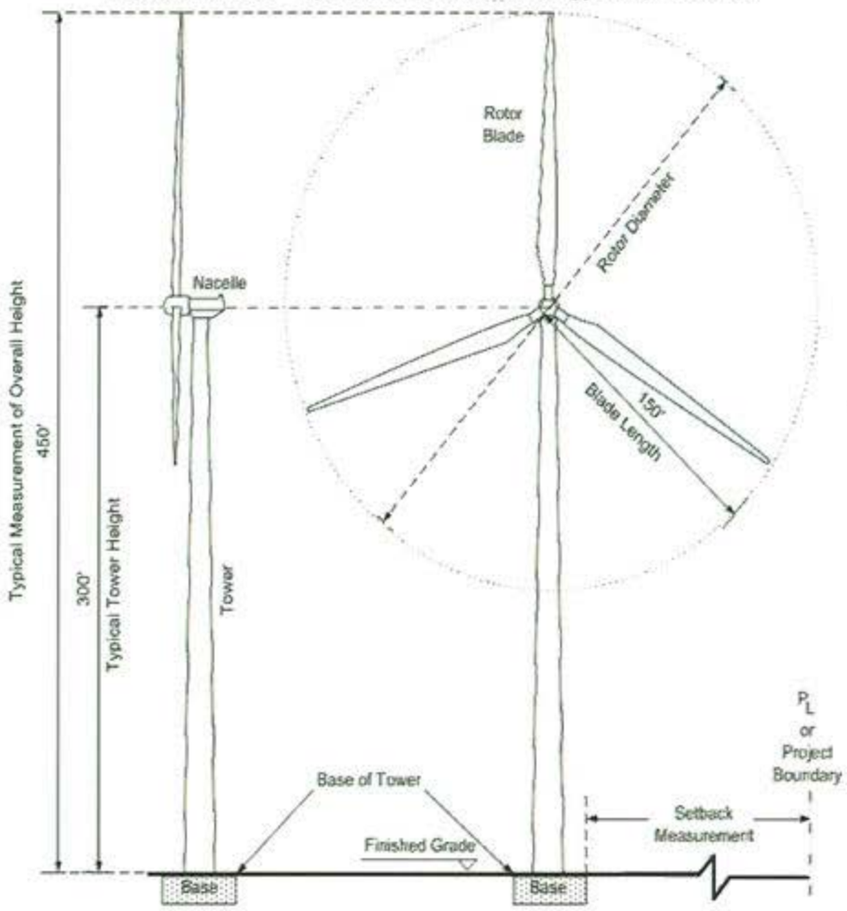
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9. Renewable Energy Wind Facility

a. Definition

A facility that uses one or more wind turbines, Meteorological (MET) Towers or other systems with a principal use of producing electric or mechanical power from the wind. **[Ord. 2010-005] [Ord. 2011-016]**

Figure: 4.B.1.A – Typical Renewable Energy Wind Turbine



[Ord. 2010-005] [Ord. 2011-016]

b. Environmental Permitting – Letters of Engagement

The applicant shall provide a letter of engagement from all applicable environmental permitting agencies, including but not limited to: the Florida Fish and Wildlife Conservation Commission, US Fish and Wildlife Service, Florida Department of Environmental Protection, or other applicable regulatory agency. Letters of engagement, or similar documentation, shall indicate that the proposed facility is under review for applicable permitting or siting requirements for endangered, threatened or species of special concern, migratory birds or bats, natural ecosystem or wetlands, or other local wildlife. The documentation shall be submitted to the Zoning Division, with the Zoning application. The Letter of Engagement shall include, at a minimum: **[Ord. 2010-005] [Ord. 2011-016]**

1) Identify organization as Federal, State or Local; **[Ord. 2011-016]**
2) Key individuals involved in review; **[Ord. 2011-016]**
3) Role in review process (i.e. studies, review or permitting); and, **[Ord. 2011-016]**
4) Identify any permits or approvals required, critical dates, input in review process and possible conditions of approval, where applicable. **[Ord. 2011-016]**

d. Lot Size

Lots shall comply with the minimum lot dimension requirements pursuant to Table 3.D.1.A, Property Development Regulations, or the applicable PDD requirements. Nonconforming legal lots of record may be included within the boundaries of a Renewable Energy Wind Facility if the overall project boundaries meet the minimum standards for the zoning district. **[Ord. 2010-005] [Ord. 2011-016]**

e. Setback or Separation Requirements

Accessory electric poles, distribution and transmission lines shall be exempt from the minimum setback requirements indicated below. **[Ord. 2010-005]**

1) Facilities shall comply with the minimum setback requirements of the applicable zoning district unless stated otherwise in the following table. **[Ord. 2010-005] [Ord. 2011-016]**

Table 4.B.7.C, Renewable Energy Wind Facility Setbacks or Separations

Structures	Minimum Separation (1) (2)			Minimum Setback (1)		
				Project Boundary		
	Occupied Buildings within Project Boundary	Habitable Buildings within Project Boundary	Occupied or Habitable Buildings Outside of Project Boundary	Non-residential FLU	Residential or Conservation FLU	Public R-O-W
Wind Turbines, MET Towers or other similar Wind Energy Systems	1.1 x Height	2.5 x Height	2.5 x Height	1.5 x Height	2.0 x Height	2.5 x Height
Accessory or Collocated Buildings or Structures	Apply zoning district or accessory use PDRs as applicable.					
[Ord. 2011-016]						
Notes:						
1. Setback or separation from Wind Turbines, MET Towers or other similar structures shall be measured from the base as depicted in Figure 1.C.4.E, Typical Example of Measurement of Separation from Structure.						
2. Definitions for Habitable and Occupied shall be in accordance with the Florida Building Code, as may be amended.						

2) **Type 2 Variance for Setbacks or Separations**
Requests for Type 2 Variances from the Setback or Separation requirements listed above shall be permitted in accordance with Art. 2, Development Review Procedures, and the following: **[Ord. 2011-016]**
   a) The minimum proposed setback or separation is not less than 1.1 times the height of the structure; **[Ord. 2011-016]**
   b) The applicant submits a study demonstrating that shadow flicker caused by the proposed Renewable Energy Wind Facility will not affect any occupied or habitable building or outdoor recreation area. Some shadow flicker not to exceed 30 hours annually may be approved as part of the Variance upon demonstration that the frequency range is not adverse to any segments of the public. The study shall be prepared by a licensed Engineer, Surveyor and Mapper, Architect, Landscape Architect, or other similar professional, including scientists specializing in Renewable Energy Wind technology. **[Ord. 2011-016]**

3) **Setback within Multi-Parcel Renewable Energy Wind Facilities in AP**
Except for setbacks from habitable and occupied buildings as set forth in Table 4.B.1.A., Wind Turbines, MET Towers or other similar wind energy systems on parcels with an AP FLU designation and AP Zoning District, setbacks shall be measured from the Project Boundary, not from any lot lines located within the Project Boundary. **[Ord. 2011-016]**

4) The measurement of height shall be in accordance with Art. 4.B.9.B.5, Towers Height (related to Commercial Communication Towers), except that for Wind Turbines, the height shall be measured to the top of the turbine blade. **[Ord. 2011-016]**

e. Perimeter Buffers and Interior Tree Requirements

1) A Type 1 incompatibility buffer shall be required when the subject site is adjacent to or visible from any street or parcels with a conservation (when open to the public), commercial, public and civic, or residential FLU designation, zoning district or use. In addition, a Type 2 incompatibility buffer shall be required around the perimeter of all ground mounted equipment or accessory buildings. Palms may be substituted for 50 percent of the required canopy trees. **[Ord. 2010-005]**

2) Wind Turbines or MET Towers located on parcels with an AP FLU designation and Zoning District shall be exempt from the landscaping requirements above. **[Ord. 2011-016]**

3) These facilities shall be exempt from interior landscape requirements for the developable area pursuant to Table 7.C.3, Minimum Tier Requirements. **[Ord. 2010-005]**

f. Collocation with Existing Electric Power Plant

Renewable Energy Wind Facilities located on a site with an existing Electric Power Plant shall be approved pursuant to the approval process indicated in the appropriate use matrix, and shall not be subject to a legislative development order amendment, pursuant to Article 2.B.2.H, Development Order Amendment. **[Ord. 2010-005]**

g. Removal

A Renewable Energy Wind project ("Project"), when deemed "abandoned", shall be removed in accordance with the provisions of this subsection (g). For the purposes of this section, the term Project shall also include individual Wind Turbines or MET Towers located within a larger Renewable Energy Wind Facility. The Project shall be deemed "abandoned" when the Project is completely unable to generate electricity, whether through continued operation or repowering, and where the owner of the Project ("Project

Owner") is not engaged in any effort to remedy the condition that gave rise to the complete inability to generate electricity, or if the project fails to generate electricity for a period of three years regardless of the efforts of the Project Owner. If a Project is deemed "abandoned", the Project Owner shall commence removal of the Project. The arrangements regarding removal of the Project are to be set forth in contracts between the applicable landowners and the Project Owner, which such arrangements shall: **[Ord. 2011-016]**

1) Require the removal of the turbine towers and foundations up to a depth of 36 inches below grade; **[Ord. 2011-016]**
2) Establish a time frame up to 24 months, subject to adjustment due to force majeure events, to complete the removal; and **[Ord. 2011-016]**
3) Provide surety, in a form subject to approval of the County Attorney, for removal to the applicable landowner (as primary beneficiary) and to the County (as secondary beneficiary in the event the landowner fails to timely enforce its rights under the surety instrument). The amount of the surety shall be calculated by an independent, Florida certified professional engineer immediately prior to the date it is required to be provided, as set forth in this clause (3), and shall be equal to the cost of removing the Project. The surety amount shall be recalculated every five years thereafter. The surety, which shall be in the form of a single instrument, shall be provided to the applicable landowner and the County upon the earlier to occur of: **[Ord. 2011-016]**
   (a) The date which is ten years prior to the end of the lease term between the applicable landowner and the Project Owner, as such term may be extended from time to time, or **[Ord. 2011-016]**
   (b) The 90th day following the date the Project is deemed "abandoned". **[Ord. 2011-016]**

h. MET Tower Approval Process Exceptions

Permanent MET Towers shall be considered a permitted accessory structure to a Renewable Energy Wind Facility. **[Ord. 2011-016]**

1) DRO Approval

A temporary MET Tower located on a parcel with an AP FLU designation and Zoning District, to be erected for a period of not more than three years, may be approved by the DRO. **[Ord. 2011-016]**

2) Permitted by Right

A temporary MET Tower located on a parcel with an AP FLU designation and Zoning District, to be erected for a period of not more than three years, where located one mile or more from a public R-O-W, or parcel of land with a conservation (when open to the public), commercial, public, civic, or residential FLU designation or use, may be Permitted by Right. **[Ord. 2011-016]**

i. Microwave Path Analysis

At time of submittal for final DRO approval, a professionally prepared microwave path analysis shall be submitted for review and approval by FDO. Prior to final DRO approval, the site plan shall clearly depict any area(s) of the site that is required by that analysis to remain free and clear of encroachments in order to preclude interference with County microwave communication systems. **[Ord. 2011-016]**

j. Aircraft Hazard

To ensure the safety of low flying aircraft, any application shall demonstrate compliance with 14 CFR Part 77.9 and notification requirements to the Administrator of the FAA. In the event there are no applicable FAA requirements for safety markings of Wind Turbines or MET Towers the following safety marking requirements shall be applied: **[Ord. 2011-016]**

1) Paint will be applied to the top 1/3 of the MET Tower in alternating bands of international orange and white. **[Ord. 2011-016]**
2) Three orange guy wire marker spheres will be installed on each of the outer guy wires of the MET Tower. **[Ord. 2011-016]**
3) 10 foot yellow florescent sleeves will be attached on either side of each marker sphere. **[Ord. 2011-016]**
4) A low-intensity flashing red light will be mounted at the top of the MET Tower. **[Ord. 2011-016]**
5) 10 foot yellow florescent sleeves will be attached to each guy wire at the anchor points of the MET Tower. **[Ord. 2011-016]**

k. Color

Towers, turbines and blades shall be painted non-reflective white or grey, or other non-reflective unobtrusive color and shall be consistent with any information provided at time of DO approval. Change in color may be allowed subject to DRO approval, where required by regulatory agency permitting or other similar approvals. Signage, equipment or project logo or labeling shall be prohibited on Wind Turbines, MET Towers or other similar wind energy systems. **[Ord. 2011-016]**

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10. Solid Waste Transfer Station

a. Definition

A facility where solid waste or yard waste from smaller vehicles is transferred into larger vehicles before being shipped or transported to a solid waste processing or disposal facility.

b. Location

The facility shall front on and have access from an Arterial or Collector Street.

c. Setbacks

All portions of a transfer station, including structures, ramps, parking and on-site circulation areas, shall be setback a minimum of 50 feet or the zoning district setback, whichever is greater, from all property lines, lakes, canals, water management tracts, retention/detention areas, drainage swales, and other water bodies.

d. Buffer

A minimum 50-foot wide incompatibility buffer shall be provided adjacent to an existing residential FLU designation or use. Required landscaping not visible from adjacent lots or streets may be waived through a Type 1 Waiver. **[Ord. 2012-027]**

e. Storage Areas

All solid waste stored outdoors shall be in leak-proof containers or located on a paved surface designed to capture all run-off. Run-off shall be treated in a manner that is in conformance with local, State and Federal regulations. Solid waste or yard waste may be sorted or temporarily stored but not processed at a Transfer Station.

f. Operation Functions

1) Access

A graphic and written analysis of access routes to the site.

2) Type

An explanation of the type of facility requested including a description of the materials to be handled, methods of operation, handling procedures, whether sorting will occur, and runoff treatment plans.

3) Waste

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

4) Hours of Operation

A statement specifying the hours of operation.

5) SWA Permit

Prior to operation of the facility, the owner or operator shall obtain a SWA Permit.

11. Water or Wastewater Treatment Plant

a. Definition

A facility designed for treatment and disposal of more than 5,000 gallons per day of water or wastewater.

b. Location

In the AGR Zoning District, a Water or Wastewater Treatment Plant shall not be located west of SR 7 / US 441.

c. Sanitary Nuisances

Facilities shall be designed and operated to minimize objectionable odors. Potential sanitary nuisances shall be addressed by the PBC Health Department pursuant to F.S. Chapter 386, Part I, as may be amended from time to time.

d. Setbacks - Water or Wastewater Treatment Plant

For purposes of this Section, the AR Zoning District is not considered a residential zoning district. Required setbacks are as follows:

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Table 4.B.7.C– Wastewater Treatment Plant Setbacks

Type/Capacity	Type of Plant	Setback from Residential and Commercial Zoning District	Setback From Non-Residential and Non-Commercial Zoning District
Wastewater Treatment Plants over one million gallons per day capacity:	Head works, clarifiers, sludge treatment & handling facilities without odor control	750 feet	500 feet
	Head works, clarifiers, sludge treatment & handling facilities with odor control	300 feet (2)	200 feet (1)
	Chemical storage facilities	300 feet	200 feet
	Accessory facilities	200 feet	100 feet
Wastewater Treatment Plants up to one million gallons per day capacity including package treatment facilities	Treatment units without odor control	150 feet	150 feet
	Treatment units with odor control	100 feet(1)	100 feet (1)
	Chemical storage facilities	100 feet	100 feet
	Accessory facilities	100 feet	100 feet
Water Reclamation Production Facility (any capacity stand alone facility larger than a minor utility which is filtering already treated wastewater (secondary effluent) (3) (4)	Storage Tanks, Filtration System, Hypochlorite tanks, Office/Lab/Generator buildings, and accessory facilities	50 feet front; 15 feet side; 25 feet side street; and 20 feet rear or the minimum district setback, whichever is greater	50 feet front; 15 feet side; 25 feet side street; and 20 feet rear or the minimum district setback, whichever is greater
Membrane Bio-Reactor (MBR) System	Storage tanks, enclosed reinforced hollow fiber or flat plate membranes, clarification, aeration and filtration of wastewater for discharge or reuse applications	50 feet front; 15 feet side; 25 feet side street; and 20 feet rear or the minimum district setback, whichever is greater	50 feet front; 15 feet side; 25 feet side street; and 20 feet or the minimum district setback, whichever is greater

Notes:

1. Minimum lot dimensions shall be governed by the regulations above or the most recent standards adopted by the District and shall apply only to new schools. The District shall forward any changes in the standards to the Department within 20 days of School Board adoption. Minimum lot dimensions shall include, if applicable, sufficient room for any onsite retention.
2. Tertiary filters do not require odor control.
3. If an existing utility site is being redeveloped into a water reclamation production facility or MBR, the setbacks established for the original use will be utilized for the water reclamation facility or MBR unless they are more restrictive than the setbacks noted in this table. If the reclamation or MBR facility qualifies as a minor utility those regulations will apply instead of this table. **[Ord. 2007-013]**
4. A Water Reclamation Production Facility treating raw wastewater to tertiary levels must meet the setback requirements for a Wastewater Treatment Plant of similar capacity unless it qualifies as a minor utility, in which case, those regulations will apply. **[Ord. 2007-013]**

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Table 4.B.7.A - Water Treatment Plant Setbacks for Open Treatment Process

Type/Capacity	Type of Plant	Setback
Water Treatment Plants over two million gallons per day capacity	Treatment units and chemical storage	200 feet
	Units which cause airborne sulfides	500 feet (1)
	Accessory facilities	100 feet
Water Treatment Plants up to two million gallons per day capacity, including package treatment facilities	Treatment units and chemical storage	100 feet
	Units which cause airborne sulfides	250 feet (2)
	Accessory units	100 feet

[Ord. 2004-054] [Ord. 2007-013]

Notes:

1. Odor Control. Unless treatment for removal of sulfides for odor control is included. **[Ord. 2004-054]**
2. Maximum building height. Buildings not including storage tanks and water towers higher than 35 feet are allowed provided the following setbacks are met: **[Ord. 2004-054] [Ord. 2007-013]**
   a. The minimum yard setback of this section; and
   b. An additional one foot setback for each one foot in height exceeding 35 feet.

Table 4.B.7.C - Water Treatment Plant Setbacks For Enclosed Treatment Process without Gas Chlorine

Type/Capacity	Yard	Setback
Water Treatment Plants over two million gallons per day capacity	Front	80 feet
	Side	50 feet
	Rear	50 feet
	Chemical Storage	200 feet (1)
Water Treatment Plants up to two million gallons per day capacity, including package treatment facilities	Front	80 feet
	Side	50 feet
	Rear	50 feet
	Chemical Storage	100 feet

Note:

1. Chemical storage setbacks may be reduced by fifty percent for facilities using enclosed treatment process without Chlorine gas, along property lines adjacent to parcels with a PO Zoning District and INST FLU designation, or AP Zoning District and FLU designations.

e. Accessory Use

A Water or Wastewater Treatment Plant may be collocated with a Public School installed in accordance with all applicable federal, state and local utility standards.

1) Location/Buffering

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

2) Duration

The use of the facility shall only be permitted until such time as central water or waste water service is available from the appropriate utility.

f. Landscaping

1) Buffer

Perimeter landscape buffers shall have a minimum width of 25 feet or be equal to the setback requirements if less than 25 feet. **[Ord. 2007-013]**.

2) Trees

A single row of trees shall be planted all landscape buffers at a ratio of one 14 foot tall tree for each 25 linear feet. **[Ord. 2007-013]**

3) Screening

Screening consisting of a hedge, berm, or fence wall which will present a visual screen at least six feet in height within one year of installation shall be provided around the perimeter of the site. **[Ord. 2007-013]**

g. Package Treatment Facility

Package water or wastewater treatment facilities shall comply with the following additional standards:

1) Limited Service Area (LSA)

a) Package treatment facility shall be prohibited in the LSA except for use by schools or located in the United Technology Corporation Protection Overlay or the North County General Aviation Facility.

b) If a package treatment facility is proposed to be developed in the LSA, confirmation shall be provided from the PBCHD that use of a package treatment plant is necessary to protect water quality. The PBCHD shall certify that the uses proposed can be adequately served with a package treatment plant.

2) Rural Service Area (RSA)

If a package treatment facility is proposed to be developed in the RSA, there shall be demonstrated evidence that it is to be used to provide potable water or wastewater service to bona fide agriculture uses, public recreational uses, public educational uses, or other uses when found to be consistent with the Plan by the Planning Director and upon approval of the Director of the PBCHD. The PBHD may impose conditions or restrictions necessary to protect public health and prevent the creation of a nuisance. All package plants in the RSA shall be operated and maintained by a public utility. Based on the standards of operator coverage in Chapters 62-699 and 62-602, F.A.C., the BCC, may require a higher level of operator coverage.

h. Effect on Previously Approved Plants

Water and Wastewater Treatment Plants approved prior to the effective date of this Code shall be considered conforming uses. Expansion or redevelopment of existing facilities or an existing utility site to the same or a different utility use or treatment technology may be allowed with setbacks less than those listed in this Section of the Code provided the expansion or redevelopment is reviewed and approved by the DRO and odor control is provided if applicable. **[Ord. 2007-013]**

i. Biosolids Land Application

Class A or B biosolids, as defined by Chapter 62-640, F.A.C., may be applied to land in bona fide agricultural operation in the AP, AGR and AR Zoning Districts. Class AA biosolids, as defined by Chapter 62-640, F.A.C., has unlimited distribution pursuant to Chapter 62-640, F.A.C. Nothing herein shall preclude disposal of biosolids at a Landfill or at a Wastewater Treatment Plant in compliance with applicable Federal, State and local regulations nor effect any biosolid operation approved prior to the effective date of this Code.

1) AP and AGR Zoning Districts

A Class A or B biosolid shall be permitted by right on the site of a bona fide agricultural operation in the AP and AGR Zoning Districts in compliance with FDEP standards in Chapter 62-640, F.A.C., as verified by the PBCHD. Following verification, the PBCHD shall be notified of the proposed first date of the land application no fewer than thirty days prior to land application.

2) AR Zoning District

Land application for a Class A or B biosolid shall be permitted in the AR Zoning District on the site of a Bona Fide Agriculture operation following approval by the DRO. An applicant shall demonstrate compliance with FDEP standards except that the required separation from buildings and other property lines shall be as specified below. In the case of several adjacent properties which apply for a biosolid the properties may be combined for the purpose of measuring the required separation and the separation may be measured from the boundary of the most exterior property.

a) External Separation

There shall be a minimum separation of 500 feet from any off-site structure occupied on a daily or frequent basis by people. This distance shall be measured from the perimeter of the biosolid application area outward toward the structure.

b) Internal Separation

Internal to the site, there shall be a minimum 200 foot separation from the perimeter of the biosolid application area to the property line of the parcel.

c) Setbacks

These setbacks may be reduced or increased by the Director of the PBCHD.

Section 8 Transportation Uses

A. Transportation Use Matrix

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TABLE 4.B.8.A - TRANSPORTATION USE MATRIX

| STANDARD DISTRICTS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | PLANNED DEVELOPMENT DISTRICTS (PDDs) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | TRADITIONAL DEV. DISTRICTS (TDDs) | | | | | | | | | | | | | | | | | | |

B. General Transportation Standards for Aviation Related Uses

All Airports, Heliports, Landing Strips and Seaplane Facilities not owned and operated by the State of Florida, PBC, or a hospital shall comply with the following standards:

1. Setbacks

a. No structure or navigation aid shall be located within 50 feet of any property line.

b. There shall be a 100-foot setback between the edge of the landing area, as defined by the FDOT, and the property line.

2. Structure Height

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

3. Hangars

Storage buildings for aircraft shall be allowed as principal structures. Hangars accessory to an Agriculturally Classified Use as established by State Statutes shall be located on parcels containing a minimum of 20 acres.

4. FAA and FDOT Requirements

DRO and Class A Conditional Use approvals as related to FAA and FDOT requirements shall be in accordance with F.S. 125.022(4), Development Permits.

C. Definitions and Supplementary Use Standards for Specific Uses

1. Airport

a. Definition

Any facility designed to accommodate landing or take-off operations of aircraft.

2. Heliport

a. Definition

A facility designed to accommodate helicopter operations, including facilities and structures, needed for heliport business to function.

b. Accessory Use

Except where otherwise allowed as a principal or collocated use, a Heliport limited to landing and takeoff of helicopters, tilt rotors or rotorcraft may be allowed as an accessory use, as follows:

1) Accessory to an Agriculturally Classified Use as established by State Statutes, in the AGR, AR, AP and RE Zoning Districts, located on parcels containing a minimum of ten acres, shall be Permitted by Right.

2) Accessory to Single Family in the AR, RE and RM Zoning Districts, subject to Class A Conditional Use approval.

3) Accessory to Residential subdivision, as a Neighborhood Recreation Facility, or within the Recreation or Civic Pod of a PDD or TDD, subject to Class A Conditional Use approval.

4) Accessory to a Public Park as follows:

a) Subject to Class A Conditional Use approval if located within 1,000 feet from a parcel of land with a residential use or FLU designation. A heliport shall be Permitted by Right if located more than 1,000 feet from a parcel of land with a residential use or FLU designation. Measurement shall be made from the edge of the helipad to the property line of a parcel of land with a residential FLU designation or use; or,

b) Permitted by Right if limited to a helipad for emergency purposes.

5) A helipad accessory to Data and Information Processing, and Research and Development subject to Class A Conditional Use approval.

6) Accessory to Government Services or Government Facilities, subject to Class A Conditional Use approval. A heliport shall be Permitted by Right if located more than 1,000 feet from a parcel of land with a residential FLU designation or use. Measurement shall be made from the edge of the helipad to the property line of a parcel of land with a residential FLU designation or use.

7) Accessory to a Hospital may be Permitted by Right.

3. Landing Strip

a. Definitions

A ground facility designed to accommodate landing and take-off operations of aircraft, including facilities or structures, needed for landing strip functions.

b. Accessory Uses

Except where otherwise allowed as a principal or collocated use, a Landing Strip may be allowed as an accessory use, as follows:

1) Accessory to an Agriculturally Classified Use as established by State Statutes, in the AGR, AP, and AR/RSA Zoning Districts, located on parcels containing a minimum of twenty acres, shall be Permitted by Right.

2) Accessory to Residential subdivision, as a Neighborhood Recreation Facility, or within the Recreation or Civic Pod of a PDD or TDD, subject to Class A Conditional Use approval.

3) Accessory to Government Services or Government Facilities, subject to Class A Conditional Use approval.

4. **Seaplane Facility**
   a. **Definitions**
      A facility, on land or water, designed to accommodate the landing and takeoff of seaplanes, water taxiing, anchoring, ramp service and onshore facilities.
   b. **Separation Distance - Residential Zoning District**
      1) If the seaplane facility use is limited to the adjacent property owners who jointly own and maintain the aircraft facility, it may be located in a residential zoning district provided the facility is not commercial or within 400 feet of a residential use.
      2) If the facility is a commercial venture, it shall not be located within 1,000 feet of a parcel of land with a residential FLU designation or use.
   c. **Minimum Land Area**
      The minimum required land area for any type of seaplane operation shall be two acres.
   d. **Water Area**
      All seaplane operations shall comply with the following minimum standards for water landing area:

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

Length	3,500 feet
Width	300 feet
Depth	4 feet

   e. **Airport Approach**
      No seaplane operation shall be considered unless the airport approach to the water landing area is at a slope of 40:1 or flatter for a distance of at least two miles from both ends of the water landing area and is clear of any building structure or portion thereof that extends through and above the airport approach plane.
   f. **Setbacks**
      All buildings, structures, and aircraft parked on shore shall be located a minimum distance from all property lines of at least 50 feet.
   g. **Landing Operations**
      All aircraft landings shall be performed under Visual Flying Rules (VFR) and shall not be conducted during the hours between sunset and sunrise.
   h. **Parking**
      Shore facilities shall provide one automobile parking space for each 2,000 square feet of hangar or tie-down area, or one space per craft, whichever is greater. All shore facilities shall provide a minimum of five parking spaces.

5. **Transportation Facility**
   a. **Definition**
      An establishment used as a transfer point for the loading and unloading of passengers from one mode of transportation to another, excluding airports, aviation related uses, and bus stops and alighting areas as outlined within Article 5.H, Mass Transit Standards.
   b. **Typical Uses**
      A Transportation Facility use may include, but not be limited to: bus stations, ferryboat or cruise ship terminals, and commuter railroad stations.
   c. **Approval Process**
      1) **UC, UI, and PO Zoning Districts**
         a) A Transportation Facility in the UC and UI Zoning Districts that is subject to Class A Conditional Use approval may be approved by the DRO if located 200 feet or more from a parcel of land with a residential FLU designation or use.
         b) A Transportation Facility in the PO Zoning District that is subject to Class A Conditional Use approval shall be Permitted by Right if located 200 feet or more from a parcel of land with a residential FLU designation or use.
      2) **All Other Zoning Districts**
         A Transportation Facility in all other zoning districts subject to Class A Conditional Use approval may be approved by the DRO if located 500 feet or more from a parcel of land with a residential FLU designation or use.
   d. **Location**
      Bus or railroad stations shall have frontage on and access from a Collector or Arterial Street, unless located within a PDD or TDD.
   e. **Separation From Residential**
      A Transportation Facility located within 200 feet from a parcel of land with a residential FLU designation or use shall be subject to the following:
      1) Building openings used by vehicles and unglazed architectural openings shall not face residential; and,
      2) A Type 3 Incompatibility Buffer shall be required.
   f. **Vehicular and Pedestrian Circulation Areas**
      The site design shall address the following:
      1) Vehicle idling and queuing spaces do not encumber on-site circulation traffic or present a safety hazard for vehicles or pedestrians.
      2) Designated passenger drop off/pick up areas.

3) A minimum six foot wide sidewalk in front of or adjacent to the drop-off spaces and connected to the building entrance.
4) On-site vehicular circulation paved areas shall be setback a minimum 100 feet if adjacent to a parcel of land with a residential FLU designation or use.

Section 9 Commercial Communication Towers

A. Commercial Communication Towers Matrix

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EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

1

TABLE 4.B.9.A –COMMERCIAL COMMUNICATION TOWERS MATRIX

| STANDARD DISTRICTS | | |

EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

1

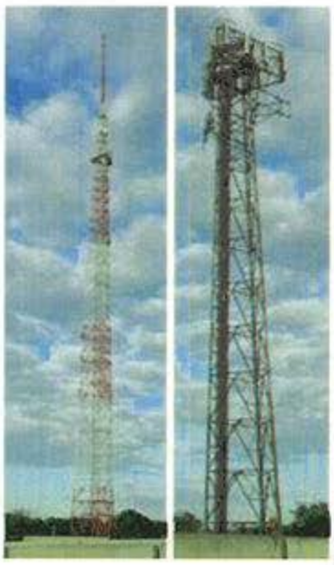
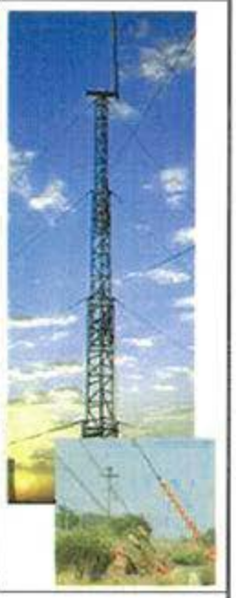
TABLE 4.B.9.A - COMMERCIAL COMMUNICATION TOWERS MATRIX

| STANDARD DISTRICTS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | PLANNED DEVELOPMENT DISTRICTS (PDDs) | | | | | | | | | | | | | | | | | | |

B. General Standards

Commercial Communication Towers include provisions for any tower, pole or structure that supports a device whose principal use is to facilitate transmissions for AM/FM radio, television, microwave; cellular, personal wireless services, or related forms of electronic communications. The regulations include provisions for Stealth, Camouflage, Monopole, Self Support/Lattice, Guyed Towers.

Table 4.B.9.B – Typical Examples of Commercial Communication Towers

Camouflage	Stealth	Monopole	Self Support / Lattice	Guyed
				

[Ord.]

1. **Collocated Tower and Accessory Structures**

Communication towers may be permitted on a lot with another principal use as provided herein unless stated otherwise.

a. **Owned Parcel**

Communication towers may be located on lots containing another principal use, including another communication tower.

b. **Leased Parcel**

Towers may occupy a leased parcel on a lot that meets the minimum lot size requirement of the zoning district in which it is located. PBC may require execution of a unity of control, or other documentation as determined appropriate by the County Attorney, for leased parcels that do not meet the minimum lot size requirement for the zoning district in which they are located.

c. **Accessory Structures**

Any structure accessory to communication towers, other than peripheral supports and guy anchors, shall conform to the setback requirements for the zoning district in which it is located.

2. **Separation and Setbacks**

Separation between communication towers and other uses on the lot may be required to ensure compatibility. Separation or setbacks for all towers shall be established, as provided in Tables 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Residential Zoning Districts, and 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, unless stated otherwise herein.

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EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

1 **a. Towers Located in Residential Zoning Districts**
2

Table 4.B.9.B – Minimum Separation and Setbacks for Towers Located in Residential Zoning Districts

TOWER TYPE	Adjacent to	AGR	AR/ RSA	AR/ USA	RE	RT	RS	RM	PUD	RVPD	MHPD	TND
Stealth Tower ≤ 125'	Residential Existing	150% of tower height for separation between tower and adjacent residential structures 100% of tower height for setback from property line										
	Residential Vacant	100% of tower height for setback from property line										
	Non-residential and Public ROW	100% of tower height for setback from property line										
Stealth Tower > 125' to Max. 200'	Residential Existing	150% of tower height for separation between tower and adjacent residential structures 100% of tower height for setback from property line										
	Residential Vacant	100% of tower height for setback from property line										
	Non-residential and Public ROW	20% of tower height or zoning district setbacks whichever is greater										
Camouflage Tower Max. 150' (1)	Residential Existing	150% of tower height for separation between tower and adjacent residential structures 100% of tower height for setback from property line										
	Residential Vacant	100% of tower height for setback from property line										
	Non-residential and Public ROW	20% of tower height or zoning district setbacks whichever is greater										
Monopole Tower (2)	Residential Existing	600% of tower height for separation between tower and adjacent residential structures 150% of tower height for setback from property line										
	Residential Vacant	150% of tower height for setback from property line										
	Non-residential and Public ROW	20% of tower height or zoning district setbacks whichever is greater										
Self Support / Lattice Tower (2)	Residential Existing	600% of tower height for separation between tower and adjacent residential structures 150% of tower height setback from property line										
	Residential Vacant	150% of tower height setback from property line										
	Non-residential and Public ROW	20% of tower height or zoning district setbacks whichever is greater										
Guyed Tower (2)	Residential Existing	Lesser of 600% of tower height or 1,500' separation between tower and adjacent residential structures and 150% of tower height for setback from property line										
	Residential Vacant	150% of tower height for setback from property line										
	Non-residential and Public ROW	20% of tower height or zoning district setbacks whichever is greater										
Electric Transmission Line		Height, tower type, and setbacks limited as provided in Art. 4.B.9, Commercial Communication Towers										
FDOT												
[Ord. 2005-002]												
Notes:												
(1)	Maximum height subject to the specific requirements contained in the Supplementary Use Standards.											
(2)	Applicable to any tower height											

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b. Towers Located in Non-Residential Zoning Districts

Table 4.B.9.B – Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts

TOWER TYPE	Adjacent to	PC	AP	CN	CLO	CC	CHO	CG	CRE	UC	UI	IRO	IL	IG	IPF	PO	MUPD	MXPD	PIPD	LCC
Stealth Towers Max. 200'	Residential Existing (1)	150% of tower height for separation and 100% of tower height for setback from property line																		
	Residential Vacant (2)	100% of tower height for setback from property line																		
	Non-Residential and Public ROW	20% of tower height or zoning district setbacks whichever is greater																		
Camou-flage Towers Max. 150' (1)	Residential Existing (1)	150% of tower height for separation and 100% of tower height for setback from property line																		
	Residential Vacant (2)	100% of tower height for setback from property line																		
	Non-Residential and Public ROW	20% of tower height or zoning district setbacks whichever is greater																		
Monopole Tower (2)	Residential Existing (1)	600% of tower height for separation and 150% of tower height for setback from property line																		
	Residential Vacant (2)	150% of tower height for setback from property line																		
	Non-Residential and Public ROW	20% of tower height or zoning district setbacks whichever is greater																		
Self Support / Lattice Tower (2)	Residential Existing (1)	600% of tower height for separation and 150% of tower height for setback from property line																		
	Residential Vacant (2)	150% of tower height for setback from property line																		
	Non-Residential and Public ROW	Lesser of 100% of tower height or zoning district setback substantiated by breakpoint calculations																		
Guyed Tower (2)	Residential Existing (1)	Lesser of 600% of tower height or 1,500' separation and 150% of tower height for setback from property line																		
	Residential Vacant (2)	150% of tower height for setback from property line																		
	Non-Residential and Public ROW	Lesser of 100% of tower height or zoning district setback substantiated by breakpoint calculations																		
Electric Transmis sion Line	Residential	150' setback from abutting residential property line																		
	Non-residential	100' setback from abutting non-residential property line																		
FDOT	Residential	150' setback from abutting residential property line																		
	Non-residential	75' setback from abutting residential property line																		
[Ord. 2015-006]																				
Notes:																				
(1) Maximum height subject to the specific requirements contained in the Supplementary Use Standards. (2) Applicable to any tower height % Separation or setback as a percentage of tower height																				

c. Conforming Use or Structure

Construction of any lawful residential or nonresidential structure within the required separation distance shall not create a nonconforming use or structure when an existing communication tower is established pursuant to the provisions in Art. 4.B.9.B.2, Separation and Setbacks.

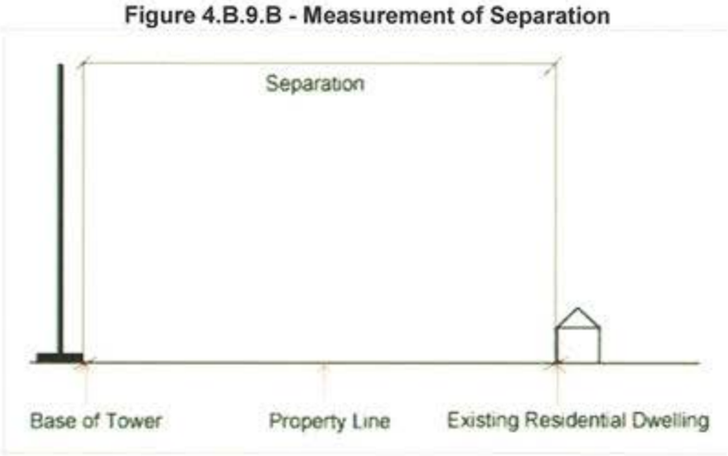
3. Measurement of Separation and Setback from Residential Uses

a. Existing Residential Use

Separations from existing residential structures shall be measured from the wall of the closest principal residential structure to the base of the tower.

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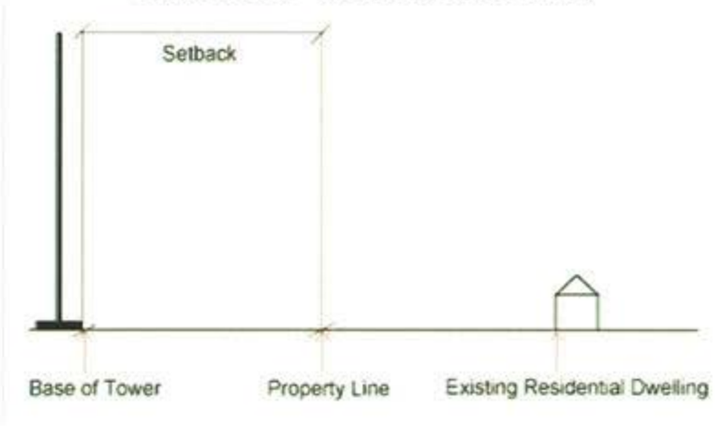
Figure 4.B.9.B - Measurement of Separation



b. Vacant Residential Parcel

Setbacks from vacant residential parcels shall be measured from adjacent property lines to the base of the tower.

Figure 4.B.9.B - Measurement of Setback



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4. Distance Between Towers

Towers shall be subject to the following minimum distances between towers:

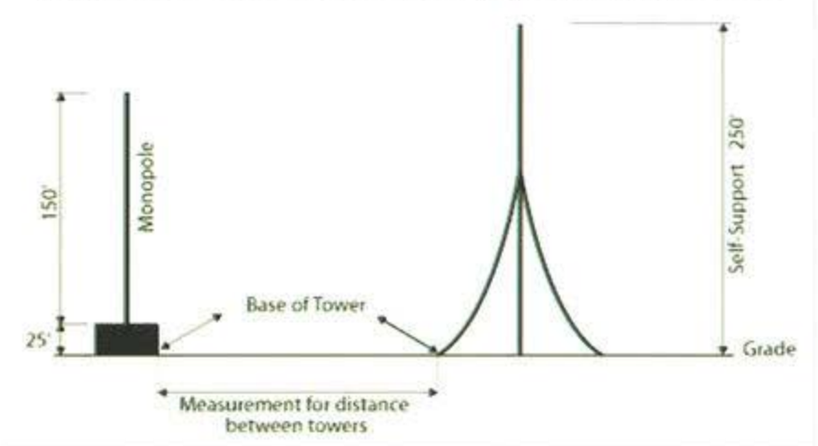
Table 4.B.9.B - Distance Between Towers

Tower Type	Zoning District							
	AGR, PC, and parcels less than 10 acres in AR	CC, CHO, CLO, CN, RE, RM, RS, RT, TND - NC	PUD: Commercial and Recreation pods. UC, UI CG, CRE, MUPD: CL and CH FLU. MXPD, LCC, TND OSREC	Parcels less than 10 acres in: AP, IG, IL, PIPD	Parcels 10 or more acres in: AP, AR, IG, IL, PIPD	PO	PUD: Civic pod, MUPD: INST FLU, IPF	FPL Trans. R-O-Ws and FDOT R-O-Ws
Stealth	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Camouflage	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Monopole								
60' or less in height	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
>60' to 100' in height	500 feet	660 feet	500 feet	N/A	N/A	N/A	300 feet	N/A
>100' to 150' in height	660 feet	660 feet	660 feet	N/A	N/A	N/A	600 feet	N/A
>150' to 200' in height	1,320 feet	1,320 feet	1,320 feet	1,320 feet	660 feet	660 feet	660 feet	660 feet
>200' to 250' in height	2,640 feet	2,640 feet	2,640 feet	2,640 feet	1,320 feet	1,320 feet	1,320 feet	1,320 feet
>250' in height	3,960 feet	5,280 feet	5,280 feet	2,640 feet	1,320 feet	2,640 feet	2,640 feet	2,640 feet
Self Support / Lattice	5,280 feet	Not permitted	5,280 feet	1,320 feet	N/A	N/A	5,280 feet	5,280 feet
Guyed	5,280 feet	Not permitted	5,280 feet	2,640 feet	N/A	N/A	5,280 feet	5,280 feet

a. Measurement of Distance Between Towers

The distance between an existing and a proposed tower shall be measured at grade in a direct lineal fashion between the closest points of the base of the existing and the base of proposed towers.

Figure 4.B.9.B - Distance Between Existing and Proposed Towers



Separations between towers located in different zoning districts shall be measured as follows:

1) **Residential and Residential**
   The greater of the distance between towers requirements shall apply between residentially zoned parcels.
2) **Residential and Non-Residential**
   The greater of the distance between towers requirements shall apply between residentially and non-residentially zoned parcels.

3) **Non-Residential and Non-Residential**
The lesser of the distance between towers requirements shall apply between non-residentially zoned parcels.

4) **Certification of Distance**
The distance between towers shall be certified by a professional engineer or a professional surveyor and mapper, each of whom shall be licensed by the State of Florida.

5. **Tower Height**
All antennas and other attachments shall be included in the height measurement of the tower structure, and shall not extend beyond its maximum permitted height. Lightning rods and whip antennas, less than six inches in diameter, shall be excluded from this requirement.

6. **Parking**
Communication towers shall be exempt from the parking requirements of Article 6, Parking, unless otherwise required by the Zoning Director.

7. **Perimeter Buffering**

a. **Fence or Wall**
A fence or wall, a minimum of eight feet in height measured from finished grade, shall be constructed around the base of each communication tower and accessory equipment structure, and around each guy anchor. Access to the communication tower shall be through a locked gate.

b. **Landscaping**
The landscape and buffer standards provided below shall be required around the perimeter of the tower, accessory structures, and guy anchors, unless waived as provided herein. These standards may be waived by the Zoning Director, unless otherwise required by the BCC or ZC when the proposed landscaping would not be visible from adjacent lots or streets.

1) **Installation**
Landscaping shall be installed along the exterior side of any required fences, unless the Zoning Director determines that the viability, survivability, or utility of the plant material is enhanced when located along the interior side of the fence or wall.

2) **Leased Parcels**
Landscaping shall be maintained pursuant to Article 7.F, Perimeter Buffer Landscape Requirements. The applicant shall execute a perpetual maintenance agreement with the property owner to ensure the maintenance of the landscape buffer if the buffer is installed outside of the leased parcel footprint.

3) **Adjacent to Residential FLU Designation, Zoning District or Use**

a) **Towers Less than 50 feet from Existing Residential**
A Type 3 Incompatibility Buffer without a wall shall be installed between towers and adjacent lots with existing residential uses or FLU designations, pursuant to Article 7.F, Perimeter Buffer Landscape Requirements.

b) **Towers More than 50 feet from Existing Residential**
A Type 1 Incompatibility Buffer shall be installed between towers and adjacent lots with existing residential uses, residential zoning, or residential FLU designations, pursuant to Article 7.F, Perimeter Buffer Landscape Requirements.

4) **Adjacent to Non-Residential Uses or Zoning Districts**
Towers shall comply with the standards for landscape buffers between compatible uses of Article 7.F, Perimeter Buffer Landscape Requirements.

c. **Accessory Equipment and Structures**
All accessory equipment and structures shall be located within the required perimeter buffering.

8. **Signage**

a. **Signs and Advertising**
The placement on a Monopole, Self Support/Lattice, or Guyed Tower, of any signs, flags or appurtenances for advertising purposes, including company name, shall be prohibited. Signs or advertising may be permitted when in conjunction with a Stealth Tower when that structure is an integral element of a principal building or structure.

9. **Generators**
All permanently installed generators used on site shall use propane fuel. However, generators 125 kilowatts or greater may utilize diesel fuel.

10. **Lighting**
The least intensive nighttime method of illumination acceptable to the FAA shall be utilized. To the extent possible, strobe lighting or similar types of lighting shall not be utilized. All required lighting shall be maintained on an as needed basis by the owner of the tower.

11. **Interference**
a. As provided by the FCC, towers shall not interfere with the normal operation of electrical or mechanical equipment located within surrounding properties.
b. Towers or guy wires shall not impede the aerial mosquito control activities performed by PBC, as determined by the BCC, for the health, safety, and welfare of its residents.

12. **Building Permits**
In addition to the approval processes required in Table 4.B.9.A, Commercial Communication Towers Matrix, a building permit shall be required for all towers, support and accessory

structures, and antenna attachments, except as otherwise provided by Federal, State of Florida or local law.

a. Accessory Structures
Building permits shall be required for all accessory structures related to an antenna.

b. Windload Standards
All antennas and other tower attachments shall meet the required windload standards pursuant to Building Division review. Documentation indicating compliance with the windload standards shall be certified by a professional engineer, licensed in the State of Florida, and submitted to the Building Division at the time of building permit application.

c. Airport Regulations
Prior to the issuance of a building permit for a tower, proof of compliance with applicable requirements of Article 16, Airport Regulations of the Code, shall be provided in a manner acceptable to the Zoning Director.

13. Providers
All communication towers, shall be constructed to accommodate a minimum number of providers as follows:

Table 4.B.9.B - Providers by Tower Type

Tower Types (1)	Minimum Number of Providers
Stealth	Two Providers (2)
Camouflage	One Provider for a maximum 100' height tower
	Two Providers for a maximum 125' height tower
	Three Providers for a maximum 150' height tower
Monopole, Self Support/Lattice and Guyed	Two Providers
[Ord.]	
Notes:	
1.	Prior to the issuance of a building permit for a structure with two or more providers, the applicant shall provide proof of share use/collocation in a form acceptable to the County Attorney and Zoning Director.
2.	An applicant may not be required to accommodate the additional providers in the event the shared use/collocation review procedures indicate no other service provider wishes to collocate on the structure.

14. Antenna
Antennas attached to towers shall be subject to the standards contained in Art. 4.B.9, Commercial Communication Towers. Standards for antennas attached to other type of structure are addressed in Art. 5. Supplementary Standards.

15. Inspections
All towers shall be inspected in compliance as required by the Building Division. **[Ord. 2006-004]**

16. Violation of Standards
The property owners, as well as the tower owners, shall be responsible for violations of applicable standards.

C. Definitions and Supplementary Tower Standards

1. Stealth Tower

a. Definition
A structure, which is not readily identifiable as a tower and is compatible with existing or proposed uses on site. The structure may or may not have a secondary function.

b. Typical Structures
Typical structures include but are not limited to bell tower, steeple, flagpole, cross, or water tank where antennas are typically concealed.

c. Approval Process - AGR, AR, RE Zoning Districts
In the AGR, AR/RSA, AR/USA, and RE Zoning Districts, Stealth Towers 100 feet in height or less may be approved through DRO Agency Review process when the parcel has an existing DRO approved Site Plan. Approval shall be subject to the Administrative Modification standards contained in Art. 2.

d. Approval Process - Commercial and Civic Pod of PUD
In the Commercial pod and Civic pod of a PUD, Stealth Towers 60 feet in height or less may be approved by the DRO.

e. Location – Recreation Pod of PUD
Stealth towers may be permitted in the Recreation pod of a PUD only when located on a Golf Course subject to Class A Conditional Use approval.

f. Lot Size - MUPD
A Stealth Tower may be located in MUPD with CH and CL FLU designation with a minimum of five acres, provided the tower complies with all applicable regulations.

g. Criteria
Stealth structures shall comply with the following criteria:

1) The structure shall be compatible with the architectural style of the existing buildings/structures on site and with the character of the surrounding area. A determination of architectural compatibility shall include, but not be limited to, color, type of building material, and architectural style;
2) The structure shall be consistent with the character of existing uses on site;

3) Communications equipment or devices shall not be readily identifiable;
4) The structure shall be related to and integrated into the existing natural and/or man-made environment to the greatest extent possible; and
5) The maximum height of the structure shall not exceed 200 feet.

h. Associated Uses

Stealth Towers shall be permitted only in association with the following uses: Assembly Institutional Nonprofit; Place of Worship; College or University; Electric Power Plant, excluding electrical transmission line streets as provided herein; Government Services; Passive Park; Public Park; Golf Course; Schools; Solid Waste Transfer Station; Minor Utility; Electric Distribution Substations; or Water or Wastewater Treatment Plant; commercial, office or industrial development.

i. Flagpoles

Stealth Towers in the form of flagpoles shall be exempt from Article 8.G.3.C, Flags and Freestanding Flagpoles.

j. Public Parks Five Acres or Greater

The minimum separation between any existing residential structure, and Stealth Towers located in public parks five acres or greater shall be 125 percent of tower height. In addition, the tower shall be setback a distance of at least 75 percent of tower height from any property line adjacent to an existing residential use or vacant residential parcel or 20 percent of the tower height from any adjacent nonresidential zoning district or public ROW.

2. Camouflage Tower

a. Definition

A tower or structure, which is incorporated into and is compatible with existing or proposed uses on site and the structure has an additional function other than antenna support.

b. Typical Structures

Examples include but are not limited to antenna incorporated into site lighting at a park or incorporated into an electrical distribution center.

c. Location - Recreation Pod of PUD

Camouflage Towers may be permitted in the Recreation pod of a PUD only when located on a Golf Course subject to Class A Conditional Use approval.

d. Approval Process - Commercial and Civic Pod of PUD

In the Commercial pod and Civic pod of a PUD, Camouflage Towers 60 feet in height or less may be approved by the DRO.

e. Lot Size - MUPD

A Camouflage Tower may be located in MUPD with CH or CL FLU designation with a minimum of five acres, provided the tower complies with all applicable regulations.

f. Associated Uses

Camouflage Towers shall be permitted only in association with the following uses: Assembly Institutional Nonprofit; Place of Worship; College or University; Electric Generating Facility, excluding electrical transmission line streets as provided herein; Government Services; Passive Park; Public Park; Golf Course; Schools; Solid Waste Transfer Station; Minor Utility; Electric Distribution Substations; or Water or Wastewater Treatment Plant; commercial, office or industrial development.

g. Additional Submission Requirements

Applications for approval to install a Camouflage Tower shall include the following information:

a. A colorized illustration or representation of the proposed tower.
b. The height, diameter, and coloration of the proposed facility.
c. A statement of compatibility to indicate the nature and character of the surrounding area, and how the proposed facility will be consistent with the overall characteristics of the area.

h. Public Parks Five Acres or Greater

The minimum separation between any existing residential structure, and Camouflage Towers located in public parks five acres or greater shall be 125 percent of tower height. In addition, the tower shall be setback a distance of at least 75 percent of tower height from any property line adjacent to an existing residential use or vacant residential parcel or 20 percent of the tower height from any adjacent non-residential zoning district or public R-O-W.

3. Monopole Tower

a. Definition

A structure that consists of a single pole supported by a permanent foundation.

b. Lot Size - MUPD

A Monopole Tower may only be located in an MUPD with CH or CL FLU designation with a minimum of five acres, provided the tower complies with all applicable regulations.

c. Increase in Height

The height of a Monopole Tower may be increased as provided herein.

1) Percentage of Increase

The height of a proposed Monopole Tower may be increased by 20 percent, one time only, without regard to required separation or setback requirements, for all

applications which provide proof of the collocation of an additional personal wireless service provider. Additional increases are subject to setbacks and separations of this Code.

2) **Proof of Collocation**
Proof of collocation shall be provided in a form acceptable to the County Attorney and the Zoning Director. Proof of collocation shall include an executed contract or lease providing for use of the facility for a period of at least ten years.

4. **Self Support/Lattice Tower**
   a. **Definition**
   A structure that is constructed without guy wires or ground anchors.
5. **Guyed Towers**
   a. **Definition**
   A structure that is supported either partially or completely by guy wires and ground anchors.
   b. **Lot Size - MUPD**
   A Guyed Tower may only be located in an MUPD with CH or CL FLU designation 4 a minimum of five acres, provided the Tower complies with all applicable regulations.
   c. **Setbacks**
   Breakpoint calculations may be provided to demonstrate a tower will collapse within the minimum required zoning district setbacks. Breakpoint calculations shall be certified by a professional engineer, licensed in the State of Florida.
   d. **Anchors**
   Peripheral supports and guy anchors may be located within required setbacks provided they shall be located entirely within the boundaries of the property on which the communication tower is located. Peripheral supports and guy anchors shall be located at least ten feet from all property lines.

D. **Collocation in Streets**
1. **Electrical Transmission Line Streets**
Communication towers, antennas, and related facilities may be located in such streets as provided herein.
   a. **Transmission Poles**
   Antennas attached to existing electrical transmission poles shall not be required to obtain building permits. Building permits are required for accessory structures such as equipment cabinets constructed to support antennas. Height increases to transmission poles to allow antenna attachment shall be subject to the provisions of this Section.
   b. **Combined Transmission/Communication Structures**
   Combined transmission/communication structures may be installed in an electrical transmission streets as provided in Table 4.B.9.A, Commercial Communication Towers Matrix, and subject to the following requirements.
      1) Structures installed in transmission line streets with a residential Plan and Zoning designation shall be:
         a) Located in streets a minimum of 250 feet in width;
         b) Limited to combination structures which are similar to monopole towers;
         c) No more than 100 feet in height, however the height may be increased to a maximum of 125 feet if an additional provider is accommodated, and proof of collocation is provided in a form acceptable to the County Attorney and the Zoning Director;
         d) Setback a minimum 150 feet from any property line possessing a residential designation; and,
         e) Require review as provided in Table 4.B.9.A, Commercial Communication Towers Matrix.
      2) Transmission lines streets in areas with a nonresidential Plan and Zoning designation shall be:
         a) Located in streets a minimum of 250 feet in width;
         b) Limited to combination structures which are similar to Monopole Towers or Self Support/Lattice Towers; not exceed 300 feet in height;
         c) Setback a minimum of 200 feet from any property line possessing a nonresidential designation; and,
         d) Setback a minimum of 100 feet from any property line possessing a nonresidential designation; and,
         e) Require review as provided in Table 4.B.9.A, Commercial Communication Towers Matrix.
   c. **Separation of New Combined Transmission/Communication Structures**
   New Combined Transmission Communication Structures shall be subject to the standards provided in Table 4 4.B.9.B, Distance Between Towers.
2. **Florida Department of Transportation (FDOT) Streets**
Within the streets for I-95 and the Florida Turnpike owned or controlled by the FDOT, towers, or antennas are subject to the following:
   a. **Installation of Antennas**
   Antennas may be attached to existing communication towers, light standards, or other structures or facilities subject only to building permit review.

b. Construction of New Towers

New towers constructed within streets shall comply with the following requirements:

1) Towers installed in those portions of streets immediately adjacent to any property possessing a residential designation shall be:
   a) Located in a street at least 250 feet in width;
   b) Only a Monopole or Self Support/Lattice Tower;
   c) No more than 150 feet in height;
   d) Setback a minimum of 150 feet from the nearest property line; and,
   e) Require review as provided in Table 4.B.9.A, Commercial Communication Towers Matrix.
2) Towers installed in those portions of streets immediately adjacent to any property possessing a nonresidential designation shall be:
   a) Located in a street at least 200 feet in width;
   b) Only a Monopole or Self Support/Lattice Tower;
   c) No more than 200 feet in height;
   d) Setback a minimum of 75 feet from the nearest nonresidential property line and 150 feet from any residential property line; and,
   e) Require review as provided in 4.B.9.A, Commercial Communication Towers Matrix.

c. Separation of New Towers

New towers shall be subject to the separation distances as provided in Table 4.B.9.B, Distances Between Towers.

E. Eligible Facilities Request for Modification

This subsection implements Subsection 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 ("Spectrum Act"), as interpreted by the Federal Communications Commission's ("FCC" or "Commission") Acceleration of Broadband Deployment Report & Order, which requires a state or local government to approve any Eligible Facilities Request for a modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station.

1. Definitions

For the purposes of this subsection, the terms used have the following meaning:

a. Base Station

A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base Station includes, without limitation:

1) Equipment associated with wireless communications services such as private, broadcast, and public safety services.
2) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small-cell networks).
3) Any structure other than a tower that, at the time the relevant application is filed under this subsection, supports or houses equipment described in paragraphs a. 1) and a. 2) that has been reviewed and approved under the applicable zoning process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

The term Base Station does not include any structure that, at the time the relevant application is filed under this subsection, does not support or house equipment described in a. 1) and a. 2) of this subsection.

b. Collocation

The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

c. Eligible Facilities Request

Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

1) Collocation of new transmission equipment;
2) Removal of transmission equipment; or
3) Replacement of transmission equipment.

d. Eligible support structure

Any tower or base station as defined in this subsection, provided that it is existing at the time the relevant application is filed under this subsection.

e. Existing

A constructed tower or base station is existing for purposes of this subsection if it has been reviewed and approved under the applicable zoning process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not subject to a zoning review process when it was built, but was lawfully constructed, is existing for purposes of this subsection.

f. Site

For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements

currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

g. Substantial Change

A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

1) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
2) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
3) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
4) It entails any excavation or deployment outside the current site;
5) It would defeat the concealment elements of the eligible support structure; or
6) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs b. 1) through b.4) of this subsection.

h. Transmission Equipment

Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services.

i. Tower

Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services.

2. Application Procedures

Notwithstanding any other provisions in this section to the contrary, eligible facilities requests for a modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station as determined by the process set forth herein, shall be subject to Building Permit review only.

a. Application requirements.

Applications shall include all information necessary to determine whether the modification of the existing tower or base station that does not substantially change its physical dimensions.

b. Timeframe for Review

Within 60 days of the date on which an applicant submits an application, the Zoning Division shall approve the application unless it determines that the application is not covered by this subsection.

c. Tolling of the Timeframe for Review

The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement by the Zoning Division and the applicant, or in cases where the Zoning Division determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.

1) To toll the timeframe for incompleteness, the Zoning Division must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required.
2) The timeframe for review begins running again when the applicant makes a supplemental submission in response to the notice of incompleteness.
3) Following a supplemental submission, the applicant will be notified within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

d. Failure to Act

In the event the Zoning Division fails to approve or deny a request seeking approval under this subsection within the timeframe for review (accounting for any tolling), the request shall be deemed granted, and the applicant may proceed directly to Building Permit review. The deemed grant does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

F. Review Procedures Shared Use Application Requirements for New Towers

Prior to submittal of an application for approval of a proposed tower for Conditional Use, Development Order Amendment, DRO, or building permit review, all applicants for communication towers shall comply with the procedures indicated below. An application for the appropriate review process must be submitted within one year of the notice mailing date.

1. Notification

All communication tower applicants shall provide notice by certified mail to all users on the Communication Tower Users List. The following information shall be included in the notice: description of the proposed tower; general location; longitude and latitude; general rate structure for leasing space, which shall be based on reasonable local charges; proposed height; a phone number to locate the applicant or agent for the communication tower; and a shared use application form. A copy of the notice shall be mailed to the Communications Division and the Zoning Division. The notices shall invite potential communication tower users to apply for space on the proposed tower to encourage collocation. **[Ord. 2009-040]**

2. Shared Use Application

Potential communication tower users shall respond to the notice within 20 days of receipt of certified mailing. Response shall be submitted utilizing a shared use application form. A completed shared use application form shall be sent to the owner of the proposed communication tower or authorized agent. The tower applicant shall not be responsible for a lack of response or responses received after the 20 day period. The Zoning Division shall provide the shared use application form.

3. Feasibility

The feasibility of each shared use request shall be evaluated by the applicant. The evaluation shall document the feasibility of shared use between the proposed communication tower owner and a potential lessee or sharer. Factors to be considered when evaluating the feasibility of shared use include but are not limited to: structural capacity, RF interference, geographic service area requirements, mechanical or electrical incompatibilities, inability or ability to locate equipment on approved and unbuilt communication towers, cost (if fees and costs for sharing would exceed the cost of the new communication tower amortized over a 25 year period), FCC limitations that would preclude shared use, and other applicable Code requirements.

4. Rejection or Dispute

If the applicant rejects one or more request(s) for shared use and if potential tower lessees dispute the rejection(s) for shared use, the following procedure shall occur within ten working days after the shared use response deadline.

a. Submittal

The applicant shall submit two copies of the following to the Zoning Division: a brief evaluation of each rejected response; all design data for the proposed communication tower; and, an explanation indicating the structural improvements necessary to facilitate the requests that are rejected due to structural limitations, paid for by the tower space lessee.

b. Consultant

The Zoning Division shall forward copies of all applications for shared use and the applicant's evaluation of each rejected request to a qualified communications consultant. The consultant shall be selected by and retained at the discretion of the Zoning Division and paid by applicant who is refusing to allow collocation from an interested service provider.

c. Evaluation

Within ten working days of receiving the shared use responses that were rejected by the applicant and disputed by the potential tower space lessee, the consultant shall review and prepare an evaluation. Two copies of the consultant's evaluations shall be sent to the Zoning Division. One copy of the evaluation shall be made an official part of the communication tower application and one copy of the evaluation shall be forwarded to the applicant by the Zoning Division. The consultant's report shall be advisory, and made part of the staff report, and considered in reviewing the communication tower application.

5. Acceptance with No Dispute

If the applicant did not reject any requests for shared use or if rejected requests for tower space are not disputed by any potential tower lessee(s), consultant review is not necessary.

G. Tower Removal, Replacement and Height Increases

1. Tower Removal

a. Form of Agreement

All obsolete or abandoned communication towers shall be removed within three months following cessation of use. Prior to the issuance of a building permit or site plan approval, whichever occurs first, the property owners or tower operators shall submit an executed

removal agreement to ensure compliance with this requirement. The removal agreement shall be in a form acceptable to the County Attorney.

b. Surety for Removal

Prior to the issuance of a building permit, surety shall be submitted by the property owner or tower operator to ensure the removal of abandoned communication towers. The form of surety shall be subject to approval by the Executive Director of PZB and the County Attorney. The required surety shall be irrevocable, unless released by the BCC. The surety shall be utilized to cover the cost of removal and disposal of abandoned towers and shall consist of the following:

1) submittal of an estimate from a certified structural engineer indicating the cost to remove and dispose of the tower;
2) a surety equivalent to 50 percent of the estimated cost to remove and dispose of the tower;
3) an agreement to pool multiple sureties of the tower owner or property owner to allow pooled surety to be used to remove abandoned towers; and,
4) an agreement by the tower owner or property owner to replenish surety pool upon utilization of surety by PBC.

c. Alternative Surety for Removal

The Zoning Director, subject to review by the County Attorney, may accept documentation from a tower owner that adequate resources or irrevocable contractual obligations are available to remove obsolete or abandoned communication towers.

d. Form of Surety

Surety shall be provided in a form consistent with the requirements of Art. 11.B.2.A.6.c, Performance or Surety Bond. **[Ord. 2005 – 002]**

e. Surety Required

Surety required shall be provided only for towers constructed after the effective date of this Code.

2. Replacement

The following tower hierarchy shall be used to determining impact

LEAST IMPACT
Camouflage
Stealth
Monopole
Self Support/Lattice
Guyed
MOST IMPACT

a. Conforming Towers

An existing conforming tower may be replaced subject to the criteria below. If the criteria is not met, the replacement tower shall comply with the requirements of Tower Height Increases and Accessory Structures, below. **[Ord. 2006-004]**

1) The tower shall accommodate a minimum of two providers. **[Ord. 2006-004]**
2) The tower shall be of the same or lesser impact than the existing structure pursuant to the tower hierarchy. **[Ord. 2006-004]**
3) The tower may be required to be relocated on site to lessen the impact on adjacent parcels.
4) The tower shall be subject to review by the Zoning Division through the DRO, Article 2.D.1, Development Review Officer, administrative amendment process. **[Ord. 2006-004]**
5) The tower may be structurally modified to allow collocation. **[Ord. 2006-004]**

b. Nonconforming Towers

An existing nonconforming tower may be replaced subject to the criteria below. If the criteria is not met, the replacement shall comply with the requirements of Tower Height Increases and Accessory Structures, below. **[Ord. 2006-004]**

1) The tower shall accommodate a minimum of two providers. **[Ord. 2006-004]**
2) The tower shall be of equal or less impact than the existing structure pursuant to the tower hierarchy. **[Ord. 2006-004]**
3) The tower may be required to be relocated on site to lessen the impact on adjacent parcels.
4) The tower shall be subject to review by the DRO. **[Ord. 2006-004]**
5) The tower may be structurally modified to allow collocation. **[Ord. 2006-004]**

3. Tower Height Increases

a. Conforming and Nonconforming Towers

Unless otherwise provided herein, the height of a conforming or nonconforming tower may be increased on one occasion subject to the requirements of Table 4.B.9.F, Tower Height Increases.

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Table 4.B.9.F - Tower Height Increases

Review Process	Conforming Towers	Nonconforming Towers
Development Review Officer Administrative Amendment	X(1)	N/A
Development Review Officer	X(2)	X(1)
Class B Conditional Use	X(3)	X(2)
Class A Conditional Use	X(4)	X(3,4)
Notes:		
1. Increases of 25' or less. 2. Increases greater than 25' and 45' or less. 3. Increases greater than 45' and 65' or less. 4. Increases greater than 65'.		

b. Monopoles

Unless otherwise provided herein, the height of an existing monopole may be increased, on one occasion, by a maximum of 20 percent to accommodate a second user subject to standard building permit review. An additional increase of up to 20 percent may be approved to accommodate an additional user, subject to standard building permit review. Increases shall be based upon the original approved tower height.

c. Setbacks

If it is determined that the proposed tower cannot meet setback requirements due to increases in tower height to accommodate the collocation of at least one additional service provider, minimum setback requirements may be reduced by a maximum of 15 feet, except from residential property lines.

4. Accessory Structures

The size of an accessory structure or structures may be increased to accommodate collocation. The expansion shall be subject to Zoning Division review through the DRO administrative amendment process.

H. Exemptions and Waivers

1. States of Emergency

The PZ&B Executive Director may waive the review timeframes in the event of a declared state of emergency. **[Ord. 2006-004] [Ord. 2012-027]**

2. Government Towers

If the regulations in the Commercial Communication Towers prohibits a government-owned tower from being located at a specific site and the tower is required to protect the public health, safety, or welfare, the applicable criteria may be waived or modified by the BCC. In such cases the BCC shall make a finding of fact justifying the modification.

3. School Sites

Towers located on school sites and utilized for educational purposes only pursuant to F.S. Chapter 1013.18 shall not be considered Commercial Communication Towers.

4. Exemptions for Existing Television Broadcast Towers

Guyed Towers existing as of December 31, 1997 with a principal use as a television broadcasting tower shall be exempt from the provisions of this Section as provided below.

a. Separation and Setback Distances

Television towers as provided herein shall be exempt from the separation and setback distances of Table 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Residential Zoning Districts, and Table 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts.

b. Distance Between Towers

Television towers as provided herein shall be exempt from the distance between tower requirements of Table 4.B.9.B, Distance Between Towers.

c. Visual Impact Analysis

Existing or replacement television towers as provided herein shall be exempt from the visual impact analysis requirements of Article 4.B.9.H.4, Visual Impact Analysis Standards.

d. Replacement or Reconstruction of Existing Towers

Television towers exempted by the operation of this subsection may be replaced or reconstructed on the same parcel as provided below.

1) Approval

Television towers to be replaced or reconstructed shall be reviewed as provided in Table 4.B.9.A, Commercial Communication Towers Matrix.

2) Tower Height

The height of a replacement for or reconstruction of an existing tower may be increased subject to approval as provided in Table 4.B.9.A, Commercial Communication Towers Matrix.

3) Required Setbacks from Property Lines

Setbacks from property lines shall be provided as indicated below.

a) Structures of Equal or Lesser Height

Television towers to be replaced or reconstructed with a structure of equal or lesser height shall provide a setback substantially the same as the existing setbacks, taking into account the continued location of the tower being replaced during construction.

b) Structures of Greater Height
Television towers to be replaced or reconstructed with a structure of greater height shall provide a minimum setback of 110 percent of tower height from any adjacent street and a minimum setback of 100 percent of tower height from all adjacent property lines.

c) Breakpoint Calculations
All setbacks shall be substantiated by certified breakpoint calculations. The breakpoint calculations shall demonstrate that should tower failure occur, the entire height of the tower shall fall within with property lines of the tower site.

d) Nonconformity Not Created
Replacement or reconstruction of a television broadcast tower shall not result in creation of a nonconforming structure or nonconforming use. The television broadcast tower resulting from the replacement or reconstruction as provided herein shall be deemed a conforming structure and use.

5. Type 2 Waiver from Required Dimensional Criteria
A Type 2 Waiver from the separation, setback, distance between towers, height, and similar dimensional criteria applicable to communication towers may be allowed. **[Ord. 2012-027]**

a. Towers approved as a Class A or Class B Conditional Use
The dimensional criteria may be reduced by the BCC for Class A Conditional Uses and Class B Conditional Uses subject to the criteria contained herein.

b. Towers Approved on an Administrative Basis
The dimensional criteria may be reduced by the BCC for towers subject to review by the DRO or the building permit process subject to the criteria contained herein.

c. Requests for a Type 2 Waiver
When considering a request to allow a Type 2 Waiver from one or more required dimensional criteria, the BCC must determine that: the request complies with the intent of this Section and, the request is consistent with the criteria listed below. **[Ord. 2012-027]**

d. Criteria for Granting a Type 2 Waiver
The following criteria shall be utilized by the BCC when considering requests for waivers. Each request for a waiver must be consistent with the following criteria listed below: Art. 4.B.9.G.5.d.1) - 4.B.9.G.5.d.8). In addition, each request for a Type 2 Waiver must be consistent with one or more of the following criteria: Art. 4.B.9.G.5.d.9) - Art. 4.B.9.G.5.d.18). **[Ord. 2012-027]**

1) Protection of Public Welfare
The Waiver, if approved, will not be injurious to the uses in the area adjacent to the structure and otherwise will not be detrimental to the public welfare. **[Ord. 2012-027]**

2) Economics
The Waiver is not granted based solely upon or in large measure due to costs associated with complying with all requirements contained herein. **[Ord. 2012-027]**

3) Incompatibility Not Created
The Waiver, if granted, will not result in an incompatibility between the proposed tower or communication facility and adjacent uses. **[Ord. 2012-027]**

4) Exhaustion of Other Remedies
The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as all other waiver alternatives have been exhausted. Alternatives to a Waiver shall include but not be limited to such techniques as collocation, use of stealth or camouflage structures, and use of building mounted equipment and facilities. **[Ord. 2012-027]**

5) Minimum Waiver
Grant of the Waiver is the minimum Waiver that will make possible the reasonable use of the parcel of land, building, or structure. **[Ord. 2012-027]**

6) Consistent with the Plan
Grant of the Waiver will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code. **[Ord. 2012-027]**

7) Not Detrimental
The grant of the Waiver will not be injurious to the area involved or otherwise detrimental to the public welfare. **[Ord. 2012-027]**

8) Prohibition of Service
The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area so as not to prohibit the provision of personal wireless, television, and related communication services as defined by the Telecommunications Act of 1996 and rules of the FCC, if adopted. **[Ord. 2012-027]**

9) FAA Limitations
The Waiver is required to comply with locational standards established by the FAA. **[Ord. 2012-027]**

10) Lack of Technical Capacity
The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as existing towers or other structures do not possess the capacity to allow reasonable technical service. **[Ord. 2012-027]**

11) Height of Existing Structures
The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as existing towers or other structures are not of sufficient height to provide reasonable service. **[Ord. 2012-027]**

12) Lack of Structural Capacity
The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as existing towers or structures do not have the structural capacity to accommodate the equipment needed to provide reasonable service within the defined search or propagation study area. **[Ord. 2012-027]**

13) Interference
The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area due to interference that may be caused resulting from such factors as collocation on existing towers or structures, the nature of other communications equipment or signals, or other technical problems that would result in interference between providers. **[Ord. 2012-027]**

14) Unreasonable Costs
The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as the fees, costs or contractual provisions to collocate on or adapt an existing tower or structure for collocation are unreasonable. **[Ord. 2012-027]**

15) More Appropriate Site
The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as a result of identification of a more appropriate site that does not meet dimensional criteria, including such factors as distance from residential uses, existence of permanent screening and buffering, and location within a large scale non-residential area. **[Ord. 2012-027]**

16) Avoid Certain Locations
The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area to avoid location in one or more of the following: **[Ord. 2012-027]**

a) officially designated wilderness areas, wildlife refuges, and wildlife management areas;
b) officially designated vegetation and wildlife preserves;
c) habitats of threatened/endangered species, historical sites;
d) Indian religious sites;
e) locations which may cause significant alteration of wetlands, deforestation, or water diversion;
f) night use of high intensity lights in residential areas;
g) environmentally sensitive lands acquired or leased by PBC; or
h) linked open space corridors as set forth in the Plan.

17) Reduce Residential Impact
The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area and will allow a proposed tower location to reduce the impact on adjacent residential uses. **[Ord. 2012-027]**

18) Effect of Governmental Regulation or Restrictive Covenant
The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area due to governmental regulations or restrictive covenants which preclude location of a tower. **[Ord. 2012-027]**

e. Simultaneous Consideration
A request for a Type 2 Waiver from one or more required dimensional criteria may be considered at the same time a related request for tower approval is considered. However, final BCC, ZC, or administrative approval shall not be granted until a final decision is rendered by the BCC. **[Ord. 2012-027]**

6. Nonconforming Lots of Record
Towers may be located on nonconforming lots of record provided the structure will comply with all requirements of this Section without a Type 2 Waiver from any dimensional criteria as provided herein. **[Ord. 2012-027]**

I. Application Requirements for Towers
In addition to the application requirements under Article 2, Development Review Procedures, the applicant shall comply with the following:

1. Propagation Study
The provider shall submit a propagation study prepared by a professional engineer, licensed in the State of Florida, to justify the need to construct a new tower. Propagation studies shall not be required for television towers. Propagation studies shall include the following information: **[Ord. 2006-004]**

a. the location of other sites considered, including potential options for collocation and alternative sites or properties;
b. desired signal strength in the area to be served; and, **[Ord. 2006-004]**
c. current and predicted RF coverage following installation and use of the new tower facility. **[Ord. 2006-004]**

2. Location of Existing Towers

a. Provide or update previously submitted data indicating the location of their towers; latitude and longitude; tower height; and tower type
b. Submit an alternative structure map with a minimum one mile radius around the proposed site. The alternative structure map shall include the location of all existing towers located within the one mile radius. An alternative structure map shall not be required for television towers. **[Ord. 2006-004]**

3. Compatibility

To assist in ensuring compatibility between a proposed communication tower and surrounding land uses, the information listed below shall be included with all applications for development approval, development order amendments, etc.

a. Site and Tower Location

The proposed site of a tower and the proposed location of the tower within that site, indicated on an official PBC zoning quad sheet.

b. Aerial Photography

The proposed location of a tower, indicated on an aerial map possessing a scale of not more than one inch equals 300 feet (1" = 300'). The aerial photograph shall indicate all adjacent land uses within a radius of 2,000 feet from the site of the proposed tower.

c. Visual Impact Analysis

A visual impact analysis, consistent with the requirements of Article 4.B.9.H.4, Visual Impact Analysis Standards.

d. Buffering

Buffering and landscaping as required by this Section.

4. Visual Impact Analysis Standards

a. Applicability and Procedure

Any application to construct a Monopole Tower greater than 150 feet in height or any Guyed or Self Support/Lattice Tower greater than 150 feet in height is subject to these standards. The applicant shall be advised of the requirement to submit a visual impact analysis by the Zoning Director within ten working days following the application submittal deadline date.

b. General

To assess the compatibility with and impact of a proposed tower site on adjacent properties, an applicant seeking to construct a tower subject to these requirements may be required to submit a visual impact analysis. The applicant may request review of a proposed tower location, prior to application submittal to the appropriate zoning process, to determine whether or not a visual impact analysis will be required. A visual impact analysis may be required under the circumstances listed below.

1) Existing residential uses are located along 50 percent or more of the entire perimeter of the proposed tower site.
2) When the proposed site is located adjacent to:
   a) Officially designated wilderness areas, wildlife refuges, and wildlife management areas;
   b) Officially designated vegetation and wildlife preserves;
   c) Habitats of threatened/endangered species;
   d) Historical sites;
   e) Indian religious sites;
   f) Locations which may cause significant alteration of wetlands, deforestation, or water diversion;
   g) Residential areas when night use of high intensity lights is required;
   h) Environmentally sensitive lands acquired or leased by PBC; or,
   i) Linked open space corridors as set forth in the Plan.
3) The proposed site does not meet the distance between towers requirements. The applicant may utilize digital imaging technology to prepare the analysis, in a manner acceptable to the Zoning Director. The visual impact analysis shall, at minimum, provide the information listed below.
   a) The location of the proposed communication tower illustrated upon an aerial photograph at a scale of not more than one inch equals 300 feet (1"=300'). All adjacent zoning districts within a 3,000 foot radius from all property lines of the proposed communication tower site shall be indicated.
   b) A line of site analysis shall include the following information:
      (1) Identification of all significant existing natural and manmade features adjacent to the proposed tower site and identification of features which may provide buffering and screening for adjacent properties and public streets;
      (2) Identification of at least three specific points within a 2,000 foot radius of the proposed tower location, subject to approval by the Zoning Director, for conducting the visual impact analysis;

(3) Certification by the professional that the proposed communication tower meets or exceeds the standards contained in this Code;
(4) Copies of all calculations and description of the methodology used in selecting the points of view and collection of data submitted in the analysis;
(5) Graphic illustration of the visual impact of the proposed communication tower, at a scale that does not exceed five degrees of horizontal distance, presented from the specific identified points;
(6) Identification of all screening and buffering materials under the permanent control of the applicant (only screening and buffering materials located within the boundaries of the proposed site shall be considered for the visual impact analysis.);
(7) Identification of all screening and buffering materials that are not under the permanent control of the applicant but are considered of a permanent nature due to ownership or use patterns, such as a public park, vegetation preserve, required development buffer, etc.;
(8) Screening and buffering materials considered in the visual impact analysis shall not be removed by future development on the site;
(9) Screening and buffering materials considered in the visual impact analysis shall be replaced if they die;
(10) Prohibited plant species, pursuant to Article 7.F, Perimeter Buffer Landscape Requirements, shall not be considered in the visual impact analysis; and,
(11) Any additional information that may be required by the Zoning Director to fully review and evaluate the potential impact of the proposed communication tower.

4) In addition to all other applicable standards of the Code, the following visual impact standards may be applied when a visual impact analysis is required for any application to construct a tower.
   a) At least 25 percent of the tower height is screened from all streets other than expressways, or Arterials and Planned Collector Streets with five lanes or more.
   b) At least three specific points from adjacent streets, shall be identified, subject to approval by the Zoning Director, for conducting the visual impact analysis.
   c) The results of the line of site analysis performed as part of the visual impact analysis.
   d) The distance a proposed communication tower, including anchors for guy wires, and guy wires are proposed to be setback from surrounding properties such that its height, bulk and scale is compatible with surrounding residential and nonresidential uses.
   e) At least 25 percent of the tower is screened from view from a majority of the points selected by the Zoning Director for the visual impact analysis.
   f) The degree or amount of buffering or screening materials permanently included as part of the application.
5) The visual impact analysis shall be prepared and sealed by an architect, engineer, landscape architect, or surveyor and mapper registered in the State of Florida. PBC, at the expense of the applicant and at its own discretion, may employ such consultants as are necessary to review and evaluate the visual impact analysis.

J. Prior Approvals

The style, height, and overall appearance of any tower or communications facility constructed pursuant to these regulations shall be consistent with plans and elevations submitted as part of an application for development approval. The DRO shall have the authority to approve additions or minor modifications, which do not materially modify the appearance of a tower as approved by the ZC or BCC. Modification which cannot be approved by the DRO shall be subject to a development order amendment as provided in this Code.

K. Consultant Services

A qualified telecommunication consultant shall be selected and retained by the Zoning Director, and paid for by an applicant, to review technical documents related to the sitting of communication towers and facilities. The consultant may review technical documents, propagation studies and other related documents to determine the following:

1. Need for additional towers;
2. Existence of incompatibilities between providers that may hinder collocation;
3. Necessity of waiver relief to deviate from established dimensional criteria;
4. Compliance with the general requirements of this Section; and,
5. The applicant shall reimburse PBC for the consultant fees prior to the certification of the application for public hearing process or approval of the application by the DRO.

L. List of Tower Users

The DRO shall maintain a current Communication Tower Users List, which shall be made available upon request, and shall also be published on the Zoning Web site.

M. Intergovernmental Activities

1. Mapping

PBC shall participate in any countywide mapping program to identify proposed and existing tower sites.

2. Notification

a. PBC shall participate in an intergovernmental notification program by continuously providing information regarding tower construction applications to the PBC Intergovernmental Coordination Program Clearinghouse.

b. All jurisdictions within a two-mile radius of a proposed tower site located in unincorporated PBC shall be notified at the time of application submittal.

Section 10 Excavation Uses

A. Excavation Uses Matrix

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EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

1

TABLE 4.B.10.A - EXCAVATION USE MATRIX

| STANDARD DISTRICTS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | PLANNED DEVELOPMENT DISTRICTS (PDDs) | | | | | | | | | | | | | | | | | | |

B. Common Provisions and General Standards

1. Purpose and Intent

The purpose of this Chapter is to provide for the health, safety, and welfare of the residents of PBC by ensuring beneficial and sound land management practices associated with excavation and mining activities. To prevent a cumulative negative impact on PBCs natural resources and to achieve these goals, it is the intent of this Section to:

a. ensure that mining and excavation activities do not adversely impact the health, safety, and welfare of the citizens of PBC;
b. prevent immediate and long-term negative environmental and economic impacts of poor land development practices;
c. encourage the use of economically feasible and environmentally sound mining and excavation practices;
d. preserve land values by ensuring that alteration of a parcel by non-commercial land excavation does not result in conditions that would prevent that parcel from meeting minimum land development requirements for other valid uses;
e. encourage the rehabilitation of commercially mined sites to other beneficial uses by promoting economical, effective and timely site reclamation;
f. protect existing and future beneficial use of surrounding properties from the negative effects of excavation and mining;
g. provide for the off-site disposal of excess extractive material provided that the excavation site is incorporated into the approval of a bona fide site development plan;
h. establish a regulatory framework of clear, reasonable, effective, and enforceable standards and requirements for the regulation of excavation, mining, and related activities; and,
i. ensure that excavation and mining activities and resulting mined lakes are not allowed to become public safety hazards, or sources of water resource degradation or pollution.

2. Applicability

All mining and excavation activities that create a temporary or permanent body of water within unincorporated PBC shall comply with the regulations established in the Code and other State and Local requirements, as applicable.

a. Conflicting Provisions

In the event that provisions of this Section conflict with regulations of other applicable regulatory agencies, the more restrictive regulations shall apply. Other permitting agencies include but are not limited to SFWMD, Florida Fish and Wildlife Conservation Commission, USACE, DEP, and ERM. **[Ord. 2006-004] [Ord. 2013-021]**

b. Previously Approved Development Orders

Applications for excavation and mining projects approved prior to September 25, 1996, may amend the certified site (excavation) plan pursuant to Article 2.D, Administrative Process, to comply with the standards enumerated below provided the standards do not conflict with Development Order conditions. Selective choice of standards shall not be permitted. The DRO may review and approve the excavation plan, pursuant to Article 2.D.1, Development Review Officer, provided the subject site complies with the compatibility criteria in Article 4.B.10.C.5.i.2), Type 3A Excavation, and the technical standards in Article 4.B.10.B.7, Technical Standards, and provided there is no increase in the land area, excavated surface area, quantity of excavated material, or intensity as approved by the BCC in the original Development Order. Any increase shall require approval of a Development Order Amendment by the BCC pursuant to Article 2.B, Public Hearing Process. Applicable standards include:

1) Article 4.B.10.B.7.a, Operational Standards and Requirements;
2) Article 4.B.10.B.7.b, Construction Standards, excluding depth;
3) Article 4.B.10.B.7.c, Reclamation Standards;
4) Article 4.B.10.C.5.i 2)b)(3), Buffer; and,
5) Article 4.B.10.B.7.e, Maintenance and Monitoring.

3. Excavation Types

Excavation or mining activities shall not be conducted unless such activities are deemed exempt or an approval has been issued in accordance with this Section. The types of excavation that are allowed are as follows:

a. Agricultural Excavation

Approval process for Agricultural Excavation is administered by ERM and PZB. Application procedures and requirements are subject to Article 4.B.10.C.1, Agricultural Excavation. Agricultural Excavation in the WCAA are administered by ERM. Application procedures and requirements are in Article 4.B.10.C.1.i, WCAA Excavation.

b. Type 1 Excavation

Two approval processes (Types 1A and 1B) are administered by PZB for excavations on single-family lots. Application procedures and requirements are in Article 4.B.10.B.5.a, Content of Application.

c. Type 2 Excavation

The approval process for Type 2 Excavation is administered by PZB and ERM. Application procedures and requirements are in Article 4.B.10.B.5.b, Additional Application Requests for Type 2, Type 3A and Type 3B.

d. Type 3 Excavation

Two approval processes for commercial mining excavation activities (Type 3A and Type 3B) are administered by PZB and ERM. Application procedures and requirements are in Article 4.B.10.B.5, Supplemental Application Requirements.

4. Prohibitions and Exemptions

a. Prohibitions

Excavation and mining activities shall be prohibited in the following areas:

1) RR-20 FLU Designation.
2) The Pleistocene Sand Ridge.
3) An archeological site, unless approved and requested as a Class A Conditional Use.
4) Publicly owned conservation areas, publicly owned preservation areas or environmentally sensitive lands.
5) Areas otherwise prohibited by this Section.

b. Exemptions

The following excavation activities shall be exempt from the requirements of this Section:

1) Existing Lakes

Existing mined lakes approved prior to June 16, 1992 that have a valid Development Order which complies with the criteria below shall be exempt from the requirements of this Section. If an amendment is proposed that deviates from the original approval, then a Development Order Amendment shall be requested pursuant to Article 2.B, Public Hearing Process, and shall comply with the provisions in Article 1.F, Nonconformities. **[Ord. 2010-022]**

a) Regulated by a National Pollutant Discharge Elimination System Permit; or
b) Regulated by a Florida Department of Environmental Protection (DEP) industrial wastewater operation permit; or
c) Located within an approved residential, commercial, industrial or mixed-use development and function as a stormwater management facility pursuant to:
   (1) A surface water management construction permit issued by the SFWMD; or,
   (2) A conceptual permit issued by the SFWMD that delineates proposed littoral slopes of the excavated lake(s) conducive for planting; or
   (3) An applicable Land Development Permit depicting proposed littoral and upland slopes of a mined lake. As long as the existing excavated lake continues to meet the water quality standards contained in Chapter 62-302, F.A.C. **[Ord. 2010-022]**

2) Pools

Swimming pools, pursuant to Article 5.B, Accessory Uses and Structures.

3) Small Ponds

Ponds accessory to a principal use, such as lily ponds, goldfish ponds, reflecting ponds, and other small ornamental water features with a maximum depth of four feet OWL and not exceeding 500 square feet in surface area.

4) Cemeteries

Burial plots in approved cemeteries.

5) R-O-W

Excavation in a road R-O-W, when the road is under construction. To qualify for this exemption, excavation shall be performed by PBC, the FDOT or any Water Control District created by special act to operate under FS. Ch. 298.(95) Excavation activity located outside the R-O-W boundary, performed to accommodate roadway drainage, and which creates a permanent open body of water for a period of 180 days or more, shall comply with the standards of a Type 2 Excavation in Article 4.B.10.C.4, Type 2 Excavation.

6) Utilities

Excavations necessary for the installation of utilities, including septic systems.

7) Man-made Drainage Structures

The repair, reconstruction and maintenance of existing non-tidal man-made canals, channels, control structures with associated riprap, erosion controls, intake structures, and discharge structures, provided:

a) All spoil material is deposited directly to a self-contained upland site, which will prevent the release of material and drainage from the spoil site into surface waters of the State;
b) No more dredging is performed than is necessary to restore the canal, channels, and intake, and discharge structures to original design specifications or as amended by the applicable permitting agency; and,
c) Control devices in use at the dredge site that prevent the release of turbidity, toxic, or deleterious substances into adjacent waters during the dredging operation.

8) WCAA Canals

Canals of conveyance located in the WCAA which require permits from SFWMD or DEP, provided the permitted project does not exceed 15 feet in depth from OWL.

9) Mitigation Projects

Mitigation projects permitted by SFWMD, DEP, or ERM, pursuant to F.S. Chapters 403 and 373, and Chapter 62-312, F.A.C., as amended, and Article 14,

Environmental Standards, including projects approved to implement an adopted Surface Water Improvement & Management (SWIM) plan, provided the permitted project depth does not exceed 20 feet from OWL or 15 feet from OWL in the WCAA. Projects proposed to exceed these depths shall comply with Article 4.B.10.B.5, Supplemental Application Requirements, the administrative waiver requirements of Article 4.B.10.B.8, Administration and Enforcement, and the technical standards of Article 4.B.10.B.7.a, Operational Standards and Requirements, Article 4.B.10.B.7.b.1), Separation, Article 4.B.10.B.7.b.2), Slopes, Article 4.B.10.B.7.c, Reclamation Standards, and Article 4.B.10.B.7.d, Performance Guarantee Requirements.

10) Wetlands

Excavation activities within jurisdictional wetlands that have been issued permits pursuant to Wetlands Protection requirements or have been issued a permit for wetland impacts through the Environmental Resource Permit (ERP) process by DEP, USACE, SFWMD, or any other agency with ERP delegation for PBC. **[Ord. 2006-004]**

11) Agricultural Ditches

Agricultural ditches supporting vegetation production which meet the standards of Bona Fide Agriculture (i.e. groves, row crops, hay, and tree farming) constructed solely in uplands that are less than six feet in depth from OWL. These ditches shall not connect to canals of conveyance or waters of the State without the appropriate Federal, State, and Local approvals and permits.

12) De Minimis Impact

Those projects for which ERM and PZB approval is necessary and both departments determine that there will be no significant adverse environmental or land use impacts. A de minimus determination from one agency does not constitute approval by the other.

13) Canals of Conveyance

Canals of conveyance that require permits from SFWMD, USACE, DEP, or ERM pursuant to Wetlands Protection requirements. **[Ord. 2006-004]**

14) Excavation by Public Agencies

a) Excavation performed by or special districts created by special legislative act governed by the BCC, provided such excavation complies with the following: **[Ord. 2008-037]**
   (1) solely under the jurisdiction, authority, and control of PBC, or the applicable district. **[Ord. 2008-037]**
   (2) completed, operated, and maintained in perpetuity by PBC, or the applicable special district, **[Ord. 2008-037]**
   (3) an official part of the operation and function of PBC, or the applicable special district. **[Ord.2008-037]**
   (4) In order to be exempt under this provision, the PBC Department or applicable district shall: **[Ord. 2008-037]**
      (a) schedule and conduct a public hearing; the notice of the public hearing shall be published at least seven days prior to the hearing, in a newspaper of general circulation,
      (b) provide written notice of the intent to engage in excavation activities subject to a permit issued by the SFWMD or the FDEP to the Executive Director of PZB and the Director of ERM at least 30 days prior to the commencement of construction activity, and, **[Ord. 2008-037]**
      (c) provide written notification of the public hearing required above to the Executive Director of PZB and the Director of ERM at least 30 days prior to the public hearing.
   (5) For excavations greater than the maximum depth listed in Article 4.B.10.C.1.c and Article 4.B.10.C.2.g, the chloride and TDS requirements shall apply. **[Ord. 2008-037]**

b) Excavations, Canals, Impoundments

Excavations, canals, impoundments, regional stormwater treatment areas, and related projects to enhance water quality, water supply, environmental quality, and natural resources operated by the SFWMD, ACOE, or water control districts or improvement districts created pursuant to F.S. Chapter 298 and within PBC. **[Ord. 2008-037]**

5. Supplemental Application Requirements

a. Content of Application

All Type 1B, Type 2, Type 3A and Type 3B Excavations shall supplement the applicable application requirements with the material and information listed below~~:~~:

1) Statement

Application listing the nature of the excavation operation, including but not limited to:
a) amount and type of materials to be excavated;
b) duration of the excavation activity and reclamation activity;
c) the proposed method of excavation;
d) the amount of fill to remain on site;

e) if permitted, the amount of fill to be removed from site; and,
f) intent to comply with Article 9.A, Archaeological Resources Protection.

2) Site Plan

A site plan depicting:

a) Boundaries, dimensions and acreage of the site and excavated surface area(s);
b) All existing and proposed improvements including easements, streets, weigh stations, and other structures;
c) Setbacks and separations;
d) Preservation areas;
e) Water table elevations, including Ordinary Water Level.

b. Additional Application Requests for Excavation Type 3A and Type 3B

All applications for Type 3A and Type 3B Excavations shall require the additional information listed below.

1) Soil Statement

A statement certified by an engineer indicating the type of soils to be excavated and that the soils are suitable for road or structural fill construction or the soil contains excessive amounts of silt, rock, or muck.

2) Site Plan

A site plan depicting:

a. Article 4.B.10.B.7.a, Operational Standards and Requirements, as applicable;
b. Equipment storage, and stockpile areas, including sizes and heights; and,
c. *Location of grading, sorting, crushing and similar equipment necessary for the operation and distribution of excavated material.*

3) Landscape Plan

A landscape plan indicating the buffers and reclamation planting required.

4) Cross Sections

Cross Sections delineating compliance with the following requirements, as applicable:

a) Article 4.B.10.B.7.b, Construction Standards;
b) Article 4.B.10.B.7.c, Reclamation Standards; and,
c) Buffer details.

5) Operations Plan

An operations plan shall be submitted in the form of a statement and include the methods of material extraction, on site processing, including erosion and sediment control methods, and particulate matter control. The plan shall also delineate how impacts from hauling operations will be controlled.

6) Haul Route Plan

A map indicating all possible proposed haul routes within the radius of impacts. Radius of impact is defined as the primary street system commencing at the access point of the excavation site and extending out along all streets in all directions to the closest Arterial or Plan Collector Street.

7) Additional Information

a) Report Schedule

Report Schedule, pursuant to Article 4.B.10.B.7.e, Maintenance and Monitoring.

b) Location Map

Surrounding uses map depicting the location of the outer boundary of area to be excavated and distances to surrounding land uses; including all residences within the applicable specified distance in the separation standards in Article 4.B.10.C.5.i, Compatibility Standards.

c) Phasing Plan

A phasing plan and tabular data depicting acreage, location, sequence of operations and schedule of reclamation requirements.

d) Tree Survey

A tree survey, as required by Article 4.B.10.B.7.c.4)d), Calculating Planting Requirements.

6. Notice of Intent to Construct

All applications for Agricultural, WCAA, Type 2 Excavation, and Type 3 mining activities shall submit a Notice of Intent to Construct in accordance with the provisions below:

a. Notice of Intent

Prior to commencement of any on-site excavation or mining activities, a Notice of Intent to Construct shall be submitted to and receive written approval from ERM.

b. Contents of Notice of Intent to Construct

The following information shall be included with the completed Notice of Intent to Construct form:

1) paving and Drainage plans, if applicable;
2) preliminary plat, if applicable, and restrictive covenant, pursuant to Article 4.B.10.B.7.c.5), Area of Record;
3) Article 4.B.10.B.7.c.3), Littoral Planting Reclamation Standard; **[Ord. 2005 – 002]**
4) Master Plan, showing all phases of development, if applicable; and, **[Ord. 2005 – 002]** Items 1 and 2 (preliminary plat) shall be signed and sealed by a certified

engineer or surveyor as applicable, recognized and approved by the Florida Department of Professional Regulation (FDPR).

5) methods of stormwater pollution prevention if construction of the project may result in an area of exposed soil greater than one acre subject to Federal National Pollution Discharge Elimination System (NPDES) stormwater regulations, a copy of the on-site Stormwater Pollution Prevention Plan shall be submitted as part of the permit application. **[Ord. 2005 – 002]**

c. Agriculture Excavation

All Agricultural and WCAA excavation shall submit a detailed explanation of the proposed Bona Fide Agriculture use. This explanation shall demonstrate consistency with applicable industry standards and shall satisfy the definition requirements of Bona Fide Agriculture pursuant to Art. 1.I, Definitions and Acronyms.

d. Type 3 Exceptions

A Type 3 application shall include documentation of an approved for Class A Conditional Use pursuant to Article 2.B, Public Hearing Process.

e. Written Approval

ERM shall issue a written approval to the applicant within 30 days upon receipt of a Notice of Intent to Construct and appropriate fee with all information necessary to demonstrate that the provisions of this Section will be met, and confirmation by the Land Development Division that all necessary approvals for County R-O-Ws have been issued.

7. Technical Standards

a. Operational Standards and Requirements

All excavation types shall comply with the following operational standards, unless specifically exempt or prohibited pursuant to this Section.

1) Hours of Operation

All excavation and hauling activity, except dewatering, shall only occur between the hours of 7:00 A.M. and 7:00 P.M. Monday through Friday, unless otherwise specified in this Section.

2) Objectionable Odors

The excavation activity shall be conducted in such a manner as to prevent the occurrence of odors which can be detected off the premises.

3) Emission of Fugitive Particulate Matter

Excavation operations, including hauling activity, shall be conducted to prevent the emission of dust or other solid matter into the air or onto adjacent properties pursuant to the smoke, emissions and particulate matter provisions in Article 5.E, Performance Standards, and Rule 62-296, F.A.C.

4) Existing Topsoil

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

5) Equipment Storage, Maintenance and Service Areas

Equipment storage, maintenance and service areas shall be setback a minimum 200 feet from all property lines abutting a residential district or use. The equipment storage area shall be designed such that noise generated by the equipment is muffled in order to comply with the noise performance standards in Article 5.E, Performance Standards.

6) Regulated Substances

All storage and use of regulated substances shall comply with local, state, and federal regulations. All regulated substance dispensing areas shall comply with Best Management Practices. Any spill of any regulated substance shall be reported to the PBCHD within one hour and to ERM within one hour or at the beginning of the next business day.

7) Dewatering

Dewatering shall not be allowed unless permitted by a State agency, Federal agency, the SFWMD, or the dewatering operation is in compliance with conditions of F.A.C. 40E-20.302(3). If dewatering is permitted, pumps shall be located, submerged, buried, or encased in an insulated structure in order to comply with the noise standards in Art. 5.E, Performance Standards. **[Ord. 2005 – 002]**

8) Access to Public Prohibited

Signs shall be posted prohibiting access to the general public while excavation and reclamation activity is being conducted.

9) Retail Sale of Material

The retail sale of excavated material shall not be permitted on site.

10) Hauling Standards

a) General

(1) All trucks hauling material from sites that permit off-site removal shall be covered to prevent debris and fill from spilling onto the roadway.

(2) The hauler shall employ measures acceptable to the PBCHD, and any applicable road maintenance authority, to ensure that roads are properly maintained and kept free of fugitive particulate matter.
(3) The BCC may require special conditions, including, but not limited to construction of turn lanes and other roadway improvements necessary to provide safe traffic movement.
(4) All vehicles used to haul excavated material shall use the approved haul routes. Vehicles shall not use Local Residential Streets to access Arterial or Collector Streets.

b) Executed Agreement

The BCC or the County Engineer may require an executed agreement between the applicant and the County Engineer and other applicable road maintenance authorities which may include but not be limited to documentation of the existing conditions of the streets within the radius of impact, as defined in Art. 4.B.10.B.5.b.6), Haul Route Plan. The agreement shall include a description of the hauling operations including but not limited to the number of trips (as approved in the original Development Order), duration of excavation and hauling activity, truck size and weights and the existing conditions of all possible streets designated as haul routes, as well as any requirements for periodic inspections, financial guarantees and the applicant's other responsibilities.

11) Phasing

In the event the excavation activity is conducted in phases, the phasing plan required by Article 4.B.10.B.7.a, Operational Standards and Requirements, shall be subject to Article 2.E, MONITORING, Table 2.E.3.B, Time Limitation of Development Order for Each Phase, and the requirements in Article 4.B.10.B.7.c, Reclamation Standards. All excavation types, except Type 3A and Type 3B shall comply with Article 2.E, MONITORING, which limits the project to two primary phases for the purposes of monitoring commencement of the Development Order. Additional sub-phases may be permitted for each primary phase for the purposes of conducting the excavation activity in accordance with this Section. For Type 3A and Type 3B Excavations, the number of phases and the duration of each phase shall be established as a condition of approval. When establishing the condition of approval for the number and duration of each phase, the BCC shall consider the size of the proposed excavation project, existing and proposed surrounding land uses, surrounding FLU designations, and other pertinent information.

12) Sound Insulation

All machinery, heavy equipment and vehicles utilized for excavation and hauling purposes shall be equipped with double mufflers to reduce airborne noise caused by excavation operations.

b. Construction Standards

All excavation types shall comply with the following construction standards, unless exempt.

1) Separation

Separations shall be measured from the top of bank of the nearest excavated area to the property line or designated area in any given direction as defined below: Excavation shall not be constructed within:

a) wellfield Zone 1 or 300 feet from a public water supply well, whichever is more restrictive;
b) 200 feet from a wetland or in a wetland, unless approved by ERM;
c) 300 feet from a Class 1 or Class 2 Landfill;
d) 300 feet from a site with known contamination;
e) 100 feet from a septic system or sanitary hazard;
f) 100 feet from a potable water well, except for Type 1A and Type 1B Excavations; or
g) 200 feet from publicly owned conservation areas, publicly owned preservation areas or environmentally sensitive lands, unless approved by ERM.

2) Slopes

a) Slope Angle

Slopes for all excavation types with unplanted littoral zone areas shall be no steeper than four feet horizontal to one foot vertical to a minimum depth of minus two feet OWL. Slopes below the minus two feet depth shall not exceed two feet horizontal to one foot vertical or the natural angle of repose for the specific conditions encountered. Grades and slopes shall be constructed in such a manner as to minimize soil erosion and to make the land surface suitable for revegetation. The slopes shall be adequately vegetated with appropriate ground cover from top of bank to edge of water within 30 days of final grading and thereafter maintained to prevent wind and water erosion.

b) Slope for Planted Littoral Zones

The slope for excavation with planted littoral zone areas shall be no steeper than ten feet horizontal to one foot vertical to a distance of five feet waterward of the designated planted littoral zone area. Shallower slopes are encouraged to

promote greater success of the littoral zone plantings. A copy of the record drawings certified by a surveyor or engineer recognized and approved by FDPR shall be submitted to ERM within 30 days following completion of slope construction.

(1) Inspection

Within 48 hours prior to completion of construction of the required slopes for the planted littoral zones, notification to ERM is required in order to schedule a slope inspection.

c) Drainage

Overland sheet flow directly into an excavated area shall be minimized. Those areas within a maximum of 50 feet of the excavated lake may discharge run-off to the lake. This restriction shall not apply to any catchment area discharging runoff to a lake designated as a water management tract and incorporated in an approved stormwater management plan for treatment and control of runoff from a development site, where the boundaries of said catchment are delineated on an approved plan.

3) Final Site Conditions

No sharp declivities, pits, depressions, or debris accumulation shall remain after reclamation. Final grading shall conform to the contour lines and grades on the approved reclamation plan.

c. Reclamation Standards

1) General

a) Types of Reclamation

Four types of reclamation standards are defined below. Reclamation standards vary based on the type of excavation activity as set forth in Article 4.B.10, Excavation Uses.

(1) Excavated Area

This area includes the depth of a lake and all slopes waterward of the top of bank, excluding littoral plantings.

(2) Littoral Planting

This area includes all plantings waterward from edge of OWL or plus one (+1) OWLs.

(3) Upland

This area includes the land area landward of the top of bank and requires that a minimum area of land be maintained or created around the perimeter of an excavated area to preserve future use of the land.

(4) Upland Planting

This area includes all plantings landward of the top of bank and requires stabilization of soil and re-establishment of native upland vegetation.

2) Excavated Area Reclamation Standard

All slopes shall be reclaimed in accordance with Article 4.B.10.B.7.b, Construction Standards, and in Article 4.B.10.B.7.c, Reclamation Standards. Areas not required to be stabilized with littoral plantings shall be stabilized and planted with appropriate ground cover from top of bank to the edge of the water. If seeding is used, a minimum of 50 percent coverage shall be required. The depth of the lake and side slopes shall be comply with Article 4.B.10.B.7.b, Construction Standards.

3) Littoral Planting Reclamation Standard

All Agricultural (excluding WCAA), Type 2 and Type 3 Excavations, excluding ponds, shall comply with the following littoral zone standards. Exempted excavations within the WCAA shall provide a littoral zone if the land use ceases to be agricultural. **[Ord. 2006-004]**

a) Planted Littoral Zones

Planted littoral zones shall be provided which comprise, at a minimum, an area equivalent to eight square feet per linear foot of shoreline. Creativity in design in the placement of the planted littoral zone is strongly encouraged, such as extended areas in one portion of the lake or at the discharge point. For basins with multiple lakes that are interconnected, littoral zones may be concentrated within one or more lakes so long as the basin as a whole contains the total required littoral area. The planted littoral zone area shall be limited to the area between one foot above OWL and two feet below OWL. If the applicant demonstrates to ERM that the planted littoral area elevations should differ from this requirement based on site specific conditions and based on fluctuations around the OWL, ERM may approve planted littoral area elevations other than those elevations stated above. Requirements for littoral zone planting shall be in addition to any planting for wetland mitigation required by DEP, SFWMD, USACE, ERM or any other agency with wetland jurisdiction. **[Ord. 2005 – 002] [Ord. 2006-004]**

b) Vertical Walls

Vertical walls, bulkheads or other means of hardening the shoreline may be allowed, however, for each linear foot of vertical wall, an additional eight square

feet of planted littoral zone shall be required. Thus every linear foot of vertical wall shall require 16 square feet of planted littoral zone to be planted.

c) Planting Requirements

The littoral zone shall be provided with a minimum of six inches of a sand topsoil mix to promote vegetative growth for those areas that do not have adequate soil conditions to ensure plant survivorship. The littoral zone shall be planted with at least five species of appropriate native wetland vegetation, with an average spacing of two feet on center or as approved by ERM. The design and species used shall be such that the plants have an anticipated minimal 80 percent coverage. This criterion shall be met from the 180-day monitoring period, and in perpetuity. The Director of ERM shall maintain a list of acceptable plant species for use in their appropriate elevations within the littoral zones. The list may be amended for general application as more information becomes available. The list shall be open for public inspection and distribution.

d) Timing of Planting

Planting of the excavated lake or pond shall occur no later than immediately prior to the issuance of the first certification of occupancy for any lot adjacent to or abutting the bank of that lake. ERM may approve in writing a phasing plan for planting large single lake systems or interconnected multi-lake systems that would allow lake planting to be phased. At all times, applicant is responsible for minimizing erosion of the littoral shelves until the planting is completed. ERM shall be notified within 48 hours prior to completion of the littoral zone planting.

e) Littoral Planting Plans

The plans shall detail the species and numbers of plants to be used, the location and dimensions of the littoral areas, including any compensatory littoral areas, if applicable; typical cross Section of planted littoral zones from lake maintenance easements to the maximum depth of the lake; the location and dimensions of any structure for which a compensatory littoral area is required; the methods for planting and ensuring survival of the plants; and other reasonable information required by the Director of ERM.

Projects which are proposed to be conducted in phases, shall include plans which delineate the phases of excavation and shall include guarantees for each phase.

The signatory of the plans and specifications shall have a personal familiarity with the site and soil conditions based upon a field review.

4) Upland Reclamation Standards

Upland reclamation standards apply to Type 2 and all Type 3 Excavations only.

a) Reclamation Plan

(1) General

A site reclamation plan shall be submitted as an integral part of the application for a Type 2 or Type 3 Excavation and shall be approved by DRO prior to commencement of work. Reclamation is required to ensure a viable end use for the excavation site. The plan shall demonstrate compliance with the requirements in Article 4.B.10.B.7, Technical Standards, except for the littoral planting plan which has its own application submittal requirements. However, the reclamation plan submitted to DRO shall indicate the littoral planting areas.

(2) Type 2 Excavation

The certified final site development plan shall function as the standards required for the final development plan.

(3) Type 2 Excavation Exceeding Off-Site Removal Limitations

As set forth in Article 4.B.10.C.4, Type 2 Excavation, shall be classified as a Type 3A Excavation when the applicant proposes to remove more than ten percent of the fill off-site. Notwithstanding final site plan certification, the final site development plan shall function as the reclamation plan and planting requirements shall be met in accordance with the landscape requirements for the final site development plan. In such cases, the BCC may waive all or modify a portion of the explicit upland reclamation planting requirements defined below based on the ultimate use of the site. The BCC may require that the upland reclamation plantings defined below be incorporated into the open space pedestrian system as defined on the final site development plan.

(4) Type 3 Excavation

The reclamation plan for a Type 3 Excavation shall comply with the upland reclamation standards in this Section.

b) Perimeter Reclamation

At a minimum, 75 percent of the perimeter of the excavated area shall have a width of 180 feet; and the remaining 25 percent shall have a width of 100 feet. All disturbed and reclaimed areas shall be planted or seeded with a permanent native ground cover to reduce the loss of topsoil due to water and wind erosion, to provide adequate growing conditions for reclamation planting requirements and to prevent the establishment of prohibited plant species.

c) Timing of Upland Reclamation

Reclamation shall occur immediately following the end of excavation or immediately following each phase of excavation, whichever occurs first. Upon commencement of reclamation and rehabilitation of the initial phase of this excavation, the next phase of excavation may commence upon written authorization by DRO. The applicable guarantee must be on file prior to authorization for the commencement of excavation on any subsequent phase.

(1) Timing of Planting

If excavation activity is phased, planting shall occur at the completion of each phase. Planting of the reclaimed upland area should occur during the rainy season (June-October), within six months after completion of the excavated area or phase thereof, as applicable. The property owner shall ensure that proper watering and maintenance occurs in order to ensure a successful survival rate. If planting does not occur during the rainy season, then the property owner shall provide irrigation to establish the new plantings. PZB shall be notified 48 hours prior to completion of the upland plantings.

d) Calculating Planting Requirements

In addition to the buffer requirements in Article 4.B.10.C.5, Type 3 Excavation, the following upland planting requirements shall apply.

(1) Sites Supporting Native Vegetation

Calculations to determine the reclamation planting requirements for sites supporting native vegetation shall be based on the existing tree cover. Controlled or prohibited species shall be exempt from this calculation. In addition, any tree species located within the required perimeter buffer area shall also be exempt. If no vegetation exists, the applicant shall demonstrate that the site was cleared before 1986 or has been issued and has complied with a vegetation removal permit.

A certified tree survey shall be submitted by either a landscape architect, forester, land surveyor, or engineer who is registered in the State of Florida. This count shall include all existing on-site native trees with a trunk diameter three inches or greater to be measured at four and one-half feet above the ground. The number of existing trees meeting this criterion shall then be divided by the total number of acres to obtain a tree-per-acre figure. The number of replacement trees to be planted at the time of final site reclamation shall be determined by multiplying the trees-per-acre figure by the number of required reclaimed land acres remaining at the time of final site reclamation. Credit shall be given by PZB for existing trees greater than three inches in diameter which are relocated and/or adequately protected during excavation. Any trees relocated and/or protected shall be deducted from the replacement tree count requirement. The trees to be replanted shall be native and a minimum eight feet high. In addition, two understory 18 inch high seedlings shall be planted for each tree required to be planted.

e) Upland Planting Reclamation Standards

The upland reclamation plantings may be clustered in one area of the reclaimed upland area or dispersed throughout the reclaimed upland area. No minimum or maximum area is required, except as a condition of approval, as long as the vegetation is planted in accordance with standards set forth in Article 7.F, Perimeter Buffer Landscape Requirements, and Article 14.C, Vegetation Preservation and Protection. A minimum of five native plant species shall be used to fulfill the planting requirements. The design and species used shall be such that the plants have an anticipated minimal survival rate of at least 80 percent at the end of each monitoring period.

f) Plan Requirements

The upland reclamation planting plan shall be submitted to the DRO simultaneously with the application for the final site plan.

(1) The signatory of the plans and specifications shall have personal familiarity with the site and soil conditions based upon a field review. The plans shall be signed and sealed by a professional Landscape Architect certified by the Florida Department of Professional Regulation.

(2) At a minimum, the plans shall detail the location, species and numbers of plants to be used, and the methods for planting and ensuring survival of the plants, and other reasonable information required by ERM.

g) Phased Projects

In the event that upland reclamation is to be conducted in phases, the following additional requirements shall apply:

(1) A phasing plan shall be submitted indicating:
   (a) exact acreage of each phase;
   (b) proposed duration of excavation and reclamation of each phase; and,
   (c) number of trees to be planted.

5) Area of Record

All reclaimed littoral and upland planting areas shall be identified graphically and in writing on a separate restrictive covenant. The graphic shall be signed and sealed by a certified engineer or surveyor as applicable, recognized and approved by the FDPR. If a plat is required, pursuant to Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS, all planted littoral zones and upland reclamation planting areas shall be identified by reference to the restrictive covenant. The plat and restrictive covenant shall be reviewed and approved by the Zoning Division, ERM, and the County Attorney's office prior to recordation. A copy of the plat, if applicable, and recorded restrictive covenant shall be provided to ERM and PZB, prior to issuance of written approval of the Notice of Intent to Construct. Within 30 days following plat recordation, a copy of the recorded plat shall be provided to ERM and Zoning Division.

The littoral area and reclaimed upland planting area shall be specifically and separately reserved to the owner, or if applicable, to the property owners' association as its perpetual maintenance responsibility, without recourse to PBC or any other governmental entity or agency. The plat, if applicable, restrictive covenant and property owners' association documents, shall contain the following statement:

It is a punishable violation of PBC Laws, Ordinances, Codes, Regulations and approvals to alter the approved slopes, contours, or cross sections or to chemically, mechanically, or manually remove, damage or destroy any plants in the reclaimed areas and planted littoral zone except upon the written approval from the Director of ERM or Zoning, as applicable. It is the responsibility of the owner or property owners association, its successors or assigns, to maintain the required survivorship and coverage of the reclaimed upland and planted littoral areas and to ensure on-going removal of prohibited and invasive non-native plant species from these areas.

d. Performance Guarantee Requirements

1) General

ERM shall administer guarantee requirements for the excavated area and littoral plantings. The Zoning Division shall administer guarantee requirements for reclaimed upland area, and upland plantings. The Land Development Division shall administer guarantee requirements associated with road maintenance and repair of haul routes if required by the BCC or County Engineer Executed Agreement pursuant to Art. 4.B.10.B.7.a.10)b), Executed Agreement.

2) Guarantees Required

The guarantees for phased projects may be bonded separately with approval by the DRO.

a) Agricultural and Type 2 Excavations

Agricultural and Type 2 Excavations shall be required to provide a guarantee for the littoral zones. If approved as a Class A conditional use, guarantees may also be required for the excavated area, upland reclamation (excluding upland plantings) and roadway maintenance and repair.

b) Type 3 Excavation

Approval of at least five guarantees shall be required for Type 3 Excavation:

(1) excavated areas;
(2) reclaimed upland areas;
(3) upland planting areas; and,
(4) littoral zones.

c) Approval may be required for Type 3 Excavation for road maintenance and repair.

3) Execution

The performance guarantee shall be executed by a person or entity with a legal or financial interest in the property. Transfer of title to the subject property shall not relieve the need for the performance guarantee. The seller shall maintain, in full force and effect, the original performance guarantee until it is replaced by the purchaser.

4) Form of Guarantee

The guarantee shall assure the project performs as approved by the BCC and in accordance with the standards of this Code. The guarantee shall take the form of:

a) A cash deposit or certificate of deposit assigned to PBC;
b) An escrow agreement for the benefit of PBC;
c) A performance bond issued by a Florida registered guarantee company which shall be listed on the U.S. Department of Treasury Fiscal Services, Bureau of Government Financial Operations. Said bond may be canceled only upon a 60 day written advance notice and acceptance of cancellation by ERM, PZB or Land Development Division, as applicable;
d) An unencumbered, clean, irrevocable letter of credit which must be executed on a form provided by PBC; or
e) Unless otherwise approved in writing by ERM, PZB or Land Development Division, as applicable, performance bonds or letters of credit shall be on forms provided by PBC.

5) Amount of Guarantee

a) General

The amount of the guarantees shall be adjusted in accordance with the Consumer Price Index, as provided by the Congressional Budget Office and as approved by the County Attorney's Office.

b) Excavated Area

Guarantee shall be a minimum of 1,000 dollars per acre of permitted excavation area.

c) Littoral Zones

The guarantee shall be a minimum of 10,000 dollars and shall be an amount of no less than 110 percent of the total estimated cost for planting, maintaining, and monitoring the required littoral shelves. ERM retains the option for requesting a second cost estimate for which the performance guarantee is based.

d) Reclaimed Upland and Upland Planting Areas

Guarantee shall be a minimum of 10,000 dollars and shall be an amount of no less than 110 percent of the total estimated cost for reclaiming, planting, maintaining, and monitoring the upland area and required upland planting areas. PZB retains the option for requesting a second cost estimate for which the guarantee is based.

6) Submittal and Approval of Guarantee

Except in the case of an application by a political subdivision or agency of the State, all applicants shall submit the guarantee instruments and obtain approval of the guarantee as provided below.

a) Reclaimed Upland Area and Upland Planting Areas

Guarantees for the reclaimed upland area and upland planting areas shall be submitted with the DRO application and approved prior to DRO certification of the final excavation plan.

b) Excavated Area and Littoral Zones

Guarantees for the excavated area and littoral zones shall be approved by ERM prior to issuance of written approval of the Notice of Intent to Construct.

c) Road Maintenance and Repair

When required, guarantees for road maintenance and repair shall be approved by the Land Development Division prior to issuance by ERM of the applicants Notice of Intent to Construct.

7) Duration and Release

The guarantee for the excavated area and upland reclamation area of Type 3 Excavations may be reduced once the "as-built" plan is approved. However, the guarantee shall continue to cover the upland planting and littoral planting areas until released by Palm Beach County

a) Excavated Areas for Type 3 Excavation

At the request of the applicant, the guarantees shall be released by ERM, after DRO certification of the final as-built reclamation plan, in accordance with Article 4.B.10.C.5.g, Use Approval and Procedures.

b) Upland Reclamation Area

At the request of the applicant, the guarantees shall be released by PZB, after DRO certification of the final as-built reclamation plan, in accordance with Article 4.B.10.B.7.c.5), Area of Record.

c) Littoral and Upland Planting Reclamation Areas

The guarantees shall remain in effect a minimum of 730 days (two years) after reclamation is completed in accordance with all requirements of this Section. Guarantees shall not be released until approved plats or separate instruments are recorded and proof of recordation is provided to ERM and PZB, pursuant to Article 4.B.10.B.7.d, Performance Guarantee Requirements. Following verification of successful completion of reclamation through approval of the submitted as-builts, area of record, monitoring reports, and, site inspection(s) by ERM and PZB, as applicable, guarantees shall be released.

d) Road Maintenance and Repair

When required, the guarantee shall be released by the County Engineer and any applicable road maintenance authority after certification of the final phase of the as-built plan and upon final inspection and acceptance of the repair, maintenance and condition of the streets within the radius of impact.

8) PBC Use of Guarantee

Should PBC find it necessary to use the performance guarantee for corrective work or to fulfill the applicant's reclamation, reconstruction or maintenance obligations as set forth herein, the applicant shall be financially responsible for all legal fees and associated costs incurred by PBC in recovering its expenses from the firm, corporation or institution that provided the performance guarantee.

e. Maintenance and Monitoring

The following maintenance and monitoring program is required for all planted littoral zones and reclaimed planted upland areas.

1) **Excavation Activity**
The applicant shall submit an annual report to the DRO indicating the status of the excavation activity. The report shall include, but not be limited to, the status of:
a) the current phase(s) of excavation;
b) all phases of excavation and reclamation activities (including date(s) of completion and anticipated dates of completion);
c) amount of material extracted and amount of material removed from the site;
d) condition of perimeter buffers and landscaping; and,
e) status of compliance with conditions of approval and applicable requirements in this Section.

2) **Initial Maintenance and Monitoring of Reclaimed Upland Areas and Littoral and Upland Planting Areas**
The planted littoral zones and planted upland areas shall be inspected and monitored for at least one year after planting. Equipment storage, maintenance and service areas shall be monitored until completion of the excavation activity for contamination by regulated substances. The maintenance and monitoring program shall comply with the following requirements:

a) Maintenance
Inspections, monitoring, exotic plant species removal and replanting during each monitoring period shall be required to maintain the minimum:
(1) 80 percent coverage criterion for the planted littoral zone from the 180 day monitoring period; and,
(2) 80 percent survivorship for the planted upland area from the 180 day monitoring period;

b) Exotic Plant Species
Complete removal of the following plant species from the planted littoral zone and upland areas, as applicable:
(1) prohibited and invasive non-native plant species as defined by Article 14.C, Vegetation Preservation and Protection; and,
(2) invasive species, such as cattails, primrose willows and water hyacinth.

c) Regulated Substances
Inspections and monitoring of all equipment storage, maintenance and service areas shall be required to ensure the site has not been contaminated by regulated substances. Construction areas shall be maintained in accordance with the "Regulated Substance Best Management Practices for the Construction Industry."

d) Submittals for Monitoring Programs
Submittal of monitoring reports for each monitoring period shall be required. The planted littoral zone reports shall be submitted to ERM and the reclaimed upland planting reports shall be submitted to the Zoning Division. These monitoring reports shall represent the monitoring periods commencing with a time zero report, 90 day, 180 day and 360 day reports.
The time zero monitoring report shall be submitted within 30 days of the initial planting. Each subsequent report shall be submitted within 30 days of the completion of the monitoring period. If following the first year of the maintenance and monitoring period, PBC finds the planted littoral or reclaimed planted upland areas to be in non-compliance with the provisions herein, the land owner or entity having maintenance responsibility may be required by PBC to extend their maintenance and monitoring period, until compliance with the maintenance and monitoring requirements is met.

e) Content of Monitoring Reports
Each monitoring report, including the time zero report, shall assess the species, numbers, and locations of planted littoral zones and reclaimed upland planting areas. The report shall also depict the equipment maintenance, storage and service areas and assess the condition of the ground as a result of possible leakage or spillage of regulated substances. The report shall include multiple photographs (panoramas are preferred) of the site clearly showing these areas. Photographs must be taken at approximately the same location(s) each time.
In addition, the report shall detail the species, numbers and locations of additional plantings that were made to attain the 80 percent survivorship/coverage criteria, if such plantings were necessary.

3) **Long-Term Maintenance and Monitoring of Reclaimed Upland Areas and Littoral and Upland Planting Areas**
After the first year, the land owner or entity having maintenance responsibility for the planted littoral zone and planted upland reclamation area, shall maintain these areas in the following manner.
a) The reclaimed upland areas shall maintain a minimum survivorship of 80 percent, and the planted littoral zone shall maintain a minimum coverage of 80 percent.
b) Exotic and invasive non-native plant species as defined by Article 14.C, Vegetation Preservation and Protection, such as cattails, primrose willows and water hyacinth, shall be restricted to a coverage of less than ten percent of the

required planted littoral zone. No exotic or invasive non-native plant species shall be permitted in the upland areas.

4) Repair, Reconstruction Modification

DRO approval shall be obtained prior to any reconfiguration of the approved lake or reclaimed upland area. Written approval from the Director of ERM shall be obtained prior to modification of the planted littoral zones.

8. Administration and Enforcement

a. Administrative Waiver from Construction Criteria for Agricultural, WCAA, Type 2 and Type 3 Excavations

1) Authority and Criteria

Administrative waivers from the slope, depth, or littoral zone standards contained in Article 4.B.10.B.7, Technical Standards, for Agricultural, WCAA, Type 2, and Type 3 Excavations may be granted by ERM in accordance with the standards of this Section. ERM may grant the waivers to an applicant upon demonstration by a preponderance of evidence, that such administrative waivers will not be injurious to the area involved or otherwise detrimental to the public welfare, and that special or unique circumstances exist to justify the administrative waivers based on one or more of the following conditions:

a) That the literal application of these standards will create an unreasonable hardship and that the special and unique circumstances do not result from the actions of the applicant;

b) That a request for relief from the littoral planting requirements include an alternative plan with a contribution to the Pollution Recovery Trust Fund of twice the amount calculated by the formula for a guarantee located in Article 4.B.10.B.7.d.5)c), Littoral Zones and for review and approval by the Director of ERM. If the littoral zone had been depicted on the site or master plan, a modification of the plan shall be processed in order to delete the littoral zone from the plan; **[Ord. 2013-001]**

c) That appropriate technology and methods will be used to ensure consistency with the intent of the Code; or,

d) The proposed administrative waiver will not be adverse to the general intent and purpose of this Section.

2) Limitations

No administrative waiver shall be approved for those separation items in Article 4.B.10.B.7.b, Construction Standards, unless the item specifically allows approval by ERM; nor for any mining or excavation operation location which will reduce hydraulic recharge distances to a public water supply well in excess of two percent; nor within 200 feet of a publicly-owned conservation area, environmentally sensitive land area, or publicly-owned preservation area. An administrative waiver may be granted for littoral areas within a lake supporting bona-fide agricultural operations. If the land use changes from Bona Fide Agriculture use, the littoral requirements for the new land use shall be required.

3) Review Process

The request shall be included with the Notice of Intent to Construct, unless a Notice of Intent to Construct has been previously approved. An appropriate fee and drawings of sufficient detail shall be required in order to provide the information needed to determine if granting approval of the waiver is appropriate. The application and drawings, excluding littoral planting plans, shall be signed and sealed by a professional recognized and approved by the Florida Department of Professional Regulation for this type of project.

a) Upon receipt of a request to deviate from the Construction Criteria, ERM shall have 30 days to request any additional information.

b) Within 30 days of receipt of the requested additional information, ERM may only request information needed to clarify the additional information supplied or to answer new questions raised by or directly related to the additional information.

c) If ERM does not ask for additional information within thirty 30 days of receipt of the request, the request shall be deemed complete upon date of receipt.

d) If an applicant fails to respond to a request for the fee or any additional information within 60 days, the request may be denied without prejudice. However, ERM may grant an extension of time as is reasonably necessary to fulfill the request for additional information. ERM action shall be approval or denial, and shall be included with the issued written approval of the Notice of Intent to Construct.

b. Violations, Enforcement, and Penalties

1) Violations

Violations not related to conditions imposed by the Notice of Intent to Construct excavation, may be referred to the Director of Code Enforcement as determined by the Director of ERM.

For each day or portion thereof, it shall be a violation of this Section to:

a) fail to comply with a requirement of this Section, a condition of an approval or an authorized exemption granted hereunder;

b) fail to comply with the design specifications or littoral planting plan submitted with the Notice of Intent to Construct for which a written approval was issued by ERM;
c) alter or destroy the approved depths, slopes, contours, or cross-sections;
d) chemically, mechanically, or manually remove, damage, destroy, cut, or trim any plants in the littoral zones, except upon written approval by the Director of ERM;
e) dredge, excavate, or mine the lake or littoral zones without prior receipt of approval(s) from ERM and/or PZB;
f) cause water quality violations in excess of the standards contained in F.A.C. Chapter 62-302; or,
g) dewater in Type 1A, Type 1B; and Agricultural Excavations unless otherwise permitted by a State agency, Federal agency, or the SFWMD. **[Ord. 2005 – 002]**

c. Enforcement

Violation of each provision of this Section, any conditions of approval, or any of those violations listed in Article 4.B.10.B.8.b, Violations, Enforcement and Penalties, above, shall be deemed a separate violation and may be subject to fines up to 1,000 dollars per day per violation. In order to enforce compliance with the provisions of this Section, ERM, PZB and the County Engineer may issue a cease and desist order or require that future DRO certifications be denied or a building permit or C.O. be withheld. Violations of the provisions of this Section shall be punishable by one or more of the following: **[Ord. 2005 – 002]**

1) Quadruple permit fees shall be assessed if permits were not obtained for violations involving activities which would otherwise have been permitable, as determined by ERM, PZB, or the Land Development Division.
2) This Section shall be enforced through the remedies as outlined in Article 10, Enforcement. However, PBC is not prevented from enforcing the provisions of this Section by any other measures allowable by law, including but not limited to, F.S. Chapters 125 and 162, as may be amended.
3) If the applicant has violated the provisions of this Section, or a condition of approval, staff may place the subject Development Order back on a BCC agenda for re-consideration in accordance with the provisions of Article 2.E, Monitoring, and Article 10, Enforcement.

d. Restoration

Damage to upland reclamation areas, planted littoral shelves, littoral plants and/or streets may result in an order to restore to the approved conditions. Excavation operations that have occurred without approval and receipt of written approval from ERM, PZB or the County Engineer, as applicable may result in an order to restore the site or streets in the radius of impact to preexisting conditions.

e. Additional Remedies

In addition to the sanctions contained herein, PBC may take any other appropriate legal action, including but not limited to, administrative action, and requests for temporary and permanent injunctions, to enforce the provisions of this Section.

f. Use of Collected Monies

All monies collected by ERM as civil penalties for violations of this Section shall be deposited in the PBC Pollution Recovery Trust Fund.

9. Appeals

An applicant may appeal a final determination made by the appropriate authority that interprets Excavation Uses as contained in Art. 1.B.1.A, Authority, based on the appeal process in Art. 2.A.1.S, Appeal.

C. Definitions and Supplementary Use Standards for Excavation Uses

Before commencement of any excavation, approval shall be obtained pursuant to the procedures and standards defined in this Section.

1. Agricultural Excavation

a. Definition

Excavation necessary to support bona fide agricultural production operations, including but not limited to the creation of ponds or lakes to construct accessory structures supporting the agricultural use, livestock ponds, canal laterals and roads, but excluding customary agricultural activities such as plowing and maintenance of canals and roads.

b. Separation and Setbacks

In addition to the separation requirements in Article 4.B.10.C.1, Agricultural Excavation, shall maintain a minimum setback of 100 feet, measured from the inside edge of the lake maintenance easement to any adjacent property line.

c. Maximum Depth

Excavation activity shall not exceed 20 feet from OWL. This maximum depth may be exceeded if approved by ERM in accordance with Article 4.B.10.B.8, Administration and Enforcement, provided the applicant adequately ensures that chloride levels shall not exceed 250 parts per million (PPM) and Total Dissolved Solids (TDS) either does not exceed 500 PPM or is in accordance with Chapter 62.520.420(2) F.A.C. in the excavated lake based on ground water sampling prior to construction, or the applicant may provide reasonable assurance that the ambient off-site chloride and TDS levels will not be degraded based upon background levels. Additional sampling may be required by ERM during and after construction. **[Ord. 2008-037]**

d. Sediment Sump
A sediment sump may be constructed at the excavated lake or pond inlet to a depth of 25 feet OWL. A sump shall not exceed five percent of the mined lake area.

e. Reclamation, Maintenance and Monitoring
Agricultural Excavation shall comply with the excavated area, and littoral zone reclamation requirements of Article 4.B.10.B.7.c, Reclamation Standards, and Article 4.B.10.B.7.c.2), Excavated Area Reclamation Standard, Article 4.B.10.B.7.c.3), Littoral Planting Reclamation Standard, Article 4.B.10.B.7.c.5), Area of Record, and Article 4.B.10.B.7.e, Maintenance and Monitoring requirements, and Article 4.B.10.B.8.e, Additional Remedies, unless waived by ERM.

f. Use Approval and Procedures
All applications for Agricultural Excavation shall include a detailed explanation of the proposed Bona Fide Agriculture use. This explanation shall demonstrate consistency with applicable industry standards and satisfy the definition requirements of Bona Fide Agriculture pursuant to Article 1.I, Definitions and Acronyms. The excavation shall be the minimum necessary to implement the proposed Bona Fide Agriculture use. **[Ord. 2008-037]**

1) Two Acres or Less - DRO
Agricultural Excavation consisting of two acres or less in surface area, may be approved pursuant to Article 2.D.1, Development Review Officer. The DRO shall review for compliance with the standards of this Section and may approve the application with or without conditions. **[Ord. 2016-016]**

2) Greater Than Two Acres – Conditional Use
Off-site removal shall apply the appropriate compatibility standards of Article 4.B.10.C.5, Type 3 Excavations. **[Ord. 2016-016]**

3) Additional Review
See Article 4.B.10.C.5.g.1) for Excavation Pre-application Checklist. **[Ord. 2008-037]**

g. Guarantee Requirements
Agricultural Excavation shall comply with the Guarantee requirements pursuant to Article 4.B.10.B.7.d, Performance Guarantee Requirements.

h. Notice of Intent to Construct
In accordance with Article 4.B.10.B.6, Notice of Intent to Construct, shall be required.

i. WCAA Excavations

1) Operational and Construction Standards
An application for WCAA Excavation shall comply with the standards in Article 4.B.10.B.7.a, Operational Standards and Requirements, and Article 4.B.10.B.8.b, Violations, Enforcement, and Penalties, and except for hours of operation.

2) Separations and Setbacks
In addition to the separation requirements in Article 4.B.10.B.7.b.1), Separation, a WCAA Excavation shall maintain a minimum setback of 50 feet measured from the inside edge of the lake maintenance easement to any adjacent property lines.

3) Depth
The maximum depth for the excavated lake or pond shall not exceed 15 feet from OWL due to chloride and TDS considerations. This maximum depth may be exceeded if approved by ERM in accordance with Article 4.B.10.B.8, Administration and Enforcement, provided the applicant adequately ensures that chloride levels shall not exceed 250 parts per million (PPM) and Total Dissolved Solids (TDS) does not exceed 500 PPM or is in accordance with Chapter 62.520.420(2) F.A.C. within the excavated lake or pond based on ground water sampling prior to construction. Additional sampling may be required during and after construction. **[Ord. 2008-037]**

4) Sediment Sump
A sediment pump may be constructed at the excavated lake or pond inlet to a depth of 25 feet OWL. However, this sump shall not exceed five percent of the mined lake area.

5) Approval and Procedures
All applications for WCAA Excavation shall include a detailed explanation of the proposed Bona Fide Agriculture use. This explanation shall demonstrate consistency with applicable industry standards and shall satisfy the definition requirements of Bona Fide Agriculture pursuant to Art. 1.I, Definitions and Acronyms. Excavation shall be the minimum necessary to implement the Bona Fide Agriculture use. **[Ord. 2008-037]**

a) Additional Requirement. See Article 4.B.10.C.5.g.1), Excavation Pre-application Checklist. **[Ord. 2008-037]**

6) Notice of Intent to Construct
In accordance with Article 4.B.10.B.6, Notice of Intent to Construct, shall be required.

2. Type 1A Excavation

a. Definition
Excavation necessary to obtain fill for the construction of a single family dwelling or an accessory structure to a single family dwelling on a lot.

b. Lot Size
A minimum of one acre.

c. Excavated Surface Area
The maximum surface area of all excavation on the premises shall be less than two-tenths acre or (8,712 square feet).

d. Off-site Removal
Off-site removal of extracted material is prohibited.

e. Separation and Setbacks
In addition to the separation requirements in Article 4.B.10.B.7.b.1), Separation, Type 1A Excavation shall maintain the following minimum setbacks, measured from the inside edge of the lake maintenance easement.

1) 15 feet at the time of construction from any adjacent property line. The top of bank shall be a minimum of five feet.
2) 50 feet from any potable water well.
3) 100 feet from any septic system pursuant to Article 15.A, ECR I Onsite Sewage Treatment and Disposal Systems.

f. Slope
If a lake excavated prior to June 16, 1992, does not comply with the minimum slope requirements of Article 4.B.10.B.7.b.2), Slopes, a minimum four foot high gated fence completely enclosing the excavated area may be substituted for the required slopes.

g. Depth
Excavation activity shall not exceed ten feet in depth below OWL.

h. Reclamation
The applicant shall comply with the following reclamation requirements prior to issuance of a CO.

1) Compliance with the slope and drainage and reclamation standards of Article 4.B.10.B.7.b, Construction Standards, shall be required.
2) The property owner shall submit a Certificate of Compliance sealed by a registered Land Surveyor to the Building Division depicting:
   a) an as-built survey showing the location, size, and depth of the excavated area; and,
   b) in cases where no permanent water body is created, the site plan submitted with the building permit shall serve as the reclamation plan.

i. Use Approval and Procedures
The request shall be made concurrent with an application for a building permit. Approval shall be issued concurrent with receipt of a building permit for a single family dwelling. **[Ord. 2008-037]**

1) Application Requirements
The building permit plans shall be supplemented with the following information: **[Ord. 2008-037]**

a) Site Plan
A general site plan complying with the standards of this Section;

b) Statement
A statement estimating the amount of excavated material, in cubic yards; and,

c) Notarized Authorization
Notarized authorization from the property owner to excavate.

2) Determination of Sufficiency, Review and Decision
A building permit shall be issued by PZB, with or without conditions of approval, after the application has been determined complete and in compliance with this Section.

3. Type 1 B Excavation

a. Definition
Excavation necessary to obtain fill for the construction of a single family dwelling or an accessory structure to a single family dwelling on a lot.

b. Lot Size
A minimum of two and one-half acres.

c. Excavated Surface Area
The maximum surface area of all excavation on the premises shall be less than 25 percent of the gross lot area and shall not exceed two acres.

d. Off-site Removal
Off-site removal of extracted material is prohibited.

e. Separations and Setbacks
In addition to the separation requirements of Article 4.B.10.B.7.b, Construction Standards, Type 1 Excavation shall maintain the following minimum setbacks:

1) 30 feet at the time of construction from any adjacent property line.
2) 50 feet from any potable water well.
3) 100 feet from any septic system pursuant to Article 15.A, ECR I Onsite Sewage Treatment and Disposal Systems.

f. Maximum Depth
Excavation activity shall not exceed 15 feet in depth below OWL.

g. Reclamation
The applicant shall comply with the following reclamation requirements prior to issuance of a CO.

1) Compliance with the slope angle, drainage, and reclamation standards Article 4.B.10.B.7.b, Construction Standards.
2) The property owner shall submit a Certificate of Compliance sealed by a registered Land Surveyor to the DRO depicting:
   a) An as-built survey showing the location, size, and depth of the excavation.
   b) In cases where no permanent water body is created, the building permit site plan shall serve as the reclamation plan.

h. Use Approval and Procedures

The request shall be made concurrent with an application for a building permit. Approval shall be issued concurrent with receipt of a building permit for a single-family dwelling. **[Ord. 2008-037]**

1) DRO Approval

Pursuant to Article 2.D, Administrative Process: DRO Approval shall be required. The DRO shall review for compliance with this Section and may approve the application with or without conditions.

2) Duration

A Type 1B Excavation permit shall expire 120 days from the date authorization is received to begin excavation activity. The DRO may grant one 90 day extension.

4. Type 2 Excavation

a. Definition

Excavation necessary to create a lake or lakes required to implement a Development Order.

b. Location

A Type 2 Excavation may be permitted to implement a Development Order for a principal use as allowed in Art. 4.B10, Excavation Uses, and to implement a Final Master Plan, Final Site Plan, or final Subdivision Plan approved by the DRO. **[Ord. 2008-037]**

c. Standards

An application for a Type 2 Excavation shall comply with the following requirements:

1) Article 4.B.10.B.7.a, Operational Standards and Requirements, and Article 4.B.10.B.7.b, Construction Standards;
2) Excavated area, Littoral zone and general upland reclamation requirements pursuant to Article 4.B.10.B.7.c, Reclamation Standards;
3) Article 4.B.10.B.7.d, Performance Guarantee Requirements;
4) Article 4.B.10.B.7.e, Maintenance and Monitoring; and,
5) Article 4.B.10.B.6, Notice of Intent to Construct.

d. Separations and Setbacks

In addition to the separation requirements in Article 4.B.10.B.7.b.1), Separation, Type 2 Excavation shall maintain a minimum setback of 30 feet, measured from the top of bank to the perimeter boundary of the Planned Development District, Subdivision, Final Site Plan, streets 80 feet in width or greater, and canal R-O-W. For the purpose of this separation and setbacks provision, the top of bank is considered the waterward edge of the lake maintenance easement.

e. Depth

The maximum depth of a Type 2 Excavation shall be in accordance with Article 4.B.10.C.1.c, Maximum Depth.

f. Use Approval and Procedures

1) DRO Approval

Prior to initiating Type 2 Excavation activities, DRO shall review the final site development plan for compliance with the standards of this Section and may approve with or without conditions. **[Ord. 2016-016]**

2) Off-site Removal of Excess Fill- DRO

DRO may approve removal of more than ten percent of the extracted material from the site if:

a) The applicant demonstrates that the make up of the natural soil contains an excessive amount of silt, rock, or muck and construction of required drainage structures or construction of required structural foundations require removal of an excessive amount of silt, rock or muck; or,
b) The removal of the material is the minimum necessary to accommodate on-site drainage requirements or structural fill requirements; and,
c) The impact of the excavated material will not cause adverse effects to internal property owners or internal streets. **[Ord. 2016-016]**

3) Off-site Removal of Excess Fill - Conditional Use

A minimum of 90 percent of the fill shall be used on site, unless unusual site conditions exist. If an excess of ten percent of fill is proposed to be removed from a site and no unusual conditions exist justifying removal of more than ten percent of the excavated material, as specified in Article 4.B.10.C.4.f.2, Off-site Removal of Excess Fill - DRO, the application shall be subject to the following: **[Ord. 2004-040]**

a) Approval Process

Apply for a Class A Conditional Use process, pursuant to the standards of Art. 2.B.2, Conditional Uses, Development Order Amendments, Unique Structures and Type 2 Waivers. **[Ord. 2016-016]**

b) Requirements

The applicant shall comply with the following standards: **[Ord. 2016-016]**

(1) Article 4.B.10.B.7.a, Operational Standards and Requirements.
(2) Littoral Planting Reclamation Standards in Art. 4.B.10.B.7.c.3).
(3) Upland Reclamation Standards in Article 4.B.10.B.7.c.4.
(4) Maintenance and Monitoring requirements for excavated areas, and littoral plantings in Article 4.B.10.B.7.e, Maintenance and Monitoring.
(5) Buffer requirements in Article 4.B.10.C.5.i.2).b).(3), Type 3A Excavation.
(6) Setbacks shall be provided pursuant to Type 2 setback requirements in Article 4.B.10.C.4.d, Separations and Setbacks. **[Ord. 2004-040] [Ord. 2010-022]**

c) Frontage

The development shall have direct frontage on and access to a Collector or Arterial Street depicted on the County's Thoroughfare Identification Map.

d) Location

The following Type 3A standards shall apply, unless waived by the BCC after a finding of fact that waiver of these standards will not violate the compatibility standards, pursuant to Article 4.B.10.C.5.i, Compatibility Standards. **[Ord. 2004-040]**

4) Excavation, Performed by Public Agency, To Provide Drainage For A Public Street

a) Excavation activity located outside the street boundary, conducted solely to accommodate drainage for a public streets and performed or caused to be performed by contract with a public agency, as defined herein, shall comply with the standards below. The excavation activity shall:
(1) be on land owned by PBC, the State, or a Water Control District created by special act to operate under F.S. Chapter 298 (1996); or,
(2) be on land granted by easement to and accepted by PBC, the State, or a Water Control District; and,
(3) be the absolute minimum necessary to comply with the surface water drainage requirements for the public streets.

b) For the purpose of Art. 4.B.10.C.4, Type 2 Excavation, authorization by PBC, FDOT or a Water Control District to construct public streets shall constitute a valid Development Order. The excavation activity shall comply with the standards below~~:~~:
(1) Notice of Intent to Construct pursuant to Article 4.B.10.B.6, Notice of Intent to Construct;
(2) Operational and Construction standards pursuant Article 4.B.10.B.7.a, Operational Standards and Requirements, Article 4.B.10.B.7.b, Construction Standards, and Article 4.B.10.B.7.a.10), Hauling Standards;
(3) Littoral zone and general upland reclamation requirements pursuant to Article 4.B.10.B.7.c, Reclamation Standards; and,
(4) Maintenance and Monitoring requirements pursuant to Article 4.B.10.B.7.e, Maintenance and Monitoring.

5. Type 3 Excavation

a. Definition

The extraction of minerals primarily for commercial purposes.

b. Classification of Types

Type 2, or Agricultural Excavation that exceed established criteria, as defined in this Section, are to be considered a Type 3 Excavation. Two classes of Type 3 Excavation (Type 3A and Type 3B) are established to distinguish between the types of mining operations. **[Ord. 2008-037]**

1) Type 3A Excavation

Excavation activity that extracts materials from the earth and may require limited on-site processing by using temporary or portable crushers, sifters and conveyor systems. A Type 3A Excavation activity may use dragline, dredging or earthmoving equipment to perform the mining operation provided the operation complies with the standards of this Section. The use of explosive devices or permanent structures or equipment used to crush or sift material shall be prohibited.

2) Type 3B Excavation

Excavation activity that extracts materials from the earth and may require extensive processing of the material on site. Type 3B Excavation may use dragline, dredging, earthmoving equipment to perform the mining operation. The use of explosives and heavy industrial equipment to crush, sift and transport the material on site may be permitted subject to compliance with the standards of this Section.~~2~~c. Standards

An application for a Type 3 Excavation shall comply with the following requirements: **[Ord. 2008-037]**

1) Operational and construction standards pursuant to Article 4.B.10.B.7.a, Operational Standards and Requirements, and Article 4.B.10.B.7.b, Construction Standards.

2) Excavated area, Littoral zone and upland reclamation requirements pursuant to Article 4.B.10.B.7.c, Reclamation Standards.
3) Article 4.B.10.B.7.d, Performance Guarantee Requirements.
4) Article 4.B.10.B.7.e, Maintenance and Monitoring.

d. Location

A Type 3 Excavation may be allowed in accordance with Art. 4.B.10, Excavation Uses. Mining may be allowed with limitations in the zoning districts identified below.

1) AP Zoning District in the AP FLU Designation

Mining shall be limited to the support of public road construction projects, agricultural activities, or water management projects associated with ecosystem restoration, regional water supply or flood protection, on sites identified by the SFWMD or the U.S. Army Corps of Engineers where such uses provide viable alternative technologies for water management. Mining shall demonstrate compliance with standards in Article 4.B.10.C.5.i, Compatibility Standards. **[Ord. 2005-041]**

e. Depth

The maximum depth of a Type 3 Excavation shall be in accordance with Article 4.B.10.C.1.c, Maximum Depth.

f. Accessory Use

An Asphalt or Concrete Plant shall be allowed as an accessory use to a Type 3B Excavation, subject to DRO approval and provided that:

1) the site is a minimum of 500 acres;
2) the use is separated at least one-half mile from any residential use or district; and,
3) direct access to the plat is provided from an Arterial Street.

g. Use Approval and Procedures

A Class A conditional use approval is required for a Type 3 Excavation, in accordance with Article 2.B.2, Conditional Uses, and this Section. A Type 3 Excavation shall require an additional level of review that exceeds the County's current scope of review to establish that the request will not have a significant adverse impact to water quality or the overall health of available water resources. **[Ord. 2008-037]**

1) Excavation Pre-Application Checklist

Concurrent with submittal of an excavation application for the DRO certification for public hearing, the applicant shall secure the information described on the excavation pre-application checklist and shall use this information as the basis for a pre-application meeting with DEP. This pre-application information and meeting is necessary to obtain a Preliminary Assessment Letter (PAL) from the DEP, Bureau of Mines and Minerals. The Pre-application Checklist is available from the Zoning Division, as amended periodically by the Executive Director of PZ&B. **[Ord. 2008-037]**

a) Preliminary Assessment Letter (PAL)

The Applicant shall gather the information described on the checklist and conduct a pre-application meeting with the DEP. The County application shall not be determined to be sufficient without the PAL or its equivalent as stated in Article 4.B.10.C.5.g.1)b), Alternative to the Preliminary Assessment Letter. Should the DEP identify certification issues regarding the application, these issues must be resolved prior to certification of the application for public hearing. **[Ord. 2008-037]**

b) Alternative to the Preliminary Assessment Letter

In lieu of a Preliminary Assessment Letter, the applicant may submit one of the following to the County: **[Ord. 2008-037]**

(1) An Environmental Resource Permit; or **[Ord. 2008-037]**
(2) Request for Additional Information demonstrating no apparent concerns will be generated from the application. **[Ord. 2008-037]**

c) Conditions of Approval

The DEP may recommend conditions of approval to the BCC to resolve issues related to its regulations. **[Ord. 2008-037]**

2) Water Control or Management District

Concurrent with submittal of an excavation application for the DRO certification for public hearing, the applicant shall submit a duplicate copy to the Zoning Division to be forwarded to the Water Control or Management District, whichever is applicable, that has jurisdiction to maintain roads and drainage in the area. The Water Control District may provide comments to the DRO to be included in the staff report for presentation to the BCC. **[Ord. 2008-037]**

3) Final DRO Approval

Prior to starting any activity associated with the excavation project, the applicant shall submit an excavation plan to the DRO for review and approval in accordance with Article 2.D, Administrative Process. **[Ord. 2008-037]**

a) The applicant shall submit a phasing plan complying with the requirements of Article 4.B.10.B.5, Supplemental Application Requirements, and Article 4.B.10.B.6, Notice of Intent to Construct.
b) Once reclamation and rehabilitation of the preceding phase of excavation has commenced, a subsequent phase of excavation may begin after receipt of all

guarantees, required by Article 4.B.10.B.7.e, Maintenance and Monitoring, and written authorization by the DRO.

c) Prior to final site approval by the DRO, ERM shall confirm that the applicant has provided all necessary state final approved permits. **[Ord. 2008-037]**

4) Amendment to Development Order

If amendments to the BCC approval are necessary to accommodate other State permitting requirements, and provided these changes are within boundaries of the existing BCC approval, these amendments shall be allowed at final plan approval by the DRO. **[Ord. 2008-037]**

5) Haul Agreement

The BCC may require, as a condition of approval, for ~~a~~ an executed agreement for the proposed haul in accordance with Article 4.B.10.B.7, Technical Standards, prior to issuance of the Notice of Intent to Construct by ERM.

6) Notice of Intent to Construct

Notice of Intent to Construct shall be submitted to and receive approval from ERM in accordance with Article 4.B.10.B.6, Notice of Intent to Construct, prior to initiating any on-site excavation activities.

7) Reclamation Plan Approval and Release of Performance Guarantees

Prior to the release of any performance guarantee. The DRO shall approve an "as built" reclamation plan. The plan shall include certified as-built drawings and written certification, bearing the seal of an engineer registered in the State of Florida, certifying compliance with Article 4.B.10.B.7, Technical Standards, (excluding littoral and upland planting requirements), and that all construction related Development Order conditions and guarantees have been satisfied. Performance guarantees for planting areas shall be released in accordance with Article 4.B.10.B.7.e, Maintenance and Monitoring.

h. Annual Report

For the purpose of Type 3 Excavation, the owner shall submit an Annual Report to Monitoring on the anniversary date of the BCC approval date. The Annual Report is necessary to monitor the intent of the conditional use approval and applicable BCC conditions. In addition, the report is to ensure compliance and update the Agency requirements as listed below: **[Ord. 2008-037]**

1) General:

a) Acres mined to date; **[Ord. 2008-037]**

b) Tonnage removed/sold including a copy of the resource extraction fee receipt to the County; **[Ord. 2008-037]**

c) Status of each phase; **[Ord. 2008-037]**

d) Updates to master /site plans; **[Ord. 2008-037]**

e) Documentation that the intended use of the material complies with County requirements, such as, but not limited to, the quarry's status with FDOT and other usages for the mined aggregate; **[Ord. 2008-037]**

f) Status of compliance with conditions contained within the approved Resolution(s); **[Ord. 2008-037]**

g) Status of compliance with all required permits including the most recent compliance inspection from subject agencies, and status of any identified notice of noncompliance/violations; **[Ord. 2008-037]**

h) Full stamped, executed or signed copies, including exhibits and plans, of required permits from all participating agencies including modifications or updates as they occur; and, **[Ord. 2008-037]**

i) Certification and documentation that all seismograph instruments have been re-calibrated during the calendar year. **[Ord. 2008-037]**

2) Agencies

Address the following agency requirements: **[Ord. 2008-037]**

a) Archaeological:

(1) Status of found artifacts and their location(s); and, **[Ord. 2008-037]**

(2) Copy of notification(s) to County and State Archaeologist and current status. **[Ord. 2008-037]**

b) Engineering

(1) Status of potential road construction requirements, signalization and ROW acquisitions. **[Ord. 2008-037]**

c) Environmental

(1) Status of Notice of Intent to Construct (NIC) conditions of approval and compliance with Administrative waivers; **[Ord. 2008-037]**

(2) Status of extraction fee; and, **[Ord. 2008-037]**

(3) Water quality data from designated sampling location from FDEP. **[Ord. 2008-037]**

d) Health

(1) Status of compliance for any onsite sewage treatment and disposal systems; **[Ord. 2008-037]**

(2) Status of compliance for any onsite drinking water systems; and, **[Ord. 2008-037]**

(3) Status of compliance with BMP's for mosquito control including the need for aerial spraying. **[Ord. 2008-037]**

e) Planning

(1) Status of possibility for the mined areas to be utilized for Water Management or ecosystem restoration purposes with a letter or any executed binding agreements from each corresponding agency discussing pertaining to the reclaimed mined areas future proposed uses. **[Ord. 2008-037]**

f) Zoning

(1) Copy of the daily blasting log; **[Ord. 2008-037]**

(2) Copy of the State Fire Marshall's blast permit; and, **[Ord. 2008-037]**

(3) Status of the upland reclamation requirements. **[Ord. 2008-037]**

i. Compatibility Standards

A Type 3 Excavation shall be reviewed to assure the proposed excavation is compatible with surrounding land uses and complies with the applicable separation and setback standards and to ensure there are no negative impacts as defined herein. The BCC shall not approve the application if a finding is made that the use will be incompatible with surrounding land uses. For the purposes of this requirement, incompatible means negative impacts caused to surrounding land uses because of proximity or direct association of contradictory, incongruous, or discordant land uses or activities, including, but not limited to, the impacts of noise, vibration, dust, traffic, smoke, odors, toxic matter, radiation, and similar environmental conditions.

1) General

The following standards shall apply to both Type 3A and Type 3B mining activities.

a) Location and Access

Local residential streets shall not be used for access or as a haul route. The site shall front on and have direct access to an Arterial or Collector Street designated on the County's Future Thoroughfare Identification Map. In cases when the street on the Thoroughfare Identification Map is not paved, the BCC may allow an Type 3 Excavation to locate and have access to the street provided the BCC makes a finding of fact that the use of the street will not cause an incompatible affect on surrounding residential uses, and may condition the project to obtain a haul permit in accordance with Article 4.B.10.B.7.a.10), Hauling Standards.

(1) Restrictions in the RR FLU Designation

Commercial excavation shall be prohibited in neighborhoods which support developed single-family residences on 60 percent of the valid lots of record. For the purposes of this requirement, neighborhoods shall be defined as an area contained within a platted subdivision, a rural unrecorded subdivision an approved affidavit of exemption, an area which has prepared a neighborhood plan in accordance with the Plan, or is in an area with lots of similar size. Commercial excavation located in an area with a rural residential land use designation that do not satisfy the definition of neighborhood above, shall have a minimum of 100 acres and 500 feet of frontage with direct access to an Arterial or Collector Street as specified herein.

b) Separation from Other Land Uses

Minimum separations from protected land uses are defined in Article 4.B.10.C.5.i, Compatibility Standards. Unless otherwise specified, separation shall be measured from the outermost edge of the excavated area (top of bank), equipment, stockpiles, buildings, or structures, to the closest structure of a protected land use. The BCC may reduce the required separation distance based on the compatibility of the use with the adjacent area, and the remoteness or proximity of adjacent incompatible uses, provided the reduction complies with the intent of the compatibility standards in Article 4.B.10.C.5.i, Compatibility Standards. The BCC shall state the basis for the reduced separation and make a finding of fact that the reduction should not negatively impact adjacent uses. If the separation is reduced, the BCC may require increased setbacks, buffering and other restrictions as necessary to protect surrounding land uses.

(1) Residential Uses

For the purposes of this Section, existing residential uses shall be defined as a residential lot supporting a residence in a platted subdivision, a rural unrecorded subdivision, an approved affidavit of exemption, a plat waiver, or other recorded instrument and is not located within the boundary of the excavation project.

c) Setbacks

Setbacks shall be measured from the outermost edge of the excavated area (top of bank), structure, building, equipment, or stockpile to the boundary of the excavation project.

d) Fence

If mining activity is conducted within one-half mile of a residential use, the mining operation shall be completely enclosed by a minimum six foot high fence, wall, or natural barrier and shall have signage posted to prohibit trespassing.

e) Noise

Airborne noise produced from the excavation activity shall comply with the noise provisions in Article 5.E, Performance Standards, as measured at the nearest inhabited structure. The sound level limits are allowed to increase for a limited duration. For this limited period, noise generated by excavation projects may increase up to ten DB more than permitted by Table 5.E.4.B, Maximum Sound Levels. In addition, the noise level may increase to a maximum of 120 dB once each weekday (Monday - Friday) for a maximum of ten seconds.

2) Type 3A Excavation

a) Restrictions in the RR FLU Designation

(1) Lot Size

A minimum of 40 acres.

(2)Minimum Surface Area

The maximum excavated surface area shall not exceed 30 percent of the gross area contained within the boundary of the excavation project.

b) General

The following standards shall apply to a Type 3A Excavation:

(a1)Minimum Separations and Setbacks

In addition to the separation requirements in Article 4.B.10.B.7.b, Construction Standards, a Type 3A Excavation shall maintain the following separations and setbacks from adjacent uses as provided below.

(a) Separations from Residential Land Uses

Separation from an existing residence shall be a minimum of one-quarter mile, measured from the property line of the excavation project to the inhabited structure.

(b)Setbacks

Table 4.B.10.C - Setbacks

	Residential	Commercial	Industrial/ Agricultural	Streets
Excavated lake edge	100'	50'	50'	50'
Processing equipment	600'	200'	200'	200'
Stockpiles	300'	200'	100'	200'
Accessory buildings and structures	100'	100'	100'	100'

(2)Stockpile Height

Stockpile height shall be limited to 30 feet.

(3) Buffer

A buffer shall be preserved or installed along a property lines in accordance with the provisions below. The buffer shall be planted and maintained in accordance with the standards of Article 7.F, Perimeter Buffer Landscape Requirements, as applicable.

(a) Existing Vegetative Buffer

If a substantial native or non-native, non-invasive vegetative buffer exists, then the vegetation shall be utilized as an incompatibility buffer and preserved along the entire perimeter of the site, except for an approved access area. To be considered substantial, the buffer shall provide an opaque screen and be a minimum depth of one 100 feet. If the 100 foot buffer is not opaque, then native vegetation complying with the standards of a Type 3 incompatibility buffer shall be required to be planted to supplement the existing vegetation and shall form a solid visual buffer within two years. All native vegetative buffers shall be protected during the duration of the excavation activity in accordance with the standards in Article 7.F, Perimeter Buffer Landscape Requirements, and in Article 14.C, Vegetation Preservation and Protection.

(b) Existing Prohibited Vegetative Buffer

To provide an instant buffer the BCC, by condition of approval, may permit existing prohibited species to be maintained within the setbacks for a Type 3A Excavation until completion of the excavation activity. In such cases the prohibited species shall be removed prior to DRO approval of the as-built drawings for the final phase of excavation, provided the last phase is a minimum of 25 acres. A landscape buffer as

required by Article 7.F, Perimeter Buffer Landscape Requirements, shall be installed in conjunction with subsequent development.

(c) No Existing Vegetative Buffer

If a buffer does not exist along the areas defined below, then an opaque native buffer shall be installed complying with the standards of a Type 3 incompatibility Buffer. The buffer shall be supplemented with a planted berm, a solid landscape barrier, or combination thereof to reach a height of eight feet in two years. The BCC may require the buffer to be planted to simulate natural conditions. This buffer shall be installed adjacent to:

(1) all streets;
(2) all residential zoning districts;
(3) lots supporting existing or proposed residential uses in the AR Zoning District. Unless otherwise determined by the BCC, a buffer shall not be required adjacent to land in agricultural production in the AP, or SA Zoning Districts nor in the AR Zoning District if the land is used solely for bona fide agricultural purposes; and,
(4) commercial zoning districts.

3) Type 3B Excavation

a) Restrictions in the RR and SA FLU Designation [Ord. 2005 – 002]

(1) Lot Size

A minimum of 100 acres.

(2) Maximum Surface Area

The maximum excavated surface area shall be determined by the BCC.

b) General

A Type 3B Excavation shall comply with the following criteria:

(1) Minimum Separations and Setbacks

In addition to the separation requirements in Article 4.B.10.B.7.b, Construction Standards, a Type 3B Excavation, except those that lie in the area defined as the WCAA, shall comply with the separation and setback regulations below. Excavation projects in the WCAA shall be evaluated on a case by case basis in accordance with the compatibility criteria Article 4.B.10.C.5.i, Compatibility Standards, and shall have separation requirements set by the BCC.

(a) Separation from Residential Uses

Separations from residential uses, shall be a minimum of one-eighth of a mile, in all directions measured in accordance with Article 4.B.10.C.5.i.1)b), Separation from Other Land Uses, above. **[Ord. 2005-002]**

(b) Setbacks

Minimum setbacks shall be provided based on separations from uses as indicated below. **[Ord. 2005-002]**

(c) Separation from Commercial and Industrial Uses

Commercial: 1/2 mile
Industrial: 1/8 mile
[Ord. 2005-002]

Table 4.B.10.C- Setbacks Based On Separation From Residential Uses

	Separations			
Uses	1 mile	2 mile	1/4 mile	1/8 mile
Mined lake edge	50'	100'	500'	1200'
Processing equipment	100'	300'	800'	1400'
Stockpiles	100'	300'	700'	1300'
Accessory buildings & structures	100'	100'	100'	100'

(2) Mining Impact Study

A Mining Impact Study shall be submitted for a Type 3 B Excavation in the WCAA and for projects which the applicant requests a reduction in the required separations. The study shall detail all methods and procedures for material extraction, processing, storage and hauling operations. At a minimum the study shall include the time of day blasting will occur, the maximum number of holes to be shot each occurrence, including the type of explosive agent, maximum pounds per delay, method of packing and type of initiation device to be used for each hole. The study shall include a blasting schedule and establish noise and vibration standards complying with Article 4.B.10.C.5.i, Compatibility Standards. The study shall also demonstrate how these operations will impact surrounding land uses.

(a) Prior to certification of an application for inclusion on a public hearing agenda, the DRO may retain a technical consultant to advise the PBC of the adequacy of the standards established in conjunction with the Mining Impact Study. The cost of PBCs consultant shall be borne by the applicant.

3) **Noise and Vibration Monitoring Report**

The applicant shall monitor all blasting and other mining activities and record resultant noise and vibrations. PZB may, at any time, require the property owner to submit monthly monitoring reports, indicating the number, time, peak over pressure (noise) and vibration caused by each activity. If requested, the property owner shall provide the noise and vibration monitoring report within two working days from the date of the request.

4) **Buffer**

A buffer shall be installed along all property lines as specified below. The buffer shall be planted and maintained in accordance with the standards of Article 7.F, Perimeter Buffer Landscape Requirements.

(a) Existing Native Vegetative Buffer

Existing native vegetation within 100 feet of the property line shall be preserved along the entire perimeter of the site, except for an approved access area.

(b) Existing Prohibited Vegetative Buffer

To provide an instant buffer along the entire perimeter of the site, the BCC, by condition of approval, may permit existing prohibited species to be maintained in the setbacks until completion of the excavation activity. In such cases, the prohibited species shall be removed prior to DRO approval of the as-built drawings for the final phase of excavation, provided the last phase is a minimum of 25 acres. A landscape buffer as required by Article 7.F, Perimeter Buffer Landscape Requirements, shall be installed in conjunction with subsequent development.

(c) Type 3 Incompatibility Buffer

Sites within a one-quarter mile of a public or private streets, which does not support an existing opaque native or non-native, non-invasive vegetative buffer shall install a Type 3 incompatibility buffer. The buffer shall be supplemented with a planted berm, a solid landscape barrier, or combination thereof.

(d) No Existing Vegetative Buffer

If a buffer does not exist along the areas defined below, then an opaque native buffer shall be installed complying with the standards of a Type 3 incompatibility buffer. The buffer shall be supplemented with a berm, a solid landscape barrier, or combination thereof to reach a height of eight feet in two years from the date of installation. The BCC may require the buffer to be planted to simulate natural conditions. This buffer shall be installed adjacent to: **[Ord. 2008-037]**

(a) All residential zoning districts and;

(b) Lots supporting existing or proposed residential uses in the AR Zoning District. Unless otherwise determined by the BCC, a buffer shall not be required adjacent to land in agricultural production in the AP or AR Zoning District if the land is used solely for bona fide agricultural purposes.

c) Hours of Operation

Excavation and hauling activity shall occur only between the hours of 6:00 a.m. and 7:00 p.m., Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturday, unless otherwise determined by the BCC. Blasting activity shall be limited to 10:00 a.m. to 5:00 p.m., Monday through Friday.

d) Notice of Intent to Construct

Compliance with Article 4.B.10.B.6, Notice of Intent to Construct.

j. Extraction Fee for Impacts

To offset the impacts of mining, a natural resource extraction fee is to be provided yearly for this mining operation from the operators of this mine or its successors. The basis for the extraction fee is calculated at $.05 per ton of material sold from the mine. The tonnage will be calculated at the end of each calendar year with the information provided to ERM by January 31 of the succeeding year with the payment of $.05 per ton provided by February 15. The funds will be used for environmental enhancement and compliance and monitoring activities which include, but are not limited to: Purchase land; restore land to a more natural state; and, enhance the flora and fauna of already preserved natural areas. The natural resources extraction fee shall escalate annually at the rate prescribed by Section 373.41492(5) as amended, of the Florida Statutes. In the event the legislature of the State of Florida or the County imposes, by legislation, ordinance, or other means, an extraction fee, tax, or charge, then this natural resources extraction fee shall be reduced by the same amount. **[Ord. 2008-037]**

EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

1 **Section 11 Temporary Uses**

2 **A. Temporary Use Matrix**

1

TABLE 4.B.11.A - TEMPORARY USE MATRIX

| STANDARD DISTRICTS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | PLANNED DEVELOPMENT DISTRICTS (PDDs) | | | | | | | | | | | | | | | | | | |

B. General Standards and Application Requirements

1. Design Standards

a. All Temporary Uses, which includes all related activities, vehicles, and equipment shall not be located in a manner that distracts motor vehicle operators, or causes any vehicles to stop or park in violation of the law or official traffic-control devices.

b. All Temporary Uses shall not be located in the required setbacks, parking, driveway aisles or loading areas, vehicular maneuvering areas, fire lanes, landscape buffers, sidewalks or ADA accessible routes, unless stated otherwise herein.

2. Signage

All signage for Temporary Uses shall comply with Art. 8, Signage, unless otherwise stated herein.

3. Electric Service

All electrical use shall meet the requirements established by the PBC Chief Electrical Inspector and PBC Fire-Rescue Department, and the Applicant shall obtain a building permit for an electrical connection or generator for temporary power, if applicable.

4. Palm Beach County Parks

Approvals for Temporary Uses located within Palm Beach County Parks shall be submitted to and reviewed by the PBC Parks and Recreation Department.

5. Additional Requirements

In addition to the requirements pursuant to Art. 2, Development Review Procedures, the following documentation shall be provided by the Applicant:

a. Consent

The Applicant shall obtain and submit as part of their application, consent from the Property Owner(s) or a POA, of which has ownership or control over the property where the Temporary Use will be located.

b. Liability and Insurance

The Applicant shall submit:

1) A proof of liability insurance listing the BCC as additionally insured and certificate holder. It shall be paid in full covering the period for which the permit is issued, in the minimum amount of $500,000 per occurrence; and,

2) A hold harmless affidavit, which holds PBC harmless for any liability connected with the operation.

C. Definitions and Supplementary Use Standards for Specific Uses

1. Communication Cell Sites on Wheels (COWs)

a. Definition

A temporary facility utilized to ensure adequate telecommunications capacity during periods of high usage or during periods when traditional modes of communication are unavailable. COWs consist of a folding or telescoping monopole or guyed structure, with attached antenna, mounted on a trailer or truck.

b. Zoning Districts

1) Non-Residential Districts

a) COWs Greater than 50 Feet in Height

COWs greater than 50 feet in height located on parcels with non-residential zoning designations shall be subject to the following:

(1) Setback

The structure shall meet the greater of the setback requirements of the applicable zoning district or a distance equal to 110 percent of its height.

(2) Separation

The structure shall be separated a minimum of 300 percent of its height from any residential structure on an adjacent parcel.

b) COWs 50 Feet in Height or Less

COWs 50 feet in height or less, located on parcels with non-residential zoning designations are subject to the following:

(1)Setback

The structure shall meet the setback requirements of the applicable zoning district, provided that a commercial power source (e.g., electric) is utilized, in lieu of petroleum based auxiliary power (e.g., generator).

(2)Separation

The structure shall be separated a minimum of 150 percent of its height from any residential structure on an adjacent parcel.

(3)Other

COWS not utilizing a commercial power source shall be subject to the setback requirements of Article 4.B.11.C.1.b.1)a), COWs Greater than 50 Feet in Height.

2) Residential Districts

a) COWs Greater than 50 Feet in Height

COWs greater than 50 feet in height located on parcels with residential zoning designations shall be subject to the following:

(1)Setback

The structure shall meet a setback from the property lines equal to 150 percent of its height.

(2)Separation

The structure shall be separated a minimum of 300 percent of its height from any residential structure on an adjacent parcel.

b) COWs 50 Feet in Height or Less

COWs 50 feet in height or less, located on parcels with residential zoning designations are subject to the following:

(1) Setback

The structure shall meet a setback from the property lines equal to 75 percent of its height; provided that a commercial power source (e.g., electric) is utilized, in lieu of petroleum based auxiliary power (e.g., generator).

(2) Separation

The structure shall be separated a minimum of 150 percent of its height from any residential structure on an adjacent parcel.

(3) Other

COWs not utilizing a commercial power source shall be subject to the setback requirements of Article 4.B.11.C.1.b.1)a), COWs Greater than 50 Feet in Height, above.

c. Use Limitations

COWs shall be allowed only in association with recognized large-scale Special Events with a minimum projected daily attendance of 30,000 or greater. The Zoning Director may consider allowing COWs for events with projected attendance of less than 30,000 people. The applicant shall provide documentation that the existing communication facilities cannot accommodate the increase in usage. **[Ord. 2011-016]**

d. Fencing

The COW shall be enclosed by a temporary fence a minimum of six feet in height, or other barrier approved by the Zoning Director.

e. Removal Bond and Agreement

The applicant shall execute a removal agreement and post a $50,000.00 removal bond, subject to approval by the Zoning Director and County Attorney.

f. States of Emergency

The requirements of this Section may be waived by the PZB Executive Director in the case of a declared state of emergency, as provided by law.

2. Day Camp

a. Definition

An establishment which provides care, protection and programmed activities for children five years of age and older for a period of less than 24 hours per day.

b. Duration

Maximum 16 weeks per calendar year.

c. Operation

This use shall not operate as a Day Care as defined and regulated by the Department of Children and Family Services.

d. Accessory Use

A Day Camp for 200 or fewer children may be Permitted by Right as an accessory use to a legally established institutional, civic, recreational, or educational use.

3. Mobile Retail Sales

a. Definition

General retail sales from a mobile vehicle or a portable trailer without a fixed or permanent location.

b. Exception

Transient sales vehicles that travel to several locations in one day, and spend less than two-hours in the same location, may be exempt from Special Permit approval and these requirements.

c. Renewal

The Special Permit shall be renewed annually pursuant to Art. 2.D.2, Special Permit.

d. Location

1) Sites must comply with parking space requirements outlined in Table 6.A.1.B - Minimum Off Street Parking and Loading Requirements prior to applying for a Special Permit for Mobile Retail Sales.

2) The first Mobile Retail Sales vendor approved on a site may occupy up to two of the required parking spaces. Additional Mobile Retail Sales vendors may occupy on-site parking spaces only when those spaces are in excess of Table 6.A.1.B - Minimum Off Street Parking and Loading Requirements.

e. Setbacks

The use shall be setback a minimum of 200 feet from any property line of an existing residential use. This requirement shall not apply if a permanent building or structure blocks the view of the Mobile Retail Sales from residential.

f. Number of Vendors

A maximum of three Mobile Retail Sale vendors per development, provided they comply with the location above.

g. Operation

1) All operations, equipment, merchandise and related activities shall be contained within the mobile vehicle or portable trailer.
2) All mobile vehicles and portable trailers shall vacate the site by midnight, unless otherwise stated within Art. 5.E.5, Hours of Operation, whichever is more restrictive.

h. Roadside Vendors

Applications for roadside vendors located within Palm Beach County R-O-Ws shall be submitted to and reviewed by the PBC Traffic Division in accordance with the Palm Beach County Code, Chapter 23, Article V, Roadside Stands and Vendors, as amended.

4. Real Estate Sales Model, Non-PDD

a. Definition

A residential unit used for real estate marketing and sales as a builder's office, and for other services directly associated with the sale of residential units.

b. Duration

The Special Permit shall be valid for five years from the date of issuance and may be renewed for an additional five years.

c. Location

Shall be located with access directly from a paved street.

d. Parking

The driveway and required handicap spaces shall be the only paved parking areas.

e. Signage

The following signs shall be permitted:

1) Temporary

One ground mounted sign not exceeding eight feet in height and 32 square feet of sign face area.

2) Directional

A maximum of two directional signs not exceeding four feet in height and two square feet in sign face area.

3) Flags

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

f. Storage

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

g. Number

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

1) Jupiter Farms.
2) The Acreage.
3) Palm Beach Country Estates.

h. Operation

1) A builder's office may be allowed provided it is limited to the garage area.
2) Unmanned models shall not have employee office space.
3) Sales shall be limited to new units built by the company operating the sales model.

i. Completion Agreement

All sales models, including those in existence prior to January 1, 1998, shall execute a completion agreement in a manner and form acceptable to the County Attorney. The completion agreement shall include any modification(s) necessary to convert the model to a residential use.

1) Existing Models

All sales models existing on January 1, 1998 shall file a completion agreement with PBC by July 1, 1998. This agreement shall specifically identify all improvements, which are not consistent with the provisions of this Section, such as but not limited to additional parking or location on unpaved roads. At the time of executing the completion agreement, all signage shall comply with the requirements of this Section.

j. Modifications

Non-residential interior modifications shall be prohibited. The following improvements may be permitted only within the garage of the model:

1) Room divider partitions;
2) Electrical improvements; and
3) A temporary facade in lieu of a garage door.

5. Recycling Drop-Off Bin

a. Definition

A totally enclosed temporary structure or portable container within which the following pre-sorted, recyclable materials are collected: glass, aluminum, steel, and plastic containers no greater than six gallons in capacity, and paper. **[Ord. 2013-001] [Ord. 2007-001] [Ord. 2013-001]**

b. Approval Process

If a DRO Site Plan is not on file with the Zoning Division, a Special Permit shall be required, and may be renewed annually pursuant to Art. 2.D.2, Special Permit. **[Ord. 2013-001]**

c. Location
The drop-off bin shall be located in or adjacent to an off-street parking area, and shall not be located within required parking spaces. In TMD and LCC districts, and for IRO projects, the recycling drop-off bins shall be designed to be consistent with the building's design and shall not be located on a Main Street. **[Ord. 2010-005] [Ord. 2013-001]**

d. Signage
Signage shall be required for all bins, as follows: **[Ord. 2013-001]**

1) Location
a) One sign shall be located on the front or side where materials are collected.
b) No more than two signs shall be allowed. **[Ord. 2013-001]**

2) Minimum/Maximum Size
A minimum of eight and a maximum of 16 square feet. **[Ord. 2013-001]**

3) Content
All required sign content shall be in lettering a minimum of six inches in height. The name and phone number of a responsible party shall be clearly posted. The name of the organization that is collecting the recyclable materials shall also be posted and include whether for profit, not-for profit or government entity. No additional content other than logos, clarification of materials to be collected for recycling, or direction signage identifying the bin shall be allowed. **[Ord. 2013-001]**

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

f. Number
The number of recycling bins shall be based upon the overall acreage of a development, including outparcels, provided all development regulations are met on-site. A minimum of one recycling bin for each site up to a maximum of one recycling bin per acre, rounded down to the nearest whole acre, may be allowed. No more than three bins shall be clustered or located within any one acre area unless collocated with loading, dumpster or other similar areas. **[Ord. 2013-001]**

g. Operation
1) The bin and adjacent area shall be maintained and free from litter, debris, and residue on a daily basis. Failure to maintain the bin and adjacent area may result in the revocation of the DRO approval or Special Permit. **[Ord. 2013-001]**
2) No processing of deposited materials shall be allowed on-site. Limited sorting or separation may only be permitted when a bin is manned by a person during permitted collection hours. The unit shall employ no mechanical sorting or processing equipment. **[Ord. 2013-001]**
3) A recycling bin containing 40 cubic yards or more shall be monitored by a person. Manned collection activities shall be limited to between 7:00 a.m. to 8:00 p.m. daily. **[Ord. 2013-001]**

h. Prohibited Materials
Collection of materials shall be expressly limited to pre-sorted, recyclable materials identified in this Supplementary Use Standard. Collection of any other materials, including but not limited to rubber, textiles, hazardous wastes or construction debris is prohibited. **[Ord. 2013-001]**

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

6. Special Event

a. Definition
A temporary activity which may include rides, amusements, food, games, crafts, and performances.

b. Typical Special Events
Typical Special Events may include but are not limited to carnivals, circuses, temporary auctions, rallies, and revivals.

c. Approval Process
The use shall be subject to Special Permit if the event is projected to attract less than 1,000 patrons on a site less than two acres. Project attendance shall be specified in the application.

d. Duration
1) A Special Event shall not exceed 14 consecutive days.
2) If the Applicant provides to the Zoning Division a Justification Statement explaining the need for an extension, Zoning Staff shall determine whether the extension shall be granted up to 21 total consecutive days based on the following:
a) The types of activities warrant the additional time period; and,
b) The time extension shall not cause an adverse impact or a nuisance to the adjacent parcels.
3) A maximum of three events per calendar year per parcel.

e. Zoning District - Residential
Special Events that are prohibited in residential zoning districts may be allowed subject to a Special Permit approval, and the following:
1) Shall be collocated with a Place of Worship;

2) Hours of operation shall be from 9:00 a.m. to 5:00 p.m.; and,
3) Special Events and religious services operating during the same time are required to provide parking for both activities or comply with the off-site parking provisions in Art. 6.

f. Location

Shall not front a street under construction.

1) U/S Tier

Primary access shall be from a paved Arterial or Collector Street.

2) All Other Tiers

a) In the Rural, Exurban, AGR and Glades Tiers, primary access shall be from a paved street.
b) Back-out parking directly onto a public street shall be prohibited.

g. Setbacks

All buildings, trailers, vehicles, tents, mechanical devices, rides, animals and related equipment and activities shall be setback as follows:

1) A minimum of 50 feet from any adjacent streets.
2) A minimum of 200 feet setback is required from any property line with a residential use or FLU designation. This requirement may be exempt if the residential parcel has no existing residential structures.

h. Parking

The use shall be prohibited on vacant undeveloped parcels, unless parking is provided on a stabilized surface with defined ingress/egress for vehicles to enter and exit the site in a forward motion.

7. Temporary Green Market

a. Definition

A temporary gathering of vendors, primarily for the purpose of selling fresh unprocessed fruit, vegetables, flowers, and consumable items such as coffee, bread and prepared food. **[Ord. 2012-027]**

b. Duration

Shall only be allowed on weekends and holidays, and up to six-months per calendar year. **[Ord. 2010-005] [Ord. 2010-022] [Ord. 2012-027]**

c. Renewal

The Special Permit may be renewed annually, pursuant to Art. 2.D.2, Special Permit.

d. Lot Size

A minimum of one acre with the exception of lots located in the WCRAO where a minimum of one-half of an acre is required. **[Ord. 2012-027] [Ord. 2015-031]**

e. Signage

Vendor signs shall not be visible from the right of way.

f. Operation

1) Tents exceeding 120 square feet shall be subject to a Building Permit review in accordance with Art. 2.D.2.D, Review Process.
2) Motor vehicles utilized for the purpose of transporting vendor supplies and products may be allowed on-site, provided the vehicles are removed from the site within two hours after the market closes each weekend.
3) Shall not utilize required parking spaces. **[Ord. 2007-001]**

8. Temporary Retail Sales

a. Definition

General retail sales without a fixed or permanent location.

b. Typical Uses

Typical uses may include but are not limited to temporary sales of Christmas trees, pumpkins, fireworks, plants, art, paintings, rugs, and furniture.

c. Duration

Shall not exceed 30 consecutive days and a maximum of four times per calendar year per parcel.

d. Zoning District - AGR

Shall be limited to Christmas trees, plants, and pumpkins.

e. Location

Shall front an Arterial Street.

f. Number

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

g. Operation

All debris shall be completely removed from the site, and the property shall be returned to its original condition, within 24 hours of the expiration of the Special Permit or the removal of the activities associated with Special Event.

h. Special Provisions for Sparklers

Shall comply with the following additional requirements:

1) Zoning Districts

Shall be limited to CG and IL.

2) Seasonal Limitations

Shall only be allowed June 20 through July 5 and December 10 through January 2 of each year.

3) **Additional Application Requirements**
The Special Permit application shall include the following information:
a) **Fire Marshal Certification**
The PBC Fire Marshall shall review and approve the location of the sale of the sparklers and issue a certificate of registration.
b) **Affidavit of Compliance**
A signed and notarized affidavit of compliance with the Approved List of Sparklers maintained by the State Fire Marshall. The affidavit shall be submitted affirming that only products on the State Fire Marshall's approved List of Sparklers will be sold and that violation of the affidavit may result in an injunction.
c) **Documentation**
Copies of State of Florida registration documents for any corporate or other business entity, evidence of registering any fictitious name to be used and driver's licenses for the applicant's authorized agents.

i. **Parking**
Parking shall be provided on-site, on a stabilized surface with defined ingress/egress. Vehicles shall enter and leave the site in a forward motion.

9. **Temporary Vehicle Sales**
a. **Definition**
The temporary sale of new or used motor vehicles, including cars, trucks and recreational vehicles.
b. **Duration**
1) Limited to five consecutive calendar days, not to exceed four times per calendar year.
2) Shall be prohibited during the months of November and December.
c. **Lot Size**
A minimum of ten acres.
d. **Setbacks**
The event area shall be setback a minimum of 50 feet from all buildings.
e. **Parking**
1) A maximum of 50 required off-street parking spaces may be utilized, and no related activities shall extend beyond the designated area.
2) Accessible parking spaces shall not be occupied by activities related to the use.
f. **Accessory Sales**
Up to three Mobile Retail Sales vendors limited to sales of food and beverage may be allowed as an accessory use to Temporary Vehicle Sales, subject to the Mobile Retail Sales Supplementary Use Standards.

EXHIBIT E

ARTICLE 5, SUPPLEMENTARY STANDARDS
SUMMARY OF AMENDMENTS

Part 1. ULDC Art. 5.B.1.A, Accessory Uses and Structures (page 8, 10, 13-15, 16 and 32 of 100), is hereby amended as follows:

CHAPTER B ACCESSORY ~~AND TEMPORARY~~ USES AND STRUCTURES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

1. General

The following ~~standards~~ provisions in this Section shall apply to all development in Sstandard, PDD or TDD Zoning Districts, unless otherwise stated~~:~~. **[2007-001]**

....

a. Standards

Uses indicated in the Use Matrix as blank in a zoning district shall not be allowed as accessory use unless stated otherwise in Art. 4, Use Regulations. An accessory use or structure shall be subject to the same regulations that apply to the principal use or structure, except as otherwise stated.

b. Location

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

c. Floor Area

1) Nonresidential Zoning Districts

Where allowed, aAccessory uses and structures shall not exceed 30 percent of the GFA ~~and~~ or business receipts of the principal use or uses, whichever is more restrictive. Minor Utility Use is not subject to this provision.

2) Residential Zoning Districts

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

....

e. Specific Accessory Uses

1) Office

a) Areas of a building dedicated to the administrative operation and incidental to a principal use or uses listed in the Use Matrix may be Permitted by Right.

b) One parking space shall be provided for every 200 square feet of accessory office.

2) Incidental Sales

Sales of products incidental to a principal use may be Permitted by Right in Commercial, Industrial, or Institutional, Public and Civic use classifications subject to the following, unless stated otherwise:

a) Maximum ten percent of the GFA;

b) One parking space for every 200 square feet of accessory sales;

c) Merchandise is not stored outside or visible from any street; and,

d) Commercial signage is only to advertise the principal use.

2. Fences, Walls and Hedges

....

b. Height and Related Standards

....

4) General Exceptions

....

e) Schools may increase the fence height to eight feet along the perimeter of the site.

....

h. Dangerous Materials

Fences or walls in any zoning district shall not be electrified or contain any substance such as broken glass, spikes, nails, barbed wire, razors, or any other dangerous material designed to inflict discomfort, pain or injury to a person or animal, except as allowed below. **[Ord. 2010-005] [Ord. 2011-001]**

~~***1) Barbed Wire Exceptions***~~

~~*The use of barbed wire is prohibited.* However, the *County recognizes that barbed wire may be necessary to secure certain uses* such as public utilities, prisons, bona-fide agriculture, and public-owned natural areas, commercial or industrial uses that have outdoor storage areas. Therefore, *the County allows the installation of barbed wire* as part of *the top of the fence or wall* for specific uses pursuant to Art. 4.B, SUPPLEMENTARY USE STANDARDS or for situations stated below. **[Partially**

Notes:
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relocated below to Art. 5.B.1.A.2.e.1)] ~~*The barbed wire shall not exceed 20 percent of the overall permitted height of the fence or wall.*~~ **[Relocated below to Art. 5.B.1.A.2.e.1)b)(1), Height, below]** ~~*Bonafide agricultural uses, prisons, and other uses as authorized by the Zoning Director pursuant to provisions, Art. 5.B.1.A.2.c.2).c) below, shall be permitted to exceed the 20 percent provision. The calculation of the overall height of a fence or wall is inclusive of any barbed wire.*~~ ~~***[Ord. 2005-002] [Ord. 2010-005] [Ord. 2011-001]***~~ **[Relocated below to Art. 5.B.1.A.2.e.1)b)(2), Height Exemptions, below]**

1) ***Barbed Wire Exceptions*** **and Regulations**

The use of barbed wire is prohibited except in instances as detailed below. *The County recognizes that barbed wire may be necessary to secure certain* non-residential *uses* or structures. Therefore, *the County allows the installation of barbed wire on top of the fence or wall,* subject to the following: **[Partially relocated from Art. 5.B.1.A.2.c.2). and Art. 5.B.1.A.2.c.1).]**

a) **Allowable Uses for Barbed Wire**

(1) Commercial Communication Towers
(2) Electric Power Facilities;
(3) Electric Transmission Facility;
(4) Minor Utility;
(5) Prisons;
(6) Solid Waste Transfer Stations;
(7) Water or Wastewater Treatment Plant; and,
(8) Zoo.

[Partially relocated from Art. 4.B.1.A.44-1, 44-2, 63.b, 123, 134, 139, and 143]

(9) *Except when located adjacent to a parcel having a Residential FLU designation, Residential* zoning district *or residential use, barbed wire* that is not *visible from any public street, may be installed* with the following uses: **[Partially relocated from Art. 5.B.1.A.2.c.1) and Articles 4.B.1.A.35, 116, 120, 127, and 130]**
   (a) Contractor Storage Yard;
   (b) Salvage or Junk Yard;
   (c) Self Service Storage;
   (d) Sugar Mill or Refinery; and,
   (e) Towing Service Storage.

(10) Bona Fide Agriculture use located in *AGR, AP, and AR Zoning Districts; and AGR-PDD Preserve Parcels.* When Bona Fide Agriculture is located in the AR Zoning *District other than nurseries,* barbed wire shall be *setback a minimum of 25 feet from any property line* **[Partially relocated from Art. 4.B.1.A.3.k).]**

(11) Properties with a Conservation FLU designation, for the purposes of protecting publicly owned natural areas; **[Ord. 2005-002] [Ord. 2010-005] [Ord. 2011-001]**

(12) Properties where the owner can document a valid Development Permit for the use of barbed wire; and, **[Ord. 2010-005] [Ord. 2011-001]**

(13) The Zoning Director shall have the authority to allow the installation of barbed wire for any uses pursuant to Art. 4.B, ~~Supplementary Use Standards~~ Use Classification, when the applicant demonstrates a need to comply with Federal, State or Local Government regulations. In support of the barbed wire installation, the Zoning Director may require the applicant to perform mitigation in order to address compatibility with adjacent properties or visibility from adjacent street right-of-way. **[Ord. 2010-005] [Ord. 2011-001]**

(14) A removal agreement shall be executed to remove the barbed wire, prior to issuance of a Building Permit. This agreement shall require the removal of the barbed wire in the event the use changes to another use not allowed in the list above.

b) **Standards**

(1) Height

The barbed wire shall not exceed 20 percent of the overall permitted height of the fence or wall or two feet whichever is less. **[Partially relocated from Art. 5.B.1.A.2.c.2).]**

(2) Height Exemption

Bona Fide Agriculture, Prisons, and other uses as authorized by the Zoning Director pursuant to provisions in Article 5.B.1.A.2.h.1).a)(6), *shall be permitted to exceed the 20 percent provision. The calculation of the overall height of a fence or wall is inclusive of any barbed wire,* ***[Ord. 2005-002]***

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[Ord. 2010-005] **[Ord. 2011-001] [Partially relocated from Art. 5.B.1.A.2.c.1).]**

2) Electrified Fences - Exceptions and Regulations

....

a) Allowable Uses for Electrified Fences

Electrified fences shall only be allowed for the following uses: **[Ord. 2013-018]**

(1) Commercial uses, as follows: **[Ord. 2013-018]**

(a) Auction, Outdoor; **[Ord. 2013-018]**

~~(b) Auto Paint or Body Shop; [Ord. 2013-018]~~

~~(c) Building Supplies; [Ord. 2013-018]~~

(d) Contractor Storage Yard; **[Ord. 2013-018]**

(e) Flea Market, ~~Open~~ Outdoor; **[Ord. 2013-018]**

(f) Landscape Service; **[Ord. 2013-018]**

(g) Laundry Services; **[Ord. 2013-018]**

(h) Marina;

(~~h~~i) Parking ~~Lot~~, Commercial; **[Ord. 2013-018]**

(~~i~~j) Repair and Maintenance, ~~General~~ Heavy; **[Ord. 2013-018]**

(~~j~~k) Self-Service Storage Limited Access; **[Ord. 2013-018]**

(l) Self Service Storage Multi Access;

(~~k~~m)Towing Service and Storage; ~~and,~~ **[Ord. 2013-018]**

(~~l~~n) Vehicle Sales and Rental, Light; and, **[Ord. 2013-018]**

(o) Vehicle or Equipment Sales and Rental, Heavy.

(2) Institutional, Public and Civic uses, as follows: **[Ord. 2013-018]**

....

(3) Recreation uses, as follows: **[Ord. 2013-018]**

(a) Zoo~~, and,~~ **[Ord. 2013-018]**

~~(b) Marine Facility~~. **[Ord. 2013-018]**

(4) All uses listed as Agricultural Uses in ~~Table 4.A.3.A~~ Art. 4.B.6.A, Agricultural Use Matrix. **[Ord. 2013-018]**

(5) All uses listed ~~as~~ under the Utilities Use Classification ~~& Excavation uses~~ in ~~Table 4.A.3.A~~ Art. 4.B.7.A, Utilities Use Matrix **[Ord. 2013-018]**.

(6) All uses listed under the Excavation Use Classification in Art. 4.B.10.A, Excavation Use Matrix.

(~~6~~7)All uses listed as Industrial Uses in Table 4.A.3.A, Use Matrix. **[Ord. 2013-018]**

[Renumber Accordingly]

3. Outdoor Storage and Activities

Outdoor storage of merchandise, inventory, equipment, refuse, or similar materials, and outdoor activities associated with a use operation in all ~~nonresidential~~ zoning districts shall be subject to the following standards, unless stated otherwise.:

a. General

Outdoor Storage and Activities may only be allowed when incidental to the use located on the premises.

b. Location

Outdoor Storage and Activity areas shall not be located in any of the required setbacks. Bollards or other acceptable barricade to the Zoning Division shall be provided to delineate pile locations.

c. Height

Outdoor Storage material shall not exceed 15 feet in height or the height of the screening, whichever is less. The height could be less if required by the F.A.C 62-709, as amended.

d. ~~Nonresidential Districts, Except Industrial~~ Screening

Outdoor Sstorage and Activity areas shall be completely screened from ~~view~~ all property lines by landscaping, fences, walls, or buildings.

~~d~~e. Industrial FLU Designation, Zoning Districts or Uses

~~1) Outdoor storage areas shall be completely screened from view from all streets and adjacent residential districts by landscaping, fences, walls, or buildings up to a height of 12 feet.~~

1) Outdoor Storage and Activity areas adjacent to parcels of land with Industrial FLU designation or use and not visible from any street shall be exempted from the screening requirements.

2) Outdoor Activity areas in industrial uses shall have a Type 3 incompatibility buffer along property lines adjacent to parcels with a Civic, Conservation, Commercial, Recreational or residential FLU designation, or use, or where visible from a public R-O-W. The incompatibility buffer shall be a minimum of 25 feet in width.

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3) Outdoor Activities such as chipping, crushing, grinding, manufacturing or processing shall be restricted to uses in the IG Zoning District and Industrial General pod of PIPD unless approved as a Class A Conditional Use.

ef. Exceptions

The following uses or material are exempt from this Section:

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

....

~~Section 7~~12. *Communication ~~Panel~~ Antennas, ~~Commercial~~*

A transmitting and/or receiving device used for AM/FM radio, television, microwave, telephone, cellular, personal wireless services, and related forms of electronic communications. This excludes amateur radio antennas and satellite dish antennas. **[Relocated from Art. 1.I.2.A.73, Antenna]**

a. Applicability

Unless an Eligible Facilities Request for Modification is approved pursuant to Art. 4.B.9.E, ~~T~~*these standards* below *shall apply to* ~~commercial communication panels and~~ *antennas mounted on roofs, or attached to buildings or legal billboards (collocations).* ***[Ord. 2006-004]*** **[Relocated from Art. 4.C.7, Communication Panel Antennas, Commercial]**

Ab. ~~Permitted Districts~~ Review Process

1) ~~Communication panels and~~ A*antennas, excluding whip antennas not exceeding eight feet in height and six inches in diameter, may be permitted and shall be reviewed as follows:* ~~in Table 4.C.7.A. Panel Antenna Regulations~~. **[Relocated from Art. 4.C.7.A, Permitted Districts]**

***Table* 5.B.1.A- ~~Panel~~ *Antenna* Review Process**

	Zoning District or Use			
~~Zoning District or Use~~ Structure Height	*Single Family Residential*	*Multi-Family Residential*	*IG, IL, PO Zoning Districts*	*All Other Non-Residential Zoning Districts*
~~Structures < 25' or less in height~~	*Not Permitted*	*Not Permitted*	*Building Permit Review*	*Not Permitted*
~~Structures greater than 25' and~~ *to 45'* ~~or less in height~~	*Development Review Officer*	*Development Review Officer*	*Building Permit Review*	*Development Review Officer*
~~Structures greater than~~ *>45'*	*Class B Conditional Use*	*Building Permit Review*	*Building Permit Review*	*Building Permit Review*

[Relocated from Table 4.C.7.A - Panel Antenna Regulations]

~~1~~2) ~~Applicability and Review Process~~ Building Permit

A building permit shall be required for the installation of all ~~communication panels and~~ antennas in addition to any other review process. **[Relocated from Art. 4.C.7.A.1, Applicability and Review Process]**

~~B.Communication Panel Antennas~~

~~1~~c. *Architectural Compatibility*

Demonstrate architectural compatibility (color and/or texture) with the structure on which it is located. **[Relocated from Art. 4.C.7.B.1, Architectural Compatibility]**

~~2~~d. *Screening*

If the ~~panel~~ antenna is attached to a pole support structure, the pole shall be concealed by an opaque screen. **[Relocated from Art. 4.C.7.B.2, Screening]**

~~3~~e. *Size Limitations for Panel Antenna*

Each ~~communication~~ panel shall not exceed a maximum height of eight feet; maximum depth of four feet; and maximum width of four feet. **[Relocated from Art. 4.C.7.B.3, Size Limitations]**

~~4~~f. *Supplemental Application Requirements*

In addition to the requirements indicated above, plans depicting cross sections or elevations of the panel attached to the structure shall be provided at the time of submittal of the application package. **[Relocated from Art. 4.C.7.B.4, Supplemental Application Requirements]**

Cg. *Setbacks*

1.) Accessory Structures

~~Unmanned~~ ~~r~~Roof mounted accessory structures shall meet a minimum 25-foot setback from the edge of the roof or comply with the architectural compatibility standards pursuant to Article ~~4.C.7.B.1~~ 5.B.1.A.12.c, Architectural Compatibility. **[Relocated from Art. 4.C.7.C.1, Accessory Structures]**

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~~2. Communication Panels and Antennas~~

~~2.~~) *There shall be no minimum setback required for ~~panels or~~ antennas.* **[Relocated from Art. 4.C.7.C.2, Communication Panel and Antennas]**

~~D~~h. ***~~Whip Antennas~~***

Whip antennas not exceeding eight feet in height and six inches in diameter shall be permitted in any zoning district. Whip antennas may be attached to residential structures, utility poles, etc. Whip antennas, unless attached to a residential structure, shall be installed at least 50 feet from any existing residential structure. **[Relocated from Art. 4.C.7.D, Whip Antennas]**

[Renumber Accordingly]

~~15. Seaplanes~~

~~a. *Location*~~

~~*If the seaplane facility use is limited to the adjacent property owners who jointly own and maintain the aircraft facility, it may be located in a residential* district and not be of a commercial nature, provided that the facility is not *within 400 feet of a residential use. If the facility is a commercial venture, it shall not be located within 1,000 feet of a residential district.*~~ **[Relocated to Art. 4.B.8.C.4.b, Separation Distance – Residential Zoning District]**

~~b. *Minimum Land Area*~~

~~*The minimum required land area for any type of seaplane operation shall be two acres.*~~ **[Relocated to 4.B.8.C.4.c., Minimum Land Area]**

~~c. *Water Area*~~

~~*All seaplane operations shall comply with the following minimum standards for water landing area:*~~ **[Relocated to Art. 4.B.8.C.4.d, Water Area]**

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

~~*Length*~~	~~*3,500 feet*~~
~~*Width*~~	~~*300 feet*~~
~~*Depth*~~	~~*4 feet*~~

~~d. *Airport Approach*~~

~~*No seaplane operation shall be considered unless the airport approach to the water landing area is at a slope of 40:1 or flatter for a distance of at least two miles from both ends of the water landing area and is clear of any building structure or portion thereof that extends through and above the airport approach* plane.~~ **[Relocated to Art. 4.B.8.C.4.e, Airport Approach]**

~~e. *Setbacks*~~

~~*All buildings, structures, and aircraft parked on shore shall be located a minimum distance from all property lines of at least 50 feet.*~~ **[Relocated to Art. 4.B.8.C.4.f, Setbacks]**

~~f. *Landing operations*~~

~~*All aircraft landings shall be performed under Visual Flying Rules (VFR) and shall not be conducted during the hours between sunset and sunrise.*~~ **[Relocated to Art. 4.B.8.C.4.g, Landing Operations]**

~~g. *Parking*~~

~~*Shore facilities shall provide one automobile parking space for each 2,000 square feet of hangar or tie-down area, or one space per craft, whichever is greater. All shore facilities shall provide a minimum of five parking spaces.*~~ **[Relocated to Art. 4.B.8.C.4.h, Parking]**

Part. 2 New ULDC Art. 5.B.1.A, Accessory Uses and Structures, (page 32 of 100) is hereby established as follows:

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

22. Mobile Home

The use of a mobile home shall be prohibited unless stated otherwise in Articles 4, Use Regulations and Article 5, Supplementary Standards.

Notes:
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1

Table 5.B.1.A – Mobile Home (1) Applicability

Dwelling Unit	Structure
MHPD or Existing Approved Mobile Home Park (2)	Accessory to Bona Fide Agriculture (2)
	Farm Workers Quarters (2)
	Caretaker Quarters (2)
	Watchman Trailer (3)
	While Constructing a SF Dwelling (3)
[Ord.]	
Notes:	
1.	*Mobile Home shall not be used for storage or display* **[Partially relocated from old Art. 4.B.1.A.85, Mobile Home Dwelling]**
2.	Supplementary use standards are indicated in Article 4, Use Regulations.
3.	Specific regulations are stated in Article 5, Supplementary Standards.

2
3 **23. Air Curtain Incinerator**
4 *A combustion device used to burn trees and brush.* **[Relocated from ULDC Supplemental**
5 **20, Art. 4.B.1.A.9, Air Curtain Incinerator]**
6 ***a. Standards***
7 ***1) Exemptions***
8 *The following temporary air curtain incinerators are exempt from the requirements of*
9 *this Section: Incinerators operating under written approval from the PBC Health*
10 *Department in accordance with the PBC Open Burning Ord. 2005-020; and*
11 *incinerators used for the emergency burning of storm generated debris by a local*
12 *government.* ***[Ord. 2006-004]*** **[Relocated from ULDC Supplemental 20, Art.**
13 **4.B.1.A.9.a.1), Exemptions]**
14 ***2) Storage***
15 *Except in the AP Zoning District, on site outdoor storage of unprocessed material*
16 *shall be limited to 45 days. Pile height shall be limited to 15 feet. Outdoor storage*
17 *shall be setback a minimum of 25 feet from any property line or 50 feet from any*
18 *property line adjacent to a residential district or use. Storage areas shall be screened*
19 *from view pursuant to Art. 5.B, Accessory and Temporary Uses.* ***[Ord. 2006-004]***
20 **[Relocated from ULDC Supplemental 20, Art. 4.B.1.A.9.a.2), Storage]**
21 ***3) Hours of Operation***
22 *Hours of operation are limited to 8:00 a.m. to 5:00 p.m., Monday through Friday. The*
23 *incinerator shall not be charged before 9:00 a.m. and shall be completely*
24 *extinguished one hour before sunset.* ***[Ord. 2006-004]*** **[Relocated from ULDC**
25 **Supplemental 20, Art. 4.B.1.A.9.a.3), Hours of Operation]**
26 ***4) No Burn Days***
27 *The incinerator shall not operate on "no burn days" as designated by the PBC Fire-*
28 *Rescue Department.* ***[Ord. 2006-004]*** **[Relocated from ULDC Supplemental 20,**
29 **Art. 4.B.1.A.9.a.4), No Burn Days]**
30 ***5) Setback***
31 *The incinerator shall be set back a minimum of 1,200 feet from any property line*
32 *abutting a residential district or use.* ***[Ord. 2006-004]*** **[Relocated from ULDC**
33 **Supplemental 20, Art. 4.B.1.A.9.a.5), Setback]**
34 ***b. Supplemental Application Requirements***
35 ***1) Site Plan***
36 *A site plan illustrating how the operation functions, circulation routes, square footage,*
37 *height and location of buildings, incinerator and storage piles.* **[Relocated from**
38 **ULDC Supplemental 20, Art. 4.B.1.A.9.b.1), Site Plan]**
39 ***2) Waste***
40 *An explanation of the quantity of waste to be received expressed in cubic yards per*
41 *day or tons per day.* **[Relocated from ULDC Supplemental 20, Art. 4.B.1.A.9.b.2),**
42 **Waste]**
43 ***3) Dust Control***
44 *A plan which addresses dust control in traffic, storage and processing areas. Dust*
45 *control measures may include: additional setbacks, full or partial enclosure of air*
46 *curtain incinerator and watering or enclosing storage piles. If facility with an air*
47 *curtain incinerator also includes chipping, mulching or composting, adherence to the*
48 *supplementary use standards applicable to such use shall also be required.*
49 **[Relocated from ULDC Supplemental 20, Art. 4.B.1.A.9.b.3), Dust Control]**

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24. Air Stripper

A remedial system which treats contaminated groundwater. **[Relocated from Art. 4.B.1.A.11, Air Stripper under Utility Uses]**

a. Duration

The length of time a remedial system may remain on a site shall be determined by ERM. **[Relocated from Art. 4.B.1.A.11.a, Duration, under Utility Uses]**

b. Setback

If the applicant is unable to meet the property development regulations, in lieu of a variance, the Zoning Division shall be authorized to determine the location of the structure and set necessary conditions for landscaping and screening. **[Relocated from Art. 4.B.1.A.11.b, Setback, under Utility Uses]**

25. Kennels and Runs

Runs applicable to any Kennel use shall be subject to the following:

a. Fences

Safety fences around the outdoor runs shall not exceed six feet in height. **[Partially relocated from Art. 4.B.1.A.73.a.3), Limitations of Use related to Kennel, Type 1 (Private)]**

b. Hedge

If the safety fence is not opaque, a continuous solid opaque hedge, a minimum of four feet at installation, shall be provided around the outdoor run. **[Partially relocated from Art. 4.B.1.A.73.a.3), Limitations of Use related to Kennel, Type 1 (Private)]**

c. Setbacks

1) General

a) *Enclosed structures or enclosed runs shall comply with the minimum setbacks applicable to the principal dwelling unit.* **[Ord. 2006-036] [Relocated from Art. 4.B.1.A.73.a.1) Setbacks related to Kennel, Type 1 (Private)]**

b) *Outdoor runs or non-enclosed structures shall not be located within 25 feet of any property line.* **[Ord. 2006-036] [Relocated from Art. 4.B.1.A.73.a.4) Limitations of Use related to Kennel, Type 1 (Private)]**

2) *Hobby Breeders*

Outdoor runs or non-enclosed structures used by hobby breeders shall not be located within 50 feet of any property line adjacent to a residential district or 25 feet of any property line adjacent to a non-residential district. **[Ord. 2006-036] [Relocated from Art. 4.B.1.A.73.a.3) Limitations of Use related to Kennel, Type 1 (Private)]**

d. *Guard Dog* Shelter *Exemption*

Adequate shelter required by ACC for any guard dog registered in accordance with ACC Ord. 98-022 may be allowed in any zoning district. A shelter for a permanent on-site guard dog, associated with guard duty, shall be exempt from the setback requirements of this section when adjacent to non-residential zoning districts or uses. **[Ord. 2008-036] [Relocated from Art. 4.B.1.A.73.b.3) Limitations of Use related to Kennel, Type 1 (Private)]**

Part 3. ULDC Art. 5.B.1.B, Temporary Structures (page 32 of 100), is hereby amended as follows:

CHAPTER B ACCESSORY ~~AND TEMPORARY~~ USES AND STRUCTURES

Section 1 Supplementary Regulations

B. Temporary Structures

1. Emergency or Temporary Government Structures and Uses

This Section is intended to allow the placement or construction of temporary government uses, facilities, and infrastructure improvements that address an immediate public need and ensure health, safety and welfare concerns. Typical uses include, but are not limited to, fire stations, hurricane shelters, or utility facilities. **[Ord. 2011-001]**

a. Review and Approval Process

1) Emergency Uses or Structures

The Executive Director of PZB may authorize the issuance of a building permit for a temporary structure upon determination that a public emergency, pending natural disaster, or actual natural disaster, exists. **[Ord. 2011-001]**

2) Temporary ~~Uses or~~ Structures

(a) DRO Pre-Application Conference or BCC Direction

The Zoning Director may require a pre-application conference with the DRO in order to seek input from the various County Agencies on the temporary ~~use or~~ structure, or may seek direction from the BCC. The Zoning Director shall

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consider documentation from the applicant and any other input from County Agencies before issuance of a Special Permit. **[Ord. 2011-001] [Ord. 2011-016]**

b) Special Permit

A Special Permit approval of the temporary ~~use or~~ structure pursuant to Article 2.D.2. Special Permit, must be obtained prior to the issuance of a building permit. **[Ord. 2011-001]**

(c) Duration

The Special Permit shall be valid for up to a period of six months from date of issuance, with one three month extension by the Zoning Director. The BCC may extend the timeframe through an Administrative Inquiry by the Zoning Director. **[Ord. 2011-001]**

....

3. Temporary Structures and Uses During Development Activity

....

d. Mobile Home While Constructing a ~~SFD~~ Single Family Dwelling

1) ~~Temporary Dwelling During Home Construction~~ Definition

A mobile home used as a temporary residence during the construction of a Single Family structure.

2) Zoning District – AR (RSA)

~~In~~ A temporary mobile home may be allowed only in the AR Zoning District of the Rural Service Area (RSA). ~~District, placement of a mobile home dwelling shall be permitted on a temporary basis subject to the following standards:~~

a3) Agency Approval

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

b4) Building Permit

a) A valid building permit for a ~~s~~Single ~~f~~Family dwelling unit on the land shall have been ~~approved~~ issued by the Building ~~Director~~ Division prior or concurrent to issuance of the tie down permit for the mobile home;

b) *The approval for the mobile home shall be valid for two years or* up to 30 days after the *issuance of the Certificate of Occupancy for the Single Family dwelling,* whichever occurs first. A removal agreement shall be notarized and executed between the Building Division and property owner and recorded on the property in the official records of the PBC Clerk prior to issuance of any building permit. *No time extensions shall be granted.* No more than *one MH approval* shall be granted *per Property Control Number.* **[Ord. 2007-001] [Relocated from Art. 4.B.1.A.85.d.2.a), Limitations of MH Approval]**

~~c) Removal Agreement~~

~~Execution of a notarized Mobile Home Removal Agreement, which establishes that the mobile home shall be removed within 30 days after the final CO or at the end of the maximum two year timeframe. Additionally, the building permit shall be stamped with the requirement to remove the mobile home within 30 days after the final CO is issued. **[Ord. 2008-003]**~~

25) Additions

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

36) Proof of Ownership

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

....

Part 4. ULDC Art. 5.B.1.C, Flex Space (page 33 of 92), is hereby amended as follows:

CHAPTER B ACCESSORY ~~AND TEMPORARY~~ USES AND STRUCTURES

Section 1 Supplementary Regulations

C. Flex Space

A type of use that allows a flexible amount of retail, office and industrial space in one structure located on parcels with an Industrial (IND), Economic Development Center (EDC), or Commercial High (CH) Future Land Use Designation (FLU), that are directly related to the principal use. **[Ord. 2010-005]**

1. Review Process

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Applications for flex space shall be reviewed pursuant to Article 2, Development Review Process, in addition to one of the following options: **[Ord. 2010-005]**

a. Option I – Uses requiring BCC approval shall be subject to the applicable review process pursuant to Article 2.B.2, Conditional Uses, ~~Requested Uses~~ and Development Order Amendments. The applicant shall identify the portion of the building designated for flex space on the site plan. All other uses subject to an administrative review process shall be permitted in the BCC approved building. **[Ord. 2010-005]**

b. Option II – Uses requiring DRO approval shall be subject to the review process pursuant to Article 2.D.1 Development Review Officer. The applicant shall identify the portion of the building designated for flex space on the site plan. All other uses subject to the Building Permit review process shall be permitted in the DRO approved building. **[Ord. 2010-005]**

c. Option III – Uses subject to the Building Permit review process may occupy a bay or the entire building as long as they comply with the applicable Supplementary Use Standards and additional ULDC requirements (parking, signage, etc.). The applicant shall identify the portion of the building designated for flex space on the site plan. The applicant has the option of applying flex space provisions to a specific bay in the building or having the entire building (single use tenant) dedicated to flex space. The applicant shall submit the Building approved site plan to the Zoning Division for informational purposes indicating the area designated as flex space and demonstrating that the overall site is in compliance with the applicable ULDC regulations. **[Ord. 2010-005]**

2. Development Standards

a. CH ~~–~~ FLU

Flex space located on parcels with a CH FLU shall be permitted to have the following mix of uses: a minimum of 50% industrial, not to exceed 75%; with the balance consisting of office or retail. **[Ord. 2010-005]**

b. IND ~~–~~ OR EDC FLU

Flex space located on parcels with an IND FLU shall be permitted to have the following mix of uses: a maximum of 30% ~~office or~~ retail, with the balance consisting of industrial. **[Ord. 2010-005]**

....

3. Uses Allowed

The uses indicated in the table below, may utilize flex space provisions *pursuant to the applicable approval process indicated in* Review Process above. **[Partially relocated from Art. 4.B.1.A.46, Contractor Storage Yard/68, Manufacturing and Processing/92, Retail Sales/108, Warehouse/ 111, Wholesaling]**

Table 5.B.1.C - Uses Allowed as Flex Space Component

Commercial Use	Industrial Uses
Retail Sales (1)	Contractor Storage Yard (2) Manufacturing and Processing (2) Warehouse (2) Wholesaling (2)
(1) Flex space use to be allowed in IND or EDC FLU designation subject to DRO Approval.	
(2) Flex space use to be allowed in CH FLU designation subject to Class A Conditional Use approval.	

Part 5. ULDC Art. 5.C.1.B.1. General, [Related to Architectural Guidelines] (page 37-38 of 100), is hereby amended:

CHAPTER C DESIGN STANDARDS

Section 1 Architectural Guidelines

B. Threshold

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

1. General

....

b. All nonresidential projects or buildings requiring approval by the DRO in accordance with ~~Table 4.A.3.A, Use Matrix~~ the use matrices in Art. 4, Use Regulations, and Table 3.D.1.A, Property Development Regulations, or those exceeding the thresholds in Table 4.A.9.A, Thresholds for Projects Requiring DRO Approval; **[Ord. 2006-036]**

....

e. The following uses, regardless of building size: **[Ord. 2006-036]**

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~~1) Automotive paint or body shop; **[Ord. 2006-036]**~~
~~2~~1) Heavy or Light Repair and ~~m~~Maintenance, ~~general~~; **[Ord. 2006-036] [Ord. 2012-027]**
~~3~~2) Retail ~~s~~Sales~~,~~ for automotive parts and accessories ; ~~and **[Ord. 2006-036] [Ord. 2012-027]**~~
~~4~~3) Type ~~I~~ 1 restaurants with drive through requesting location criteria exception pursuant to Art.4.B.2.C.32, Restaurant, Type ~~I~~ 1; and, **[Ord. 2012-027]**
4) Type 3 CLF. **[Relocated from Art. 4.B.1.A.34.e, Design and Compatibility - Related to CLF]**

....

Part 6. ULDC Art.5.C.1.E, Architectural Guidelines (page 38 of 100), is hereby amended as follows:

CHAPTER C DESIGN STANDARDS

Section 1 Architectural Guidelines

E. Review Process

PZB shall review all applicable buildings for compliance with this Chapter during the building permit or zoning review process, and provide a written determination of compliance with the requirements of this Chapter. An application submitted for any type of review process listed below may apply for Unique Structure designation or Type II Variance, pursuant to Article 2.B.2, Conditional Uses, ~~Requested Uses~~, Development Order Amendments and Unique Structures: **[Ord. 2009-040]**

Part 7. ULDC Art. 5.E.4.E.2.e.11) Nuisances (page 57 of 100), is hereby amended as follows:

CHAPTER E PERFORMANCE STANDARDS

Section 4 Nuisances

E. Outdoor Lighting
2. Applicability
e. Deviations

11) Lighting for Commercial ~~c~~Communication ~~t~~Towers under Art. ~~4.C.4.Q.2~~ 4.B.9.B.10 of the ULDC; and **[Ord. 2005-041]**

....

Part 8. New ULDC Art. 5.E.5, Hours of Operation (page 57 of 100), is hereby established:

CHAPTER E PERFORMANCE STANDARDS

Section 5 Hours of Operation

Hours of operation relate to the time during which the use is open to the public for business. For uses not open to the public, hours of operation shall be the time in which the use has employees working.

A. Proximity to Residential

Any non-residential use shall be subject to the hours of operations indicated in Table 5.E, Hours of Operation, when: ~~adjacent~~ located within 250 feet of a ~~to~~ Residential FLU designation, ~~Zoning District~~ or use, unless stated otherwise. ~~No *stocking or deliveries outside of the permitted* time when *located within 250 feet of residential.*~~ Mixed uses located in the following zoning districts shall not be considered residential uses for the purposes of hours of operation: Neighborhood General (NG), Neighborhood Commercial (NC) and Urban General (UG) Sub-areas of the WCRAO and UC, UI, MXPD, LCC, and TMD.

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Table 5.E - Hours of Operation

Nonresidential Use Classification	Hours (1)
Commercial	6:00 a.m. to 11:00 p.m.
Recreation	6:00 a.m. to 11:00 p.m.
Institutional, Public and Civic	6:00 a.m. to 11:00 p.m.
Industrial with outdoor activities	7:00 a.m. to 7:00 p.m. (Monday – Saturday)
Industrial without outdoor activities	6:00 a.m. to 11:00 p.m. (Monday – Saturday)
Transportation	7:00 a.m. to 11:00 p.m.
Temporary	6:00 a.m. to 11:00 p.m.
Accessory Nonresidential Uses to Residential Uses	7:00 a.m. to 7:00 p.m.
[Ord.]	
Notes:	
1 *Stocking activities or deliveries outside of the permitted hours of operation are prohibited for nonresidential uses located within 250 feet of residential.*	

2

3 ***AB.* Measurement**

4 *Measurement shall be taken by drawing a straight line from the closest point on the perimeter of*
5 *the residential district to the closest point on the perimeter of the exterior wall, structure, or bay,*
6 *housing the non-residential use.* ***[Ord. 2009-040]*** **[Partially relocated from Art. 3.D.3.A.2.a,**
7 **Hours of Operation – Related to All Commercial, Public and Civic Uses under District**
8 **Specific Regulations]**

9 **C. *Existing Uses***

10 *Uses existing prior to this amendment may comply with the requirements existing at the time the*
11 *use was established, unless modified by a subsequent Development Order.* ***[Ord. 2009-040]***
12 **[Relocated from Art. 3.D.3.A.2.a.1), Existing Uses - Related to Hours of Operation**
13 **applicable to all Commercial, Public and Civic Uses under District Specific Regulations]**

14 **D. *Exemptions***

15 *Uses owned or operated by a governmental entity that provide essential services for the public,*
16 *as determined by the Zoning Director, shall be exempt from these standards.* ***[Ord. 2009-040]***
17 **[Relocated from Art. 3.D.3.A.2.a.2), Exemptions - Related to Hours of Operation applicable**
18 **to all Commercial, Public and Civic Uses under District Specific Regulations]**

19

20

21 **Part 9. ULDC Art.5.F.1.F, Maintenance and Use Documents (page 62 of 100), is hereby**
22 **amended as follows:**

23 **CHAPTER F LEGAL DOCUMENTS**

24 **Section 1 Maintenance and Use Documents**

25 **F. Content Requirement for Documents**
26 **1. Property Owner's Association (POA) Documents**
27 **a. Declaration of Covenants and Restrictions**
28 **1) Legal Description**
29 **a) For Master Property Owner's Associations**
30 Where applicable, all property included within the Master Plan for a Development
31 Order, regardless of how many phases, shall be subjected to the terms of the
32 declaration at the time the first plat of the development is recorded. Property shall
33 not be withdrawn from the terms of the declaration unless it is also withdrawn
34 from the Master Plan. This shall also apply to any affected portion of an AGE
35 Allocation Plan with a Development Order for a Rezoning, Conditional ~~or~~
36 ~~Requested~~ Use, or related Development Order Amendment subject to the
37 requirements of the AGEO. **[Ord. 2010-022]**

38

39

40 **Part 10. ULDC Art.5.G.1.E, Workforce Housing Program (WHP) (page 77, 89 of 100), is hereby**
41 **amended as follows:**

42 **CHAPTER G DENSITY BONUS PROGRAMS**

43 **Section 1 Workforce Housing Program (WHP)**

44 **E. WHP Incentives**
45 All projects with 10 or more residential units shall be eligible for WHP Incentives. **[Ord. 2006-**
46 **055]**

Notes:
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1. **Density Bonus**

Table 5.G.1.DE - Review Process

Density Bonus	DRO Approval	Class A Conditional Use	~~Requested Use~~
Standard District > 30% - 50%	X		
Standard District > 50% - 100%		X	
PDD or TDD > 30% - 100%		X	X
[Ord. 2006-055]			

....

K. TDR: Receiving Area Procedure

3. Review Process

c. The transfer of any density to a planned development is reviewed as a Conditional ~~requested u~~Use and shall be subject to the provisions of Art. 3.E, Planned Development Districts (PDDs). A general application by a property owner for receiving area status and a density bonus shall be accepted for review and processing pursuant to Art. 2, Development Review Process. **[Ord. 2005-002] [Ord. 2010-005]**

Part 11. ULDC Art. 5.H.2.B Applicability and Standards (page 91 of 100), is hereby amended as follows:

CHAPTER H MASS TRANSIT STANDARDS

Section 2 Applicability and Standards

B. Thresholds and Standards

For the purposes of this Chapter, non-residential development shall be defined as all commercial, civic/public, recreation and industrial uses that are open to the public. Unmanned or minimal commuter generating facilities, such as cCommercial cCommunication tTowers or eElectric tTransmission ~~facility~~ Substation, or as determined by Palm Tran shall be excluded from this definition. Where applicable, the requirements of this Chapter shall be approved by Palm Tran and shown on all Preliminary Development Plans, Preliminary Subdivision Plans, Preliminary Site Plans, Final Master Plans, Final Subdivision Plans and Final Site Plans, prior to DRO certification or approval. Palm Tran Transit Design Manual provides an understanding of transit operating criteria and, access requirements (www.pbcgov.com/palmtran/library). Section 810 of the ADA and ABA Accessibility Guidelines provides curbside ADA requirements for Transportation Facilities (www.access-board.gov/ada-aba/final.htm). FDOT Transit Facilities Guidelines provides more detail requirements for the location transit infrastructure (www.dot.state.fl.us/transit/Pages/TRANSIT%20Facilities%20GUIDELINES.PDF). **[Ord. 2008-003]**

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EXHIBIT F

ARTICLE 6, PARKING
SUMMARY OF AMENDMENTS

Part 1. ULDC Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements - (page 4-11 of 39), is hereby amended as follows:

CHAPTER A PARKING

Section 1 General

A. Purpose and Intent

....

4. Deviations for the PO Zoning District

....

Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements

Use Type: Residential	Parking	Loading (1)
....		
Multi-family	1 space per efficiency unit; 2 spaces per unit (one bedroom or more); plus 1 guest parking space per 4 units with common parking areas.	N/A
Accessory ~~dwelling~~ Quarters	1 space per unit	N/A
....		
Grooms Quarters **[Relocated from Agricultural]**	*1 space per unit*	*N/A*
....		
Kennel, Type ~~I~~ 1~~(Private)~~	1 space per 500 sq. ft. of cage or kennel area.	N/A
~~*Nursing or convalescent facility*~~**[Relocated to Institutional, Public and Civic]**	~~*1 space per 3 beds; plus 1 space per 200 sq. ft. of office space*~~	*D*
~~Security or c~~Caretaker ~~q~~Quarters	1 space per unit	N/A
[Ord. 2009-040] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-021]		

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Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements

Use Type: Commercial	Parking	Loading (1)
....		
~~Auto paint or body shop~~	~~1 space per 200 sq. ft.~~	~~E~~
....		
~~Broadcast studio~~	~~1 space per 1,000 sq. ft.~~	~~N/A~~
~~Building supplies~~	~~1 space per 200 sq. ft.~~	~~B~~
~~Butcher shop, wholesale~~	~~1 space per 1,000 sq. ft.~~	~~A~~
....		
~~Convenience store, w/ or w/o gas~~	~~1 space per 200 sq. ft.~~	~~C~~
~~*Contractor storage yard*~~ **[Relocated to Industrial Uses]**	~~*1 space per 500 sq. ft.; plus 1 space per 5,000 sq. ft. of outdoor storage area*~~	~~*A*~~
~~Day labor employment service~~	~~1 space per 250 sq. ft.~~	~~C~~
....		
~~*Green Market*~~		
~~*Temporary*~~ **[Relocated to Table 6.A.1.B, Temporary Uses]**	~~*N/A*~~	~~*N/A*~~
....		
~~Kiosk~~	~~N/A~~	~~N/A~~
....		
Laundry Services	1 space per 200 sq. ft.	~~N/A~~ C
Marina **[Relocated from Marine Facility under Recreation]**	*1 space per 250 sq. ft.; plus 1 space per wet slip; plus one space per 3 dry slips*	*A*
Microbrewery	1 space per 3 seats	C
~~Monument sales, retail~~	~~1 space per 500 sq. ft.; plus 1 space per 2,500 sq. ft. of outdoor storage area~~	~~E~~
....		

[Ord. 2009-040] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-021]

Loading Standard Key:	
Standard "A"	One space for the first 5,000 square feet of GFA, plus one space for each additional 30,000 square feet of GFA.
Standard "B"	One space for the first 10,000 square feet of GFA, plus one space for each additional 15,000 square feet of GFA.
Standard "C"	One space for the first 10,000 square feet of GFA, plus one space for each additional 100,000 square feet of GFA.
Standard "D"	One space for each 50 beds for all facilities containing 20 or more beds.
Standard "E"	One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.

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Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements

Use Type: Commercial	Parking	Loading (1)
....		
~~Printing and copying services~~	~~1 space per 250 sq. ft.~~	~~B~~
~~Retail sales, auto parts~~	~~1 space per 200 sq. ft.~~	~~C~~
~~*Retail sales, mobile or temporary*~~ **[Partially relocated to Table 6.A.1.B, Temporary Uses]**	~~Enclosed: 1 space per 200 sq. ft.~~ ~~Open: 50 spaces total or 10 spaces per acre, whichever is greater~~	*N/A*
....		
Rooming and Boarding House	1 space for each guest room	C
Self Service Storage	1 space per 200 storage bays; minimum of 5 customer spaces; ~~security quarters calculated separately~~	(6) [6]
Single Room Occupancy (SRO)	1.25 spaces per room	C
~~Theater, drive-in~~	~~1 space per 250 sq. ft.~~	~~N/A~~
~~Theater, indoor~~	~~1 space per 3 seats~~	~~B~~
Theater or Performance Venue, ~~indoor,~~ in-line	1 space per 3 seats; plus 1 space per employee	B
Theater or Performance Venue, ~~indoor,~~ stand alone	1 space per 4 seats; plus 1 space per employee	B
....		
Unmanned Retail Structure	2 spaces (11)	N/A

[Ord. 2009-040] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-021]

Loading Standard Key:

Standard "A"	One space for the first 5,000 square feet of GFA, plus one space for each additional 30,000 square feet of GFA.
Standard "B"	One space for the first 10,000 square feet of GFA, plus one space for each additional 15,000 square feet of GFA.
Standard "C"	One space for the first 10,000 square feet of GFA, plus one space for each additional 100,000 square feet of GFA.
Standard "D"	One space for each 50 beds for all facilities containing 20 or more beds.
Standard "E"	One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.

Notes:

....

6. Limited access Self Service Storage facilities must provide *a minimum of two off-street loading spaces at each entry into the building* ~~off-street loading spaces as indicated in Art. 4.B.1.A.120.d.2). Loading excluding office access not utilized by~~ customers for accessing storage units. **[Ord. 2005-041] [Partially relocated from Art. 4.B.7.C.36.d.2, Loading (Related to Multi-~~a~~Access Self Service Storage facilities)]**

....

11. Freestanding Unmanned Retail Structures shall require a minimum of one (1) parking space for persons with disabilities.

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EXHIBIT F

ARTICLE 6, PARKING
SUMMARY OF AMENDMENTS

1

Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements

Use Type: Institutional, Public and Civic	Parking	Loading (1)
~~*Airport, landing strip or helipad*~~ **[Relocated to Transportation]**	~~*1 space per tie-down and hangar space, minimum of 5 spaces*~~	~~*C*~~
....		
~~*Day camp*~~ **[Relocated to Table 6.A.1.B, Temporary Uses]**	~~*<100 licensed capacity: 1 space per 5 persons; plus 1 drop off stall per 20 persons*~~ ~~*>100 licensed capacity: 1 space per 10 persons; plus 1 drop off stall per 20 persons*~~	~~*E*~~
....		
Homeless Resource Center	1 space per 200 sq. ft. or accessory service delivery areas	E
....		
Nonprofit Assembly, ~~Nonprofit~~ Institutional or Membership (5)	1 space per 3 seats or 200 sq. ft. for the principal place of assembly, whichever is greater.	A
	1 space per 200 sq. ft. for permitted accessory uses not otherwise classified as collocated uses.	
	Collocated uses classified with the definition of a use listed in Art. 4.B.~~1.~~ Uses Classification, calculated separately.	
Nursing Home or Convalescent Facility[**Relocated from Residential]**	*1 space per 3 beds; plus 1 space per 200 sq. ft. of office space*	*D*
....		
Hospital ~~or medical center~~	1 space per 2 beds; plus 1 space per 200 sq. ft. of outpatient treatment area	D
....		
Prison, Jail or Correctional Facility	1 space per 500 sq. ft.; or 1 space per 3 seats, whichever is greater	N/A
....		
School, pPrivate ~~and charter~~	1 space per employee, 1 visitor space for every 50 students, 1 space for every 5.5 students in 11th and 12th grade; Auditorium or stadium- 1/3 seats	C
School, pPublic and Charter	~~In accordance with the State Department of Education requirements for educational facilities~~ 1 space per faculty and staff, high school 1 space for every 10 students in 11 and 12 grade, and 1 visitor space for every 50 students.	C
[Ord. 2006-004] [Ord. 2006-013] [Ord. 2009-040]		
Use Type: Recreational	**Parking**	**Loading (1)**
Arena, ~~auditorium~~ or Sstadium or Amphitheater	1 space per 3 seats	B
....		
~~Gun Club, Enclosed~~ Shooting Range, Indoor and Shooting Range, Outdoor	1 space per target area	N/A
~~*Marine facility*~~ **[Relocated to Commercial]**	~~*1 space per 250 sq. ft.; plus 1 space per wet slip; plus one space per 3 dry slips*~~	~~*A*~~
....		
~~*Special event*~~ **[Partially relocated to Table 6.A.1.B, Temporary Uses]**	~~1 space per 3 seats; or 10 spaces per acre occupied by amusements, whichever is greater~~	~~*N/A*~~
....		
[Ord. 2005-002] [Ord. 2007-001] [Ord. 2012-007] [Ord. 2014-025]		

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Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements

Use Type: Agriculture	Parking	Loading (1)
....		
~~Farrier~~	~~1 space per 1,000 sq. ft.~~	~~N/A~~
....		
~~*Grooms Quarters*~~ **[Relocated to Residential]**	~~*1 space per unit*~~	~~*N/A*~~
....		
Use Type: Temporary	**Parking**	**Loading (1)**
Communication Cell Site on Wheels (COW)	*Exempt from parking regulations unless otherwise required by Zoning Director.*	*N/A*
Day Camp **[Relocated from Table 6.A.1.B, Public and Civic Uses]**	*<100 licensed capacity: One space per five persons; plus one drop off stall per 20 persons.* *>100 licensed capacity: One space per ten persons; plus one drop off stall per 20 persons.*	*E*
Mobile Retail Sales **[Relocated from Table 6.A.1.B, Commercial Uses]**	N/A	N/A
Real Estate Sales Model, Non-PDD	2 spaces per sales model.	N/A
Recycling Drop-Off Bin **[Relocated from Table 6.A.1.B, Utilities and Excavation Uses]**	*1 space per bin.*	*N/A*
Special Event **[Partially relocated from Table 6.A.1.B, Commercial Uses]**	N/A (1)	*N/A*
Temporary Green Market **[Relocated from Table 6.A.1.B, Commercial Uses]**	*N/A*	*N/A*
Temporary Retail Sales **[Partially relocated from Table 6.A.1.B, Commercial Uses]**	N/A	*N/A*
Temporary Vehicle Sales	N/A	N/A
[Ord. 2009-040] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-021]		
Loading Standard Key:		
Standard "A"	One space for the first 5,000 square feet of GFA, plus one space for each additional 30,000 square feet of GFA.	
Standard "B"	One space for the first 10,000 square feet of GFA, plus one space for each additional 15,000 square feet of GFA.	
Standard "C"	One space for the first 10,000 square feet of GFA, plus one space for each additional 100,000 square feet of GFA.	
Standard "D"	One space for each 50 beds for all facilities containing 20 or more beds.	
Standard "E"	One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.	
(1)	A Special Event shall provide on-site parking unless off-site parking is approved.	

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EXHIBIT F

ARTICLE 6, PARKING
SUMMARY OF AMENDMENTS

Use Type: Commercial Communication Towers	Parking	Loading (1)
Commercial Communication Towers **[Relocated from Utilities and Excavation]**	*Exempt from parking regulations unless otherwise required by Zoning Director*	*N/A*
Panel Antennas	*Exempt from parking regulations unless otherwise required by Zoning Director*	*N/A*
Use Type: Utilities ~~and Excavation~~	**Parking**	**Loading (1)**
....		
~~*Cell site on wheels (COW) mobile*~~ **[Relocated to Table 6.A.1.B, Temporary Uses]**	~~*Exempt from parking regulations unless otherwise required by Zoning Director*~~	~~*N/A*~~
~~Communication *panels, or antennas, commercial*~~ **[Relocated to Table 6.A.1.B, Commercial Communication Towers]**	~~*Exempt from parking regulations unless otherwise required by Zoning Director*~~	~~*N/A*~~
~~*Communication tower, commercial*~~ **[Relocated to Commercial Communication Towers]**	~~*Exempt from parking regulations unless otherwise required by Zoning Director*~~	~~*N/A*~~
....	2 spaces per acre; minimum of 5 spaces	N/A
Electric Power ~~Facility~~ Plant	1 space per 200 sq. ft. of office space; plus 1 space per 10,000 sq. ft.	N/A
~~*Excavation*~~ **[Relocated to the Excavation Use Classification]**	*N/A*	~~*N/A*~~
....		
Minor Utility~~, *Minor*~~	1 space per *Minor* Utility~~, *Minor*~~	N/A
....		
~~*Recycling center*~~ **[Relocated to Industrial Uses]**	~~*1 space per 200 sq. ft. of office space; plus one space per 250 sq. ft. of warehouse and maintenance area; plus 1 space per 10,000 sq. ft.*~~	~~*N/A*~~
~~*Recycling Drop-Off Bin*~~ **[Relocated to Table 6.A.1.B, Temporary Uses]**	~~*1 space per bin*~~	~~*N/A*~~
~~*Recycling plant*~~ **[Relocated to Industrial Uses]**	~~*1 space per 200 sq. ft. of office space; plus 1 space per employee*~~	~~*N/A*~~
Renewable Energy *Solar* Facility~~, *Solar*~~	1 space per site: and 1 space per 200 sq. ft. of office space	N/A
Renewable Energy *Wind* Facility~~, *Wind*~~	Exempt from parking requirements for unmanned Wind Turbines or MET Towers, unless otherwise required by the Zoning Director	N/A
~~Sanitary IL~~andfill or Incinerator	1 space per 200 sq. ft. of office space; plus 1 space per employee	N/A
....		
Water or Wastewater Treatment Plant	1 space per 200 sq. ft. of office space; plus 1 space per employee	N/A
....		

[Ord. 2009-040] [Ord. 2010-005] [Ord. 2011-016]

Loading Standard Key:	
Standard "A"	One space for the first 5,000 square feet of GFA, plus one space for each additional 30,000 square feet of GFA.
Standard "B"	One space for the first 10,000 square feet of GFA, plus one space for each additional 15,000 square feet of GFA.
Standard "C"	One space for the first 10,000 square feet of GFA, plus one space for each additional 100,000 square feet of GFA.
Standard "D"	One space for each 50 beds for all facilities containing 20 or more beds.
Standard "E"	One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.

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EXHIBIT F

ARTICLE 6, PARKING
SUMMARY OF AMENDMENTS

Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements

Use Type: *Excavation*	Parking	Loading (1)
Excavation **[Relocated from Utilities and Excavation]**	*N/A*	*N/A*
Use Type: Industrial	**Parking**	**Loading (1)**
~~Asphalt or concrete plant~~	~~1 space per 1,000 sq. ft.~~	~~N/A~~
Contractor Storage Yard **[Relocated from Commercial Uses]**	*1 space per 500 sq. ft.; plus 1 space per 5,000 sq. ft. of outdoor storage area*	*A*
Data and iinformation ~~p~~Processing	1 space per 100 sq. ft.	A
Distribution Facility	1 space per 200 sq. ft. of office space	N/A
Equestrian Waste Facility	1 space per 200 sq. ft. of office space; plus 1 space per employee	E
....		
~~Laboratory, Industrial~~ Research and Development	2 spaces per 1,000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1,000 sq. ft. over 10,000 sq. ft.	A
....		
~~Motion picture~~ Multi-Media ~~P~~production ~~studio~~	2 spaces per 1,000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1,000 sq. ft. over 10,000 sq. ft.	A
Recycling Center **[Relocated from Utility Uses]**	*1 space per 200 sq. ft. of office space; plus one space per 250 sq. ft. of warehouse and maintenance area; plus 1 space per 10,000 sq. ft.*	*N/A*
Recycling Plant **[Relocated from Utility Uses]**	*1 space per 200 sq. ft. of office space; plus 1 space per employee*	*N/A*
Salvage ~~or~~ and jJunk ~~y~~Yard	1 space per 200 sq. ft. of office space; plus 1 space per employee	A
~~*Transportation Facility*~~ **[Relocated to Transportation Uses]**	~~*1 space per 200 sq. ft. of office space*~~	~~*N/A*~~
....		
Use Type: Transportation Uses	**Parking**	**Loading (1)**
Airport, Heliport or L*anding Strip* **[Relocated from Pubic and Civic]**	*1 space per tie-down and hangar space, minimum of 5 spaces*	*C*
Transportation Facility **[Relocated from Industrial Uses]**	*1 space per 200 sq. ft. of office space*	*N/A*

]

Loading Standard Key:	
Standard "A"	One space for the first 5,000 square feet of GFA, plus one space for each additional 30,000 square feet of GFA.
Standard "B"	One space for the first 10,000 square feet of GFA, plus one space for each additional 15,000 square feet of GFA.
Standard "C"	One space for the first 10,000 square feet of GFA, plus one space for each additional 100,000 square feet of GFA.
Standard "D"	One space for each 50 beds for all facilities containing 20 or more beds.
Standard "E"	One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.

Notes:

1. In addition to the parking requirements of Table 6.B.1.B, Minimum Off-Street Parking and Loading Requirements, uses with company vehicles shall provide 1 space per company vehicle.
2. Government services may request alternative calculation methods for off-street parking pursuant to Art. 6.A.1.D.1.h, Government services.
3. Nurseries requiring fewer than 20 parking spaces may construct surface parking lots with shellrock or other similar materials subject to, or grassed subject to Art. 6.A.1.D.12, Grass Parking, except for the required handicapped parking space(s).
4. Nurseries requiring 20 or more parking spaces may construct surface parking lots with 50 percent of the required spaces as shellrock or other similar materials subject to Art. 6.A.1.D.14.b.4.a, Shellrock, or grassed subject to Art. 6.A.1.D.12, Grass Parking. **[2007-010]**
5. Nonprofit Assembly, ~~Nonprofit~~ Institutional uses in the Redevelopment and Revitalization Overlay may calculate parking at a rate of one space per employee.
6. Limited access facilities must provide off-street loading spaces as indicated in Art. 4.B.1.A.120.d.2), Loading. **[Ord. 2005-041]**
7. Golf cart parking may be used pursuant to Art. 6.A.1.D.7, Golf Cart Parking **[Ord. 2007-001] [Ord. 2013-001]**
8. The loading zone may be waived for a Type II or III Commercial Kennel operated as an accessory use to general retail sales. **[Ord. 2006-036]**
9. Each walk-up Freestanding ATM shall require a minimum of one (1) parking space for persons with disabilities. **[Ord. 2013-021]**
10. Parking may not be required for a Community Vegetable Garden subject to submittal of parking demand study and approval of a Type I Waiver. **[Ord. 2015-031]**

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EXHIBIT F

ARTICLE 6, PARKING
SUMMARY OF AMENDMENTS

Part 2. Article 6.A.1.D.3, Use of Required Off-Street Parking (page 14 of 39), is hereby amended as follows:

CHAPTER A PARKING

Section 1 General

D. Off-Street Parking

3. Use of Required 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 the storage, sale or display of goods or materials or for the sale, repair, or servicing of vehicles. All vehicles parked within off-street parking areas shall be registered and capable of moving under their own power. Required off-street parking spaces shall be free from building encroachments~~, except that a portion of the required parking area may be used for the following purposes:~~.

a. Temporary ~~Events~~ Parking

1) ~~Required off-street~~ The Zoning Director may consider a Special Permit for temporary off-site parking ~~areas may be used on a temporary basis pursuant to a Special Permit issued by the Zoning Director for a temporary event~~.

a) Off-site parking shall not be located more than 600 feet from the Temporary Use site, measured from access point to access point. The Zoning Director may approve a distance greater than 600 feet when the applicant demonstrates that the attendees or temporary use participants are transported to the site by other means;

b) Parcels used for off-site parking shall include access for vehicles to enter and exit the site in a forward motion; and,

c) Off-site parking shall not be separated by a street with a width of more than 80 feet, unless traffic assistance is provided to guide pedestrians or measures are in place to assist pedestrian safety.

2) Required accessible parking spaces shall not be located off-site.

3) Pedestrian sidewalks shall be provided from the off-site parking to the Temporary Use site.

4) The duration and dates of the temporary off-site parking shall be the same as the time allowed for the Temporary Use it is intended to serve.

5) In the event an off-site parking area is not under the same ownership as the site of the Special Permit, a written agreement between the applicant and all owners of record of the parking area shall be required prior to permit approval. A copy of the agreement shall be subject to review and approval of the Zoning Division, and at a minimum shall contain the following:

a) A list of names and ownership interest of all owners of the subject property;

b) A legal description of the land to be used for offsite parking;

c) Assurance by the owners of the subject property that all required offsite spaces will be available to the applicant for the uses described in the special event permit application;

d) A statement of maintenance obligations of each party for the duration of the permit; and,

e) A requirement that the Zoning Director receive notification in the event the off-site parking agreement is terminated prior to the termination of the Temporary Use permit.

~~b. Recyclable Materials Collection Bins~~

~~Required off-street parking areas may be occupied by recyclable materials collection bins which have been issued a Special Permit. The bin shall retain its mobility and shall not occupy more than one parking space. The bin and adjacent area shall be maintained in good appearance, free from trash.~~

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EXHIBIT G

ARTICLE 7, LANDSCAPING
SUMMARY OF AMENDMENTS

Part 1. ULDC Art. 7, Landscaping (Pages 14 and 40 of 52), is hereby amended as follows:

Table 7.B.2.A –Type I Waivers for Landscaping

Article/Table Reference and Title	Maximum Waiver	Criteria
....		
Art.7.D.11, Foundation Planting	Required plant material may be located within 30 feet of the foundation, along the front and side facades of drive-through establishments, including Freestanding ATMs and Unmanned Retail Structures.	• Provide a minimum width of 5 feet for each area of foundation planting; • The overall total required square footage of the planting area meets or exceeds the requirement; and, • Location of relocated planting will be within proximity to the building it serves to still meet the general intent of enhancing the building
....		

....

CHAPTER D GENERAL STANDARDS

....

Section 11 Foundation Plantings

....

F. Freestanding ATM's and Unmanned Retail Structures

Required foundation plantings may be modified as follows: **[Ord. 2013-021]**

1. Walk Up

Foundation planting areas may be relocated up to a maximum of ten feet away from the applicable façade to accommodate pedestrian walkways, access to the ATM or Unmanned Retail Structure; or, as needed to comply with F.S. 655.960, security lighting, or Crime Prevention Through Environmental Design (CPTED) guidelines. **[Ord. 2013-21]**

2. Drive Through

Foundation planting areas may be relocated in accordance with similar provisions for other drive through establishments, except that required foundation planting areas shall not be relocated to the façade of any adjacent building or structure other than the Freestanding ATM or the Unmanned Retail Structure. **[Ord. 2013-21]**

....

CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS

....

Section 9 Incompatibility Buffer

....

A. Determining Incompatibility Buffer Type

....

Table 7.F.9.A - Required Incompatibility Buffer Types

Difference Between Adjacent Uses (1)			
Use Classification	**Abutting**	**Use Classification**	**Required Buffer Type**
Single-Family	◄►	Multi-Family, Type 2 CLF	Type 1
Residential	◄►	Commercial	Type 2
Residential	◄►	Recreational	Type 2
Residential	◄►	Institutional, Public and Civic	Type 2
Residential	◄►	Agricultural	Type 3
Residential	◄►	Industrial	Type 3
Residential	◄►	Utility (2)	Type 3
[Ord. 2008-003] [Ord. 2016-016]			
Notes:			
1. Determination of use classification shall be consistent with Art. 4, Use Regulations. Where proposed development abuts vacant parcels, use classification shall be based upon Future Land Use (FLU) designation.			
2. Buffer for ~~m~~Minor ~~u~~Utilities or Electric Distribution Substation shall be determined by the DRO.			

....

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EXHIBIT H

ARTICLE 8, SIGNAGE
SUMMARY OF AMENDMENTS

Part 1. ULDC Art. 8, Signage (page 17, 22 and 30 of 42), is hereby amended as follows:

CHAPTER E PROCEDURES FOR SIGNAGE

Section 4 Alternative Sign Plan (ASP)

B. Applicability

An ASP may be submitted for any of the following:

....

3. Conditional ~~or requested~~ ~~u~~Uses.

....

CHAPTER F GENERAL PROVISIONS FOR ALL SIGN TYPES

Section 6 Changeable Copy

Changeable copy shall cover no more than 20 percent of the total sign area, except for the following uses which are exempt from this restriction: all public and civic uses, ~~indoor~~ ~~t~~Theaters and Performance Venue, fuel price signs, and signs that flash the time and temperature subject to Article 8.G.3.B, Electronic Message Signs. **[Ord. 2014-025]**

....

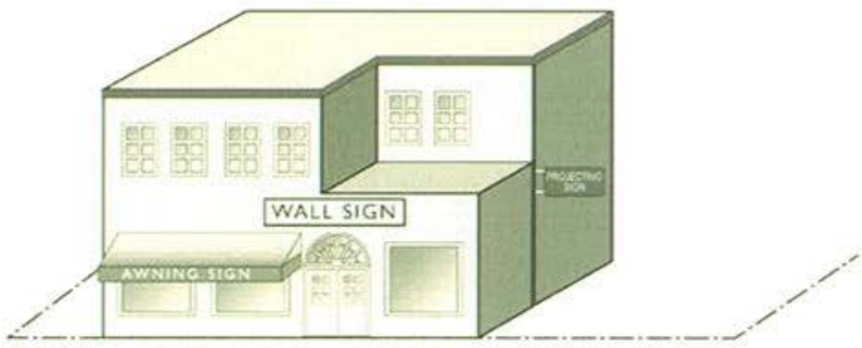
CHAPTER G STANDARDS FOR SPECIFIC SIGN TYPES

....

Section 1 Building Mounted Signs

Building mounted signs consist of wall signs, awning and canopy signs, projecting signs, and marquee signs. There is no limit on the maximum number of wall signs and awning and canopy signs provided that the total size of all such signs does not exceed the total maximum signage area permitted for wall signs. Projecting signs over a pedestrian sidewalk and not under a canopy, awning, or arcade, and marquee signs are not included in the maximum sign area calculation for building mounted signs.

Figure 8.G.1 - Building Mounted Sign Types



A. Wall Signs

Wall signs, including signs mounted on a mansard roof or parapet, are subject to the standards in Table 8.G.1.A, Wall Sign Standards. No wall sign may cover wholly or partially any required wall opening.

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1
2

Table 8.G.1.A - Wall Sign Standards

	U/S Tier(3)	AGR Tier	Exurban, Rural, and Glades Tiers(3)
Maximum Sign Area (per linear ft. of the wall to which the sign is attached)	1.0 sq. ft. along any one side of the building. (1)	0.75 sq. ft. along any one side of the building. (1).	0.5 sq. ft. along any one side of the building. (1)
	0.5 sq. ft. along any of the remaining sides of the building or 0.25 sq. ft. for walls adjacent to a residential zoning district or use (43).		
Minimum wall sign per tenant space (54)	24 square feet	24 square feet	24 square feet
Minimum Horizontal and Vertical Separation Between Signs	3 ft.	3 ft.	3 ft.
Maximum Projection from Surface of Building[2]	24 in.	24 in.	24 in.
Minimum Vertical Separation Between Sign and Roof Line	6 in.	6 in.	6 in.
Minimum Horizontal Separation Between Sign and Wall Edge	6 in.	6 in.	6 in.
[Ord. 2005-002] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2012-027] [Ord. 2013-21]			

Notes:

1. For projects that are not subject to an MSP approval under Art. 8.E.3, Master Sign Plan, the maximum wall sign area for the storefront shall be one and a half times the length of the storefront wall, building bay, or tenant space occupied by the retail business. This provision shall not apply to Freestanding ATMs or Unmanned Retail Structures. **[Ord. 2005-002] [Ord. 2013-21]**
2. Signs that project more than 24 inches are considered projecting signs, subject to Art. 8.G.1.C, Projecting Signs.
3. This provision does not apply to a building separated from residential by a 110 feet R-O-W; buildings completely screened from view from another building of similar height; or a civic pod, a recreational pod or open space greater than 110 feet in width. **[Ord. 2012-027]**
4. This standard shall not apply to Freestanding ATM's or Unmanned Retail Structures, which shall be limited to "Maximum Sign Area" standards above. **[Ord. 2013-21]**

3 ....

4 **Section 3 Other Sign Types**

5 **B. Electronic Message Signs**
6 **1. Applicability and Approval Process**

Table 8.G.3.B, Electronic Message Sign Types and Approval Process

Sign Type	Permitted Content	Approval Process
Type 1	At regional facilities, facilities with serial performances, and, specialized attractions that, by their operating characteristics, have unique sign requirements	Class A Conditional Use ~~or Requested Use~~ approval (1)
....		
[Ord. 2010-022] [Ord. 2014-025] [Ord. 2015-031] [Ord. 2016-020]		

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EXHIBIT I

ARTICLE 9, ARCHAEOLOGICAL AND HISTORIC PRESERVATION SUMMARY OF AMENDMENTS

Part 1. Art. 9.A, Archaeological Resources Protection, (Page 3, 4 and 5 of 17), is hereby amended as follows:

CHAPTER A ARCHAEOLOGICAL RESOURCES PROTECTION

Section 1 General

B. Applicability

3. All applications for Type ~~III~~3 Excavation, pursuant to Article ~~4.D, EXCAVATION~~ 4.B.10, Excavation Uses. **[Ord. 2005-002]**

....

Section 2 Development Subject to Archaeological Review

A. Development Subject to Archaeological Review

Development shall be subject to this Article as follows:

1. Parcels on Identified Sites

Parcels on the Map of Known Archaeological Sites and Archaeological Conservation Areas and proposals for Type ~~III~~3 Excavation. Owners of parcels located on the Map of Known Archaeological Sites and Archaeological Conservation Areas or owners of parcels requesting approval for Type ~~III~~3 Excavation must receive a Certificate to Dig prior to issuance of a development order. **[Ord. 2005 – 002]**

....

Section 3 Procedures

C. Certificate to Dig

1. Application

Owner of parcels required by Art. 9.A.1, General, and Art. 9.A.2, Development Subject to Archaeological Review, Parcels on the Map of Known Archaeological Sites, Archaeological Conservation Areas and proposals for Type ~~III~~3 Excavation, and Previously Unknown Archaeological Sites discovered during development, to make application for a Certificate to Dig to the PZB for review shall make such application prior to the issuance of a development order. The application for the Certificate to Dig shall be made on a form available from the PZB. Only one Certificate to Dig shall be required to develop a site unless additional resources not addressed in the initial Certificate to Dig are found during site development. The department shall determine whether the application is a standard or special Certificate to Dig. A special Certificate to Dig will be required for any application that will potentially alter or destroy more than ten percent of any known or previously recorded archeological site. All special Certificates to Dig will be forwarded by the department to the Palm Beach County Historic Resources Review Board (HRRB) for review. All standard Certificates to Dig will be reviewed by the department staff and the County Archaeologist. **[Ord. 2005 – 002] [2008-037]**

....

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EXHIBIT J

ARTICLE 10, ENFORCEMENT

Part 1. Art. 10, Enforcement, (page 6 and 11 of 12), is hereby amended as follows:

....

CHAPTER C GROUNDWATER AND NATURAL RESOURCES PROTECTION BOARD

ERM may refer alleged violations of Article 14, Environmental Standards, or Article ~~4.D, EXCAVATION~~ 4.B.10, Excavation Uses, of this Code to the Groundwater and Natural Resources Protection Board (GNRPB) for prosecution pursuant to the following standards and procedures.

....

CHAPTER E REMEDIES

Section 1 Administrative Remedies for Art. 14 , and Art. 4.D, Excavation

In order to provide an expeditious settlement that would be beneficial to the enforcement of the provisions of Article 14, Environmental Standards and Article ~~4.D, EXCAVATION~~ 4.B.10, Excavation Uses, and be in the best interest of the citizens of PBC, the Director of ERM is authorized to enter into voluntary consent (settlement) agreements with alleged violators. Any such agreement shall be a formal written agreement between the Director of ERM on behalf of PBC and any such alleged violators, and shall be approved as to form and legal sufficiency by the County Attorney's Office.

....

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EXHIBIT K

ARTICLE 11, SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS SUMMARY OF AMENDMENTS

Part 1. Art. 11, Subdivision, Platting and Required Improvements, (page 23 and 42 of 46), is hereby amended as follows:

....

CHAPTER B SUBDIVISION REQUIREMENTS

....

Section 6 Supplemental Procedures

A. Construction and Landscaping in Lake Maintenance Easements and Water Management Tracts

....

3. Application Requirements for Bulkheads, Docks, or Piers

Persons desiring to construct bulkheads, docks, or piers over or along a water body contained within a water management tract shall apply to the Director of ERM in accordance with the applicable provisions of Article ~~4.D, EXCAVATION~~ 4.B.10, Excavation Uses.

....

CHAPTER E REQUIRED IMPROVEMENTS

....

Section 4 Stormwater Management

....

F. Secondary Stormwater System Design and Performance

....

4. Except where bulk heading is approved in accordance with Article ~~4.D, EXCAVATION~~ 4.B.10, Excavation Uses each wet detention/retention facility designed for storage of stormwater runoff in an open impoundment shall have:

....

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EXHIBIT L

ARTICLE 12, TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS

Part 1. ULDC Art.12.P.4.J, Mitigation Strategies (page 51 of 59), is hereby amended as follows:

CHAPTER P OKEECHOBEE BOULEVARD CRALLS POINT SYSTEM

....

Section 4 Mitigation Strategies

....

J. Strategy 10. Low Generation Traffic Sensitive Uses

....

5. Credit Factor

b. It is further assumed that, for purposes of calculation and comparison, the typical gross lot area coverage intensities are based upon single story buildings occupying the parcels. Also, for purposes of comparison, the typical density/intensity for the land use designations listed above shall be calculated using the general trip generation rate for that designation as published by PBC Engineering and Public Works Department/Traffic Division, whereas the proposed project shall be calculated using the specific trip generation rate for the proposed use if it is a Conditional ~~requested~~ Use under the applicable zoning district. **[Ord. 2006-036]**

....

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FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

March 6, 2017

Honorable Sharon R. Bock
Clerk and Comptroller
Palm Beach County
301 North Olive Avenue
West Palm Beach, Florida 33401

Attention: Timothy Montiglio, Administrative Specialist II

Dear Ms. Bock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Palm Beach County Ordinance No. 2017-007, which was filed in this office on March 2, 2017.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb